

# Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

## **PWYLLGOR DATBLYGIAD A RHEOLI**

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli o bell trwy dimau microsoft ar **Dydd Iau, 15 Ebrill 2021 am 14:00.**

## **AGENDA**

1. Ymddiheuriadau am absenoldeb  
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant  
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deuol o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.
3. Cymeradwyaeth Cofnodion 3 - 8  
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 04/03/2021
4. Siaradwyr Cyhoeddus  
I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).
5. Taflen Gwelliant  
Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.
6. Canllawiau Pwyllgor Datblygiad a Rheoli 9 - 12

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging: 07581 157014

Facs/Fax: 01656 668126

Twitter@bridgendCBC

Ebost/Email: [talktous@bridgend.gov.uk](mailto:talktous@bridgend.gov.uk)

Gwefan/Website: [www.bridgend.gov.uk](http://www.bridgend.gov.uk)

Cyfnwid testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

- |     |   |         |
|-----|---|---------|
| 7.  | <u>P/20/898/RLX - UNED ALDI, 1 LLWYBR LLYNFI, HEOL LLYNFI, MAESTEG, CF34 9DS</u>  | 13 - 20 |
| 8.  | <u>P/21/101/FUL - UNED 2, DREIF GARTH, YSTAD DIWYDIANNOL Y BRAGL, CF31 2AQ</u>  | 21 - 30 |
| 9.  | <u>P/20/423/RLX - FFERM WYNT NEWTON DOWN, LON STORMUS PORTHCAWL</u>   | 31 - 44 |
| 10. | <u>Apeliadau</u>  | 45 - 52 |
| 11. | <u>Rhestr Hyfforddiant</u>  | 53 - 54 |
| 12. | <u>Materion Brys</u><br>I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad. |         |

Nodyn: Sylwch: Yn sgil yr angen i gadw pellter cymdeithasol, ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Yn hytrach, bydd hwn yn gyfarfod rhithwir a bydd Aelodau a Swyddogion yn mynychu o bell. Bydd y cyfarfod yn cael ei recordio i'w ddarlledu ar wefan y Cyngor cyn gynted ag sy'n ymarferol ar ôl y cyfarfod. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

**K Watson**

Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio

**Dosbarthiad:**

Cynghowrwr

SE Baldwin  
JPD Blundell  
RJ Collins  
SK Dendy  
DK Edwards  
RM Granville

Cynghorwyr

A Hussain  
MJ Kearns  
DRW Lewis  
JE Lewis  
JC Radcliffe  
JC Spanswick

Cynghorwyr

RME Stirman  
G Thomas  
MC Voisey  
KJ Watts  
CA Webster  
AJ Williams

## PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 4 MAWRTH 2021

### COFNODION CYFARFOD Y PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD YN O BELL TRWY MICROSOFT TEAMS DYDD IAU, 4 MAWRTH 2021, AM 14:00

#### Presennol

Y Cyngorydd G Thomas – Cadeirydd

SE Baldwin	JPD Blundell	RJ Collins	SK Dendy
DK Edwards	RM Granville	DRW Lewis	JE Lewis
JC Radcliffe	JC Spanswick	RME Stirman	KJ Watts
CA Webster	AJ Williams		

#### Ymddiheuriadau am Absenoldeb

A Hussain a/ac MJ Kearn

#### Swyddogion:

Hayley Kemp	Prif Swyddog Cynllunio
Meryl Lawrence	Uwch Swyddog Gwasanaethau Democrataidd - Craffu
Michael Pitman	Swyddog Gwasanaethau Democrataidd – Pwyllgorau
Alexandra Richards	Uwch Swyddog Cynllunio
Jonathan Parsons	Rheolwr Grŵp Gwasanaethau Cynllunio a Datgymalu
Rhodri Davies	Rheolwr Datblygu a Rheoli Adeiladu
Leigh Tuck	Swyddog Priffyrdd
Robert Morgan	Swyddog Priffyrdd
Rod Jones	Swyddog Cyfreithiol
Craig Flower	Mân Swyddog Ceisiadau

#### 451. DATGANIADAU O FUDDIANT

Gwnaed y datganiadau canlynol o fuddiant:

Datganodd y Cyngorydd G Thomas fuddiant rhagfarnus yn eitemau 7 ac 8 ar yr Agenda, P/20/552/RLX a P/20/553/FUL, yn y drefn honno, gan ei fod wedi ymwneud â'r broses penderfynu ymlaen llaw ar gyfer y ceisiadau hyn. Gadawodd y Cyngorydd Thomas y cyfarfod ar gyfer yr eitemau hyn a daeth yr Is-gadeirydd, y Cyngorydd RM Granville, i'r Gadair yn ei le.

Datganodd y Cyngorydd D Lewis fuddiant personol yn yr un ceisiadau â'r rhai a grybwyllir uchod, fel Aelod o Gyngor Cymuned Llansanffraid-ar-Ogwr nad yw'n cymryd unrhyw ran mewn Cynllunio ac fel cynrychiolydd BCBC ar Fwrdd Cadwraethwyr Coity Walia.

Datganodd y Cyngorydd JE Lewis fuddiant personol yn yr un ceisiadau â'r rhai a grybwyllir uchod, fel Aelod o Gyngor Cymuned Llansanffraid-ar-Ogwr nad yw'n cymryd unrhyw ran mewn Cynllunio ac fel cynrychiolydd Cyngor Cymuned Llansanffraid-ar-Ogwr ar Fwrdd Cadwraethwyr Coity Walia.

Datganodd y Cyngorydd S Dendy fuddiant personol yn yr eitem ar Ddatblygiad o Arwyddocâd Cenedlaethol - Cais gan Renewable Energy Systems Ltd Yn Ogwr Uchaf, Rhwng Abergwynfi, Blaengarw a Nant-y-Moel, ym Mhen-y-bont ar Ogwr a Chastell-nedd Port Talbot - Adroddiad ar yr Effaith Leol ar Ran yr Awdurdod Cynllunio Lleol, fel person sy'n byw yn y cyffiniau.

**PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 4 MAWRTH 2021**

452. CYMERADWYAETH COFNODION

PENDERFYNWYD: Y dylid cymeradwyo cofnodion cyfarfod y Pwyllgor Rheoli Datblygu dyddiedig 21 Ionawr 2021, fel cofnod cywir a gwirioneddol, yn amodol ar gynnwys y Cynghorydd R Stirman yn y cofnod presenoldeb ar gyfer y cyfarfod.

453. SIARADWYR CYHOEDDUS

Arferodd y gwahoddedigion canlynol yn y cyfarfod eu hawl i siarad fel siaradwyr cyhoeddus ar y ceisiadau a nodir isod:

Y Cynghorydd Alex Williams – Aelod Ward - P/20/552/FUL

Y Cynghorydd Gary Thomas – Aelod Ward - P/20/553/FUL

Lucy Binnie – Asiant yr Ymgeisydd – P/20/552/FUL

Y Cynghorydd RM James – Aelod Ward – P/20/642/OUT

454. TAFLEN GWELLIANT

PENDERFYNWYD: Bod y Cadeirydd yn derbyn Taflen Ddiwygio'r Pwyllgor Rheoli Datblygu fel eitem frys, yn unol â Rhan 4 (paragraff 4) o Reolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried yr addasiadau angenrheidiol i adroddiad y Pwyllgor, er mwyn ystyried sylwadau a diwygiadau hwyr y mae'n ofynnol eu cynnwys.

455. CANLLAWIAU PWYLLGOR DATBLYGIAD A RHEOLI

PENDERFYNWYD: Y dylid nodi'r crynodeb o Ganllawiau'r Pwyllgor Rheoli Datblygu fel y nodir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau.

456. P/20/552/RLX - SAFLE CYNHYRCHION PREN DE-ORLLEWIN, HEOL LLAN, COITY, CF35 6BU

PENDERFYNWYD: Y dylid caniatáu'r cais uchod, yn amodol ar yr Amodau a gynhwysir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau.

Cynnig

Amrywio amodau 1 (cynlluniau cymeradwy), 5 (uchder pentyrrau) a 6 (gwaith awdurdodedig) P/16/659/RLX drwy gyflwyno cynlluniau a geiriad diwygiedig

**Yn amodol ar ychwanegu'r Amod canlynol pellach at y caniatâd a roddir:**

21. Ni chaniateir i unrhyw gerbydau nwyddau trwm gael mynediad i hen ran Meithrinfeydd Bryncethin o'r safle nes bod lleoliad y gollyngiad nwy yn y bibell nwy breifat sy'n cyflenwi Byngalo Mount Pleasant wedi'i nodi a bod y mater wedi'i ddatrys er boddhad yr Awdurdod Cynllunio Lleol.

457. P/20/642/OUT - SCAFFOLDIO CARVILLE, HEOL GORSAF, MAESTEG, CF34 9TF

PENDERFYNWYD: Y dylid caniatáu'r cais uchod, yn amodol ar yr Amodau a gynhwysir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau, yn ogystal â'r amodau

Amlinellol safonol.

Cynnig

Cais amlinellol ar gyfer dymchwel safleoedd sgaffaldiau presennol a datblygu un tŷ 3 ystafell wely.

458. P/20/756/FUL - 31 HEOL FULMAR, PORTHCAWL, CF36 3PN

PENDERFYNWYD: Y dylid caniatáu'r cais uchod, yn amodol ar yr Amodau a gynhwysir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau.

Cynnig

Ailfodelu'r byngalo i ddarparu llety ar y llawr cyntaf gan ddymchwel y garej sy'n bodoli eisoes, adeiladu estyniadau deulawr y naill ochr a'r llall i'r annedd bresennol, gan greu garej integrol newydd a strwythur to newydd i ddarparu 3 ystafell wely en-suite

459. P/20/99/FUL - CAPEL Y DRINDOD, HEOL PENYBONT, PENCOED, CF35 5RA

PENDERFYNWYD: (A) Bod yr Ymgeisydd yn ymrwymo i Gytundeb Adran 106 i ddarparu o leiaf 2 uned fel unedau fforddiadwy, a fydd yn cael eu trosglwyddo i Landlord Cymdeithasol Cofrestredig neu drwy dalu cyfraniad ariannol cyfatebol yn lle darpariaeth ar y safle.

(B) Bod y Cyfarwyddwr Corfforaethol - Cymunedau yn cael pwerau dirprwyedig i gyhoeddi hysbysiad penderfynu yn rhoi caniatâd amodol mewn perthynas â'r cynnig hwn unwaith y bydd yr ymgeisydd wedi ymrwymo i'r Cytundeb Adran 106 a grybwyllwyd uchod fel y'i cynhwysir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau.

Cynnig

Dymchwel y capel presennol; adeiladu datblygiad preswyl 3 llawr o 12 fflat hunangynhwysol gyda storffeydd amwynder, beiciau a sbwriel ar y safle; lledu'r lôn bresennol a darparu ardal droi

**Yn amodol ar ddiwygio Amod 1 i ddarllen fel a ganlyn:**

1. Yn unol â lluniad rhif AL(90) 01 a dderbyniwyd ar 29 Ionawr 2020, lluniadau rhif AL(00)10 Diwyg. F, AL(00)15 Diwyg. H, AL(00)20 Diwyg. E, ac AL(00)11 Diwyg. A, a dderbyniwyd ar 1 Mawrth 2021.

Rheswm: I osgoi amheuaeth a dryswch ynglŷn â natur a maint y datblygiad cymeradwy.

**Ac yn amodol ar ychwanegu'r Amod canlynol pellach:**

14. Cyn adeiladu'r bloc o fflatiau, bydd datganiad dull ar gyfer ailddefnyddio nodweddion a deunyddiau pensaernïol adeilad presennol Capel y Drindod o fewn strwythur yr adeilad, ardaloedd caeedig neu dirluniad y safle yn cael ei gyflwyno i'r Awdurdod Cynllunio Lleol a'i gymeradwyo'n ysgrifenedig. Bydd y datganiad dull yn cynnwys amseriad unrhyw waith i dynnu deunydd, manylion y nodweddion arfaethedig i'w cadw a chynllun sy'n dangos ble y bydd y nodweddion yn cael eu hadfer o fewn y datblygiad. Bydd y gwaith yn cael ei wneud yn unol â'r datganiad dull cymeradwy a'i gadw wedi hynny am byth.

Rheswm: Er mwyn amwynder gweledol ac i sicrhau bod agweddau ar yr adeilad gwreiddiol yn cael eu cadw at ddibenion hanesyddol.

460. P/20/553/FUL - COMPLEX LOCK, SAFLE I'R DE-DDWYRAIN CYNHYRCHION PREN DE-ORLLEWIN, HEOL LLAN, COITY, CF35 6BU

PENDERFYNWYD: Y dylid caniatáu'r cais uchod, yn amodol ar yr Amodau a gynhwysir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau.

Cynnig

Defnyddio tir ar gyfer storio pren diwedd oes am gyfnod dros dro o 3 blynedd

**Ar yr amod bod y caniatâd dros dro yn dod i ben ar ôl dwy flynedd yn hytrach na thair a bod Amod 3 yn cael ei ddiwygio i adlewyrchu'r newid hwn**

461. P/20/898/RLX - UNED ALDI, 1 LLWYBR LLYNFI, HEOL LLYNFI, MAESTEG, CF34 9DS

PENDERFYNWYD: Bod yr Aelodau'n bwriadu gwrthod y cais ac felly bydd y cais yn cael ei adrodd yn ôl i'r Pwyllgor nesaf er mwyn galluogi Aelodau i ystyried rheswm / rhesymau dros wrthod.

Cynnig

Amrywio amod 1 P/14/65/RLX i ganiatáu i'r siop ddadlwytho danfoniadau am gyfnod hirach

462. APELIADAU

PENDERFYNWYD:

1. Y dylid nodi'r Apeliadau a dderbyniwyd ers cyfarfod diwethaf y Pwyllgor fel y nodir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau.
2. Y dylid nodi'r Penderfyniadau Apelio canlynol fel y'u cynhwysir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau fel y penderfynwyd gan yr Arolygydd / Arolygwyr a benodwyd gan Weinidogion Cymru ers yr adroddiad diwethaf i'r Pwyllgor:
  - a. A/20/3261549 (1905) – trosi tŷ amlfeddiannaeth (HMO) presennol i mewn i 2 fflat dwy ystafell wely ac 1 fflat stiwdio, 147 New Road, Porthcawl - PENDERFYNIAD – **Gwrthod yr apêl** (gweler Atodiad A i'r adroddiad)
  - b. D/20/3264696 (1906) – Trosi atig i ddarparu ystafell wely i gynnwys dormer i'r wedd ochr a'r wedd gefn, 12B Stryd Fawr, Maesteg – PENDERFYNIAD - **Gwrthod yr apêl** (gweler Atodiad B i'r adroddiad)

463. DATBLYGU ARWYDDOCÂD CENEDLAETHOL - CYMHWYSO GAN RENEWABLE ENERGY SYSTEMS LTD YN UPPER OGMORE, RHWNG ABERGWYNFI, BLAENGARW A NANT-Y-MOEL, YM MHEN-Y-BONT AR OGWR A PHORTHLADD CASTELL-NEDD - ADRODDIAD EFFAITH LLEOL AR RAN YR AWDURDOD CYNLLUNIO LLEOL

Cyflwynodd y Rheolwr Datblygu a Rheoli Adeiladu adroddiad a'i ddiben oedd rhoi gwybod i'r Aelodau am Adroddiad ar yr Effaith Lleol a oedd wedi'i baratoi a'i gyflwyno i'r Arolygiaeth Gynllunio gan yr Awdurdod Cynllunio Lleol ar gyfer saith tyrbîn gwynt (rhwng

130m a 149.9m o uchder ar frig yr adenydd) a gwaith cysylltiedig ar 362 ha o dir yng nghyffiniau copa Werfa. Mae'r datblygiad yn cael ei ystyried yn Ddatblygiad o Arwyddocâd Cenedlaethol (DNS).

PENDERFYNWYD: Y dylai'r Pwyllgor Rheoli Datblygu nodi cynnwys yr adroddiad a'r adroddiad ar yr Effaith Leol.

464. CAIS AM GYFARWYDDYD CWMPASU GAN NATURAL POWER CONSULTANTS LIMITED (PWER NATURIOL) AR RAN FFERM WYNT Y BRYN CYFYNGEDIG - FFERM WYNT Y BRYN (TIR YNG NGHOEDWIG BRYN A PENHYDD, WEDI'I LEOLI RHWNG PORT TALBOT A MAESTEG) - HYD AT 26 TYRBIN (6.6 MW FESUL) TYRBIN) A STORIO BATRI - YMATEB I'R ADRODDIAD CWMPASU AR RAN YR AWDURDOD CYNLLUNIO LLEOL

Cyflwynodd y Rheolwr Datblygu a Rheoli Adeiladu adroddiad a'i ddiben oedd rhoi gwybod i'r Aelodau am ymateb sydd wedi'i baratoi a'i gyflwyno i'r Arolygiaeth Gynllunio gan yr Awdurdod Cynllunio Lleol i gais am sylwadau ar Adroddiad Cwmpasu a baratowyd gan yr ymgeisydd ar gyfer hyd at chwech ar hugain o dyrbinau gwynt a gwaith cysylltiedig ar dir yng Nghoedwig Penhydd a'r Bryn, rhwng Port Talbot a Maesteg. Mae'r datblygiad yn cael ei ystyried yn Ddatblygiad o Arwyddocâd Cenedlaethol (DNS).  
Dim ond 1 tyrbinau allan o'r 26 oedd o fewn BCBC.

PENDERFYNWYD: Y dylai'r Pwyllgor Rheoli Datblygu nodi cynnwys yr adroddiad a'r ymateb i'r cais am sylwadau ar adroddiad Cwmpasu'r ymgeisydd.

465. DYFODOL CYMRU 2040 (FFRAMWAITH DATBLYGU CENEDLAETHOL) A PHOLISI CYNLLUNIO CYMRU 11

Cyflwynodd Rheolwr y Grŵp Cynllunio a Datblygu adroddiad a'i ddiben oedd cynghori'r Aelodau ar gyhoeddi Dyfodol Cymru 2040 (FW2040) sef y Fframwaith Datblygu Cenedlaethol (FfDC) ynghyd â dogfen Polisi Cynllunio Cymru 11 (PCC11) ddiwygiedig. Mae FW2040 yn Gynllun Datblygu at ddibenion penderfynu ar geisiadau cynllunio a Pholisi Cynllunio Cymru 11 yw'r polisi cynllunio cenedlaethol perthnasol. Cyhoeddwyd y dogfennau ar 24 Chwefror 2021. Atodwyd llythyr gan y Gweinidog yn rhoi rhagor o wybodaeth ynghyd â'r dolenni priodol i wefan Llywodraeth Cymru yn Atodiad 1.

Dywedodd y byddai sesiwn hyfforddi yn y dyfodol yn cael ei darparu i Aelodau gael mwy o fanylion am y ddwy ddogfen newydd. Byddai swyddogion yn trafod y fframwaith gyda swyddogion Llywodraeth Cymru yn ystod yr wythnosau nesaf ac roeddent yn gobeithio bod mewn sefyllfa i gynnig yr hyfforddiant yn fuan wedyn.

Cynigiodd un Aelod y dylid darparu'r hyfforddiant i bob Aelod nid dim ond Aelodau'r Pwyllgor Rheoli Datblygu oherwydd ei oblygiadau ehangach.

PENDERFYNWYD: Y dylai'r Pwyllgor Rheoli Datblygu nodi cyhoeddiad Dyfodol Cymru 2040 a PCC11 a'i oblygiadau ar gyfer penderfyniadau gan y Cyngor ar faterion cynllunio ac mae'n nodi y bydd hyfforddiant pellach yn cael ei ddarparu i'r holl Aelodau ar y goblygiadau.

466. RHESTR HYFFORDDIANT

Dyweddodd Rheolwr y Grŵp Cynllunio a Datblygu fod y Log Hyfforddi wedi'i ddwyn yn ôl fel eitem reolaidd ar Agenda'r Pwyllgor, a rhestrodd y pynciau hyfforddi a'r misoedd arfaethedig y byddent yn cael eu trefnu.

Roedd yr Aelodau wedi mynychu hyfforddiant ar Greu Lleoedd – polisi, yn ymarferol ac astudiaeth achos (pob aelod), y diwrnod cynt ar 3 Mawrth 2021.

Trefnwyd yr hyfforddiant canlynol ar y Log:

Diweddariad mwynau	Ebrill 2021
Rheoliadau Diogelwch Tân	Mai 2021
Fframwaith Datblygu Cenedlaethol / Polisi Cynllunio Cymru	11 Gorffennaf 2021

Nid oedd y dyddiadau'n bendant a gellid eu symud yn ddibynnol ar flaenoriaethau eraill.

PENDERFYNWYD: Y dylai'r Pwyllgor Rheoli Datblygu nodi Cynnwys y Log Hyfforddi.

467. MATERION BRYS

Dim.



I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

### **STANDARD CONDITIONS**

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

#### Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

#### Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

#### Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

### **STANDARD NOTES**

- a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services

provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or [www.coal.gov.uk](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).

- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

### **Request for a Site Visit**

#### **Ward Member request for Site Visit**

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits cannot be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

### **Inappropriate Site Visit**

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

### **Format and Conduct at the Site Visit**

#### **Attendance**

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

## **Officer Advice**

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

## **Code of Conduct**

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

## **Record Keeping**

A file record will be kept of those attending the site visit.

## **Site Visit Summary**

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

**\*N.B. – Due to the Covid 19 pandemic, physical site visits will not be possible for the foreseeable future and virtual site visits will be provided where it is deemed necessary\***

## **Frequently Used Planning Acronyms**

AONB	Area Of Outstanding Natural Beauty	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEAM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	SUDS	Sustainable Drainage Systems
FCA	Flood Consequences Assessment	TAN	Technical Advice Note
GPDO	General Permitted Development Order	TIA	Transport Impact Assessment
LB	Listed Building	TPN	Telecommunications Prior Notification
LBC	Listed Building Consent	TPO	Tree Preservation Order
LDP	Local Development Plan	UCO	Use Classes Order
LPA	Local Planning Authority	UDP	Unitary Development Plan

**REFERENCE:** P/20/898/RLX

**APPLICANT:** Aldi Stores Limited  
c/o Planning Potential Ltd, 13-14 Orchard Street, Bristol BS1 5EH

**LOCATION:** Aldi Unit 1, Llynfi Walk, Llynfi Road, Maesteg CF34 9DS

**PROPOSAL:** Vary condition 1 of P/14/65/RLX to allow the store to unload deliveries for a longer period

**RECEIVED:** 12 November 2020

## **UPDATE SINCE DC COMMITTEE MEETING OF 4 MARCH 2021**

The application which was considered by Development Control Committee on the 4<sup>th</sup> March was to permanently vary the delivery times to the Aldi Unit at Llynfi Walk to 5am to 10 pm. The report from the Group Manager – Planning and Development Services recommended that consent be granted for 6 months only for the hours 6am to 10pm Monday – Saturday and 7am to 8pm on Sundays and Bank Holidays to enable the Authority to review the effect of early morning deliveries on the existing residential amenities of the neighbouring properties. However, Committee considered that due to ongoing and unnecessary noise pollution at anti-social times, the proposal would result in an unacceptable impact on the residential amenities of the neighbouring properties. Therefore, Committee was minded to refuse the application and, in accordance with the agreed protocol for dealing with applications where the Committee is minded to refuse an application, which has been recommended for approval, consideration of the application was deferred to this meeting so that reasons for refusal could be properly considered.

Since the last Committee meeting, the applicant's agent has agreed to amend the description of development in line with the Council's recommendation as follows:

***“The variation of condition 1 of planning permission ref. P/14/65/RLX to allow deliveries to the store between the hours of 06:00 hours – 22:00 hours Monday to Saturday and 07:00 hours – 20:00 hours on Sundays and Bank Holidays for a period of 6 months.”***

This will allow the applicant to record the delivery information throughout the summer, and enable the Local Planning Authority to review the effect of early morning deliveries on the residential amenities of the neighbouring properties.

Members were asked to provide their reasons for refusal of the application and they are as follows:

### **Cllr Baldwin**

*My comments at the meeting concerned extending the opening hours to 5am 7 days a week would cause ongoing and unnecessary noise pollution at anti-social hours. This would equate to having the recycling lorry waking you up every day of the week with no respite. This noise pollution will have a negative and detrimental impact on the mental health and well-being of residents living near the store. The grounds for the application were being brought forward to account for Covid19 and to limit potential food shortages in store. However, this is being requested as we move towards the lifting of restrictions and isn't timely.*

### **Cllr Spanswick**

*I voted against as I felt that the delivery time in the morning currently set at 7.00a.m should not be changed to an earlier time due to the unacceptable impact I felt that would have on nearby residential properties. I was however prepared to accept the later time in*

*the evening being moved from 8.00p.m. to 10.00p.m. Hope this helps and many thanks for working on this with Planning officers.*

**Cllr Stirman**

*I voted against because I am aware there is a lot of residential housing very close to the site. All very well others saying there is early morning noise from other sites but I honestly believe that a 05:00 am start would be putting unreasonable pressure on surrounding homes. The noise from the reversing lorries warning systems alone would have an adverse impact on nearby homes in my opinion. As someone else mentioned they have more than enough time within current hours especially as this store is not particularly immense.*

**Cllr J Lewis**

*My objection is to the noise at that time of morning and its effect on the people living near there.*

Members were advised by Officers at the last DC Committee meeting that whilst the proposed 5am start was considered unacceptable, the Local Planning Authority proposed granting a temporary Planning permission so that deliveries to the store could only be made between 6am and 10pm for a limited period of 6 months (Mon-Sat).

This would allow the applicant to record the delivery information and enable the Local Planning Authority to review the effects of the early morning deliveries on the residential amenities of the neighbouring properties after this 6 month time period however, Members voted to refuse the application.

Officers agree with Members that 5am deliveries are unacceptable however, it is considered that a 6 month temporary permission to allow deliveries to the store between 6am - 10pm (Mon - Sat) would be appropriate. This would allow the applicant to gather additional evidence of any impact on the neighbouring amenities over the Summer period as currently there is no evidence to demonstrate that the proposal would have an unacceptable impact on the neighbouring properties. The applicant has now changed the description of their application to confirm that they are applying for extended delivery times to the store from 6am – 10pm Monday to Saturday for a period of 6 months only. In view of this, if Members are still minded to refuse the application then they are advised that the applicant can submit an appeal to the Planning Inspectorate against the condition for a 6am start for deliveries to the store for a 6-month temporary time-period.

If members are minded to refuse the application, the suggested reason for refusal of this application for Members to consider is:

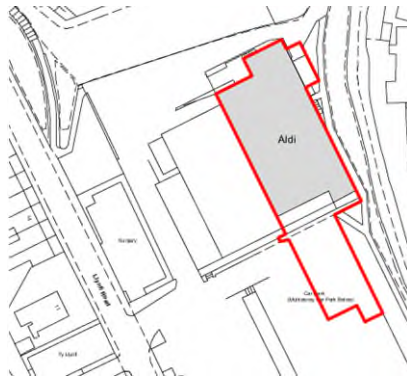
***The proposed relaxation of the hours of operation for a temporary period of 6 months to allow deliveries from 6am in the morning (Mon-Sat) would have a detrimental impact on the residential amenities of neighbouring residential occupiers by way of noise pollution during anti-social hours contrary to Policy SP2 of the Bridgend County Borough Council Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (February 2021).***

Reproduced below is a copy of the original report:-

**APPLICATION/SITE DESCRIPTION**

This application seeks to vary condition 1 of P/14/65/RLX to allow the store to unload deliveries between the hours of 05:00 and 22:00 daily at Aldi, Unit 1 Llynfi Walk, Llynfi Road, Maesteg.

**Figure 1 - Site Location Plan:**



Condition 1 of P/14/65/RLX states:

*The unloading of delivery vehicles to the Aldi store shall not take place outside the following times:-*

*07:00 hours and 20:00 hours*

*Reasons: In the interest of residential amenities and for the avoidance of doubt as to the scope of the consent.*

The applicant's agent has advised that in response to the demand for greater operational flexibility in the hours of unloading deliveries at the store and to meet the needs of the customer, the application now seeks permission to vary condition 1 to allow the store to unload deliveries between the hours of 05:00 and 22:00 daily.

The application site is located within the settlement boundary of Maesteg as defined by Policy PLA1 of the BLDP(2013) and is located within the retail and commercial centre of Maesteg as defined by Policy REG 9 of the BLDP(2013). The application site is located within a retail area surrounded by other similar uses which are served by a large car park with a number of residential properties located opposite the site along Llynfi Road.

### **RELEVANT HISTORY**

P/20/217/FUL Approved (with conditions) – 14/07/2020.

Minor extension to food store; a reconfiguration of the car park; new replacement plant and minor external works and alterations

P/14/65/RLX Approved (with conditions) – 07/03/2014

Amend Condition 11 of 95/215 to read no unloading between hours of 20.00 and 07.00.

P/12/671/RLX Approved (with conditions) – 11/01/2013

Vary Cond 11 of P/95/215/FUL to permit unloading times of delivery vehicles between 07:00 & 20:00 hours.

P/95/215/FUL Approved (with conditions) – 11/04/1995

Erection of retail stores and associated service yard and car park deck

### **PUBLICITY**

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 22 December 2020.

### **CONSULTATION RESPONSES**

Cllr R Thomas (Local Ward Member) – Objects to the proposal due to the detrimental impact on local residents.

Maesteg Town Council – Objects to the proposed development due to the close proximity to the residential area where there are current issues with noise and traffic.

Transportation Officer (Highways) – No objection.

Head of Public Protection (Noise) – Raises concerns regarding the proposal for a variation in the times to start at 05:00 however states that a temporary permission for a 12-month period for deliveries between the hours of 06:00 to 22:00 to assess the impact on the existing amenities of the neighbouring properties would be acceptable.

## **REPRESENTATIONS RECEIVED**

10 Llynfi Road, Maesteg – objects due to the close proximity to bedroom window and damage to walls due to number of heavy vehicles entering the car park.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of concerns raised have been addressed within the appraisal section of this report however, damage to walls and property is a private matter and not a material Planning consideration.

## **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021 which was formally adopted by the Council in September 2013 and within which the following Policies are of relevance:

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy REG9 – Development Sites in Retailing and Commercial Centres

## **National Planning Policy and Guidance**

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW) and Future Wales – the National Plan 2040 (Feb. 2021) is of relevance to the determination of this application.

## **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes and Technical Advice Note 11 – Noise (1997) is relevant to the determination of this application.

## **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales



The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

## **APPRAISAL**

The application is referred to Committee to enable consideration of the objections received from the Town Council, local Ward Member and local resident.

The main issues to consider in this application are the impact on the neighbouring amenities and highway safety.

### Impact on neighbouring amenities

With regard to the impact of the proposed change in delivery times on the existing residential amenities of the neighbouring properties, the application was supported by a Noise Report prepared by Sharps Redmore Acoustic Consultants. The Council's Noise Officer has assessed the Report and requested further information. In view of this, a technical note was submitted by Sharps Redmore demonstrating that Aldi has regularly been having deliveries to the store between 05.00 and 07:00 hours during the relaxation period permitted by Welsh Government because of the current pandemic, between 14 November and 12 December 2020. Whilst this has not resulted in any noise complaints to date, the absence of complaints does not necessarily mean that the deliveries as early as 05:00 hours would not cause any disturbance to the residents. It should be noted that during the winter months it would be reasonable to assume that the residents at Llynfi Road are likely to have had their windows closed and therefore may not have been disturbed by the noise from those deliveries during that time. As a result, the Council's Noise Officer requested the delivery schedule between April and July to determine how often Aldi may have been having early morning deliveries during the warmer weather. Unfortunately, this information was unavailable as Aldi has not kept the records going back that far and they were only able to advise that *Whilst deliveries may not have been regularly received as early as they are at present, deliveries were made to the store before 0600 hours on occasions.*

Although the Acoustic Report shows that the noise levels from the deliveries themselves should not cause an adverse impact during the arriving and unloading of goods at the rear of Aldi, it does not take into account the impact that the deliveries would have on the residential property located on Llynfi Road opposite the turning into Aldi as a result of a delivery vehicle pass-by. In the additional technical note that was submitted by Sharps Redmore however, the Consultant acknowledges that *it is accepted that there will be peak noise levels associated with the delivery vehicle passbys on Llynfi Road as they approach and depart from the Aldi store. Although not directly assessed at this store, delivery vehicle passby noise could be expected to be in the region of 70 to 75 dB LAmax at the properties on Llynfi Road. This is above the WHO peak noise guideline value of 60 dB LAmax.* The Public Protection Noise Officer agrees with these predicted levels.

The Consultant goes on to say *although it is worth noting that the WHO guideline noise value of 60 dB LAmax is the level at which sleep disturbance may occur.. this does not mean that a person may awake when the noise level reaches this level, rather the process of restorative sleep may be affected, for example, the depth of sleep varies or eyelids may move.* Whilst the Public Protection Noise Officer does not disagree with this statement, she indicates that the fact remains that the vehicle pass-by could be in the region of 70 to 75 dB LAmax so there could be an impact. It should be noted that whilst the Council's Public Protection Department would have jurisdiction over noise from deliveries taking place at a premises which is causing a nuisance, the Department cannot take action for statutory nuisance when it is from a vehicle pass-by going to or leaving from Aldi when it is on a public road in a residential area. Therefore, this matter has to be

considered at the Planning stage as if the delivery itself does not impact on this property, statutory nuisance legislation could not be used to resolve any complaints received in relation to delivery vehicles passing and turning into the premises if it only disturbs the occupants at that point.

The Noise Officer considers that deliveries until 22:00 hours (as long as the vehicles have delivered the goods and departed by that time) should not cause any unnecessary disturbance and there is no objection to this however, the Noise Officer is concerned that as the store has not been able to demonstrate that deliveries have frequently occurred between 05:00 hours and 07:00 hours during the Spring and Summer months when the weather was warmer and residents were likely to have had their windows open, extending the hours as early as 05:00 hours would have an unacceptable impact on the property opposite the turning to Aldi.

Nevertheless, Aldi has advised that *deliveries were made to the store before 06:00 hours on occasions* and consequently, if the application is being recommended for approval, the Noise Officer requests that the permission is granted on a temporary basis (not exceeding 12 months) so that any impact can be monitored and that the proposed timings are no earlier than 06:00 hours Monday- Saturday and are kept to 07:00 hours on a Sunday. One of the reasons Aldi has requested the extended hours is so that they can take deliveries and stock goods in the store during their quieter periods and outside times when the store is open which is important during this pandemic. The opening hours for the store on a Sunday are reduced to 10am - 4pm (10:00 hours – 16:00 hours) as opposed to 8am - 8pm (08:00hours – 20:00 hours) on other days and therefore, there is no reason why deliveries need to occur at 06:00 hours on a Sunday. If extending the hours until 22:00 hours, it should also be made clear that the vehicles need to have unloaded their goods and have departed by 22:00 hours.

In view of the above and to address the concerns raised by the local resident, it is considered that the originally proposed extension to delivery hours of 05:00 to 22:00 hours is excessive in view of the limited information available to demonstrate the impact on the existing amenities of the neighbouring properties.

Whilst the Council's Noise Officer has suggested a temporary 12 month permission, following further consideration of the application by the Local Planning Authority and in view of the restrictions imposed by the pandemic, it appears that a 6 month temporary permission would be more appropriate in order to allow the applicant to gather the additional evidence required over the summer period.

Therefore, it is considered that a temporary 6 month permission (March – September) to allow deliveries to the site between the hours of 06:00 hours – 22:00 hours Monday to Saturday and retain the current hours for deliveries to the store of 07:00 hours – 20:00 hours on Sundays and Bank Holidays is more acceptable.

This will allow the applicant to record the delivery information and enable the Local Planning Authority to review the effect of early morning deliveries on the residential amenities of the neighbouring properties which accords with Policy SP2(8) and SP2(12) of the BLDP(2013).

#### Impact on Highway Safety

The Transportation Officer has assessed the submitted details and has considered the transportation implications of the proposal.

Whilst the Transportation Officer has noted that the applicant is seeking to extend the hours of delivery to the food store from 7am to 8pm to 5am to 10pm (revised to 6am to

10pm for a period of 12 months) and that there have been some concerns raised with regards to noise, as the extension of delivery time is outside of the peak network hours for traffic in this area, he considers that the proposal would not be detrimental to the free flow of traffic. As such, the proposal is considered acceptable in highway safety terms and therefore it accords with Policy SP2(6) of the BLDP(2013).

## **CONCLUSION**

In view of the nature of the objections received, it is considered that the issue of noise and disturbance is a material Planning consideration and the impact on nearby residents must be taken into account. However, it is also noted that the impacts of the current pandemic may have placed greater pressures on the supply chain resulting in different delivery patterns and non-compliance with normal conditions. Welsh Government has indicated that during the current crisis Local Planning Authorities (Ministerial letter dated March 2020) should take a pragmatic view on enforcing time conditions specifically in relation to food retail.

On balance and given that the restrictions imposed by the pandemic are still in place, this application can be recommended for approval for a temporary 6 month period to allow deliveries to the site between the hours of 06:00 hours – 22:00 hours Monday to Saturdays and retain the current hours for deliveries to the store of 07:00 hours – 20:00 hours on Sundays and Bank Holidays to enable the Local Planning Authority to review the effect of early morning deliveries on the existing residential amenities of the neighbouring properties.

## **RECOMMENDATION**

(R11) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan and Noise Report prepared by Sharps Redmore Acoustic Consultants received on 12 November 2020 and additional Technical Noise Note prepared by Sharps Redmore Acoustic Consultants received on 14 January 2021.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. Deliveries shall not be taken at or dispatched from the site outside the hours of 06:00 to 22:00 Monday to Saturday and 07:00 to 20:00 on Sundays and Bank Holidays.

Reason: In the interest of residential amenities and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

3. This permission to extend the hours for unloading delivery vehicles shall be for a temporary period expiring on 30 September 2021 at which time the permitted hours for unloading delivery vehicles shall revert to between 07:00 hours and 20:00 hours.

Reason: To enable the Local Planning Authority to review the effect of early morning deliveries in the interest of residential amenities and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

4. There shall be no open storage of materials other than in the compactor area.

Reason: To ensure that the visual amenities of the area are protected and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

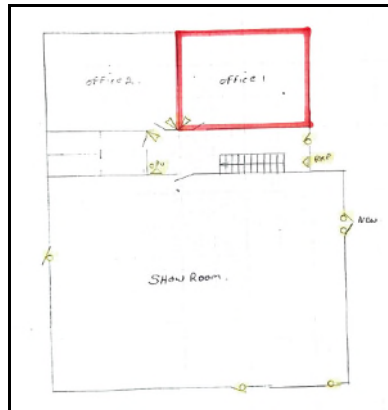
# Agenda Item 8

**REFERENCE:** P/21/101/FUL  
**APPLICANT:** Mr M Hiddlestone  
Unit 2, Garth Drive, Brackla Industrial Estate, Bridgend CF31 2AQ  
**LOCATION:** Unit 2 Garth Drive, Brackla Industrial Est, Bridgend CF31 2AQ  
**PROPOSAL:** Transform unused office space into a hair salon  
**RECEIVED:** 11 February 2021  
**SITE INSPECTED:** 26 February 2021

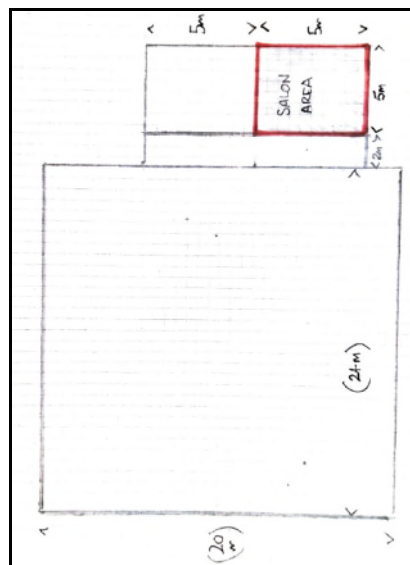
## DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full planning permission for the partial conversion of Unit 2, Garth Drive, Brackla Industrial Estate to Class A1 (Hair Salon) as defined by the Town and Country Planning (Use Classes) Order 1987.

The proposal comprises the change of use of 20 square metres of internal floor space within Unit 2 which was previously operated as an ancillary office space for Hiddlestone and Son Ltd, as shown below:



**Existing Floor Plan**



**Proposed Floor Plan**

The proposal comprises the introduction of a hair salon within the former ancillary office space which is proposed to operate between the hours of 09:00 and 17:00 Monday to Friday and 09:00 to 16:00 on Saturdays.

The hair salon will employ two full-time members of staff.

No external alterations are proposed as part of this planning application.

The application is a resubmission of a previous planning application (P/20/911/FUL refers) which was refused on 11 January 2021 for the following reasons:

- 1. The partial use of the building as a 'hair salon' facility falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 conflicts with Policy REG1 (18) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and it is considered that the use is not complimentary to or ancillary to the industrial uses on Brackla Industrial Estate. It would also be sited within relatively unsustainable location that is not accessible by a range of transport modes such as walking, cycling and public transport leading to an excessive reliance on the private car. Therefore, the proposal does not comply with Policies SP2 and REG2 of the Local Development Plan (2013), Supplementary Planning Guidance 21: Safeguarding Employment Sites and guidance contained within Planning Policy Wales (Edition 10, December 2018).*
- 2. Insufficient information has been submitted in respect of highway safety and parking provision to enable the implications of the proposed scheme to be properly evaluated by the Local Planning Authority, contrary to criteria (9) of Policies SP2 and SP3 of the Local Development Plan (2013) and guidance contained within Planning Policy Wales (Edition 10, December 2018).*

This application seeks to address the previous reasons for refusal and is supported by a Planning Statement written by the applicant and a letter of support from Councillor A Williams.

## **SITE DESCRIPTION**

The application site lies within the Primary Key Settlement of Bridgend as defined by Bridgend County Borough Council's adopted Local Development Plan (2013). It is situated within Brackla Industrial Estate which is allocated and protected for employment development falling within B1, B2 and B8 Use Classes by Policy REG1(18) of the adopted Local Development Plan (2013).

The site is accessed from a secondary access road off Garth Drive which runs adjacent to the northern boundary of the application site. It comprises a two storey building which faces the north west and is positioned towards the north western corner of the application site with parking at the rear. The site lies within an established Industrial Estate and is surrounded by other units operating within a mix of use classes, predominantly B1, B2 and B8.

## **RELEVANT HISTORY**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
91/1129	5 industrial units	Conditional Consent	14/11/1991
P/20/911/FUL	Partial change of use of office within retail establishment to hair salon	Refused	11/01/2021

Condition 3 imposed upon the original Planning permission (91/1129 refers) states the following:

*The use of the units shall be limited to Classes B1, B2 and B8 as defined by the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking or re-enacting that Order).*

*Reason: For the avoidance of doubt as to the extent of the permission granted.*

The applicant has argued that the unit has only been used to retail kitchens, bathrooms and bedrooms and has not been used for manufacturing since the original Planning consent was implemented.

The Authority consider that the premises particularly the part to be used as a hairdressers operates within a B1/B8 Use Class and as no subsequent permissions have been granted since the original Planning consent was granted in 1991, the use of the premises as solely A1 is disputed. The Authority consider that lawfully the premises can operate within a B1, B2 and B8 Use Class and therefore Planning permission is required for the partial change of use to a hair salon under an A1 use. The application must be considered on its merits with regard to the existing Development Plan policies and national guidance.

## **PUBLICITY**

This application has been advertised through direct neighbour notification and the erection of a site notice. No third party representations have been received within the consultation period which expired on 26 March 2021.

## **CONSULTATION RESPONSES**

### **CONSULTEE**

Coity Higher Community Council  
11 March 2021

### **COMMENTS**

Supports the application.

Highways  
15 March 2021

No objections.

## **RELEVANT POLICIES**

The relevant policies and supplementary Planning guidance are highlighted below:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy PLA3</b>	Regeneration and Mixed Use Development Schemes
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy PLA11</b>	Parking Standards
<b>Policy REG1</b>	Employment Sites
<b>Policy REG2</b>	Protection of Identified Employment Sites

**Supplementary Planning Guidance 17**  
**Supplementary Planning Guidance 21**

Parking Standards  
Safeguarding Employment Sites

In the determination of a Planning application, regard should also be given to the local requirements of National Planning Policy which is not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this Planning application:

**Future Wales – The National Plan 2040**

### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of the proposed development.

### **APPRAISAL**

This application is presented to the Development Control Committee at the request of Councillor A Williams who is supportive of the scheme.

### **PRINCIPLE OF DEVELOPMENT**

The proposed development seeks a partial change of use of an existing office area to a hair salon. In determining the previous Planning application, the development was considered to be contrary to the provisions and aims of the Local Development Plan (2013) and was refused.

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales as required by the Well-being of Future Generations (Wales) Act 2015 and as stated in paragraph 1.2 of Planning Policy Wales (Edition 11, February 2021) (PPW11).

The adopted Local Development Plan (2013) seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development. In order to meet the varying requirements of business and to provide access to employment and training for all residents of the County Borough, a range and choice of vacant sites on 120 hectares of land are identified and protected for employment (B1, B2 and B8 uses) purposes. This is inclusive of Brackla Industrial Estate which is allocated and protected for employment development falling within B1, B2 and B8 Use Classes by Policy REG1(18) of the adopted Local Development Plan (2013). Development proposals which seek to change the use of existing employment building to uses within Class A1 are assessed against Policy REG2 of the Local Development Plan (2013).

Policy REG2 states that proposals which result in the loss of existing or proposed employment (B1, B2 and B8) land or buildings on sites identified in Policy REG1 will not be permitted. Exceptions will need to be justified on one of the following grounds:



1. In appropriate locations, a limited number of those uses regarded as complementary and/or ancillary to the main use of the land for industrial purposes; or
2. In appropriate locations, those sui generis employment uses which are suitably located on employment land.

Paragraph 3.3 of Supplementary Planning Guidance 21: Safeguarding Employment Sites (SPG21) states that there are a limited number of non B1, B2 and B8 uses which could be considered as acceptable on employment sites as they would provide a service to employees and their clients and contribute to the efficiency of the employment site. Such acceptable uses are identified within SPG21 as being hotels with conference facilities, banks, post offices, public houses, cafes, newsagents, bakeries, gyms and crèches.

Notwithstanding the strict controls generally applied to uses within the allocated employment sites, the Council is conscious that there is significant interest and pressure to allow A1 uses to operate within these areas.

In support of this application, the applicant has provided a Planning Statement which highlights this pressure stating that *multiple existing clients (local residents) expressed a need for a hair salon within the Brackla/Coity/Parc Derwen areas and that the location of our upcoming salon is ideal for all housing estates that surround it. Brackla Industrial is well within walking distance from Parc Derwen (0.7 miles), Coity (0.8 miles) and Brackla Housing Estate (1.2 miles).*

The application has also been supported by Councillor Williams who has provided a letter which states the following:

*I write in support of the planning application for a partial change of use to a hair dressing salon at Unit 2, Garth Drive, Brackla Industrial Estate, Bridgend.*

*I am the Borough Councillor for Coity, which is the ward that this falls within. When I was initially sent the original plans I confirmed I had no objection. I understand that no other objections were received, including no objection from the Community Council.*

*I am extremely surprised that the original application was rejected for the following reasons:*

1. *That a hairdresser is not one of the businesses that should be sited on an industrial estate and is better suited for the town centre.*
2. *That there is no highway assessment to support such an application.*

*Firstly, as a member of the Development Control Committee we are regularly shown details of BCBC's master plan for Bridgend Town Centre which involves switching the focus to a more residential hub rather than a traditional town centre. Therefore the surrounding areas for the town will need to adapt to support those residents. In addition, we are continuously being told of the need to reduce vehicular movement and encourage public transport, cycling and walking. Unfortunately the very limited bus service was removed from Coity several years ago and since then an additional 1800 houses have been built. This means that the only real access out of Coity is by car and many residents are trapped within Coity. Despite this massive growth, there has been no*

*movement in building any shops as was initially promised. Therefore, resident would strongly welcome a hairdresser's close on their doorstep, many of who would be able to walk there easily.*

*I have lived in Coity since 2004 and before that I grew up in nearby Litchard and so I am very familiar with the industrial estate and its decline over the years with businesses leaving empty properties. However, there has been movement recently to increase employment and services in the estate. Incidentally, a gymnasium K2 has opened up on the estate, which houses a hairdressers and has been successful over the years. The footfall to the gym is quite significant as it is very popular and yet there were never any concerns raised by Highways when this went through planning and neither has the hairdressers ever been questioned.*

*I also noted on a walk to the site that there is a dog groomers advertised two doors down from this premises and there are a number of food outlets and takeaways.*

*In addition, early February a One Stop shop is opening on the estate, again another premises that does not fall within a B1, B2 or B8 use. I foresee, given the lack of surrounding shops that this will be very busy with continuous traffic to and from it as well as parking on the road as there are parking restrictions of only 30 minutes in the car park and it will increase vehicular movement given that doing a larger shop will require transport. This will generate far more vehicular movement than a hairdressers.*

*I've also reviewed BCBC's assertion that a hairdressers is not appropriate in an industrial estate and I have identified that a hairdressing bus was given planning permission on Bridgend Industrial Estate. This bus has been on the estate for many years and it services those who work on the estate as well as people travelling to it. My husband and sons have driven to it on many occasions. I have attached a photograph of the location of this bus and the double yellow lines next to it, highlighting that there are no parking facilities for visitors to the bus.*

*In addition to this, BCBC have again gone outside their policy when granting planning permission for a swimming pool on Bridgend Industrial estate. I was a member of the committee when this was approved and it was primarily for private lessons thus encouraging more vehicular movement outside of the purpose of B1, B2 and B8 premises.*

*Finally, with Covid 19, well-being is at rock bottom in the community and it has highlighted how such businesses as hairdressers are important for wellbeing, which for me is a further reason as to why it is so important to have one sited in such an accessible position for the whole of Coity. In addition, it will offer employment at a time when unemployment is at record highs.*

*When considering the highways impact, I have walked to the site from my home and taken photographs (attached). It was easily accessible by foot and a walk that I would allow my teenage sons to do for a haircut rather than me having to drive them into town. There is also adequate parking at the site and no traffic restrictions. I am therefore at a loss as to how an application was declined due to a lack of a highways assessment, when the first port of call should have been to the applicant to submit additional information. I do feel that individual business*

*holders are not offered the same support as larger businesses and it is these smaller businesses that we need to encourage in our borough.*

*I am more than willing to discuss this further or meet at the site should it be necessary and if officers are minded to reject this new application then I would like the application to be discussed at Development Control Committee.*

Whilst the hair salon may serve communities within the vicinity of the wider industrial estate, the policies of the adopted Local Development Plan (2013) are intended to identify and protect land for employment in order to meet the varying requirements of business and to provide access to employment for all residents.

Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can however, be considered where they are complementary or ancillary to the main industrial uses or where a sui generis use is suitably located on employment land. The reference to other businesses within Brackla Industrial Estate operating outside of the traditional B1, B2 and B8 uses is noted however, public houses, cafes, gyms and crèches are uses which are identified within SPG21 as being uses which contribute to the efficiency of the employment site as a whole and are therefore considered to be acceptable additions.

In addition, each application is considered on its own merits and the provision of hairdressing facilities on other allocated sites does not set a precedent for the approval of this Planning application.

It should also be noted that the One-Stop-Shop did not require Planning permission as it was a former garden centre (Mole Country Stores) and whilst a hairdresser was in situ in K2 Gymnasium until 1 February 2020, the current operator of the facility has no plans to have a hairdresser in the building again.

The introduction of a hair salon is not considered to be complementary nor ancillary to the use of the site as an industrial estate and is certainly not a sui generis use. Therefore whilst the comments within the Planning Statement and from Councillor Williams are noted, the provision of a hair salon will not contribute to the efficiency of the Industrial Estate nor is it considered to be an exceptional form of development which will help to protect the site for employment uses within B1, B2 and B8 Use Classes. As such, it is not considered to be acceptable to the Local Planning Authority.

The Planning Statement refers to loneliness and well-being and directly refers to the Covid-19 pandemic stating that *hair salon experiences and overall well-being are significantly related which is evident from countless online forums, social media posts, and even news broadcasts, discussing the detrimental effects of shutting salons for customers during COVID.*

Planning Policy Wales states at paragraph 2.22 and 2.23 that the Planning system should *ensure that a post-Covid world has people's well-being at its heart* and that Planners play a *pivotal role...in shaping our society for the future* prioritising placemaking, decarbonisation and well-being. As society emerges from the pandemic the needs of communities must be recognised and the Planning system has a role to play in ensuring development is appropriately located to provide both physical and mental health benefits, improve well-being and help to reduce inequality.

Building Better Places: Placemaking and the Covid-19 recovery (July 2020) (BBP 2020) recognises that the Covid-19 lockdown has resulted in retail and commercial centres

becoming deserted and that town centres should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. It is essential now more than ever, that allocated employment sites are retained to support a prosperous Wales and to ensure that employment land is available in the Covid-19 economic recovery. Therefore whilst the arguments put forward by the applicant in support of the Planning application are noted, on balance the proposal is not considered to be compliant with National Planning Policy.

As the proposed development comprises the change of use to a hair salon which operates within an A1 Use Class, the application is not compliant with Policy REG1(18) of the Local Development Plan (2013). In consideration of the proposal, it is considered that on balance the proposed development does not comply with Policy REG2 of the Local Development Plan (2013) and is therefore contrary to the provisions and aims of the Plan. Therefore, it is out of accord with the Local Development Plan (2013) and considered to be unacceptable from a Policy perspective.

### **DESIGN CONSIDERATION**

The proposed change of use will not impact the character or appearance of the building or wider area as no external alterations are proposed as part of this development. As such, the design of the proposal is not considered to be relevant in this instance.

### **AMENITY**

The proposal will not impact the existing levels of amenity afforded to the wider area given its location within Brackla Industrial Estate and therefore the proposal is considered to be acceptable from an amenity perspective.

### **HIGHWAYS**

Policy PLA11 of the Local Development Plan 2013 stipulates that all development will be required to provide appropriate levels of parking in accordance with the adopted parking standards.

In consideration of the previous Planning application, no supporting information was provided in respect of off-street parking provision and consequently an assessment of the impact of the proposed change of use to a hair salon could not be undertaken.

The applicant has now submitted floor plans which demonstrate that the loss of the ancillary office space to provide a hair salon results in a nil detriment situation in terms of off-street parking provision. Accordingly, the Highway Authority raises no objection to the scheme and considers that it is acceptable from a highway safety perspective.

### **CONCLUSION**

The policies of the adopted Local Development Plan (2013) identify and protect land for employment in order to meet the varying requirements of business and to provide access to employment for all residents. Exceptions to the traditional B1, B2 and B8 uses on the allocated industrial sites can however be considered where they are complementary or ancillary to the main industrial uses or where a sui generis use is suitably located on employment land.

In assessing this application against the aforementioned policies, it is considered that the hair salon is neither complementary nor ancillary and is certainly not a sui generis use. Furthermore, the proposal does not fully accord with the criteria of Policy REG2, as it will not contribute to the efficiency of the wider industrial estate and is best located within an existing town or local centre which is accessible by a range of transport

modes. In consideration of the scheme, it is contrary to Policy and does not comply with the provisions of the Local Development Plan (2013).

For the reasons outlined above, on balance it is considered to conflict with Policies SP2, SP3, REG1 and REG2 of the Local Development Plan (2013) and is therefore recommended for refusal.

### **RECOMMENDATION**

(R30) That permission be REFUSED for the following reason:-

1. The partial use of the building as a hair salon facility falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 conflicts with Policy REG1 (18) which allocates and protects the land for employment purposes (Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and it is considered that the use is not complementary to nor ancillary to the industrial uses on Brackla Industrial Estate. It would also be sited within a relatively unsustainable location that is not accessible by a range of transport modes such as walking, cycling and public transport leading to an excessive reliance on the private car. Therefore, the proposal does not comply with Policies SP2 and REG2 of the Local Development Plan (2013), Supplementary Planning Guidance 21: Safeguarding Employment Sites and guidance contained within Planning Policy Wales (Edition 11, February 2021).

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

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**REFERENCE:** P/20/423/RLX

**APPLICANT:** Newton Down Windfarm Limited  
15 Golden Square, London, W1F 9JG

**LOCATION:** **Newton Down Windfarm, Stormy Lane, Porthcawl**

**PROPOSAL:** Vary condition 2 of appeal decision for P/12/368/FUL to extend the consent from 25 years to 40 years

**RECEIVED:** 16 June 2020

## **APPLICATION/SITE DESCRIPTION**

This application seeks consent to vary condition 2 of a planning appeal decision for P/12/368/FUL for the erection of two wind turbines with a maximum height to blade tip of 125m together with vehicular access, site tracks, a substation and compound, an anemometer mast, a visitor facility and associated infrastructure, crane pads and external transformers at Newton Down, Stormy Lane, Porthcawl to extend the consent from 25 years to 40 years. The application for this scheme was submitted in 2012 and an appeal was made against non-determination although the Council subsequently resolved to refuse planning permission primarily on landscape and visual impact.

The current proposal seeks to vary Condition 2 which currently states:

*The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within 1 month of the First Export Date.*

to read:

*The permission hereby granted shall endure for a period of 40 years from the date when electricity is first exported from a wind turbine within the site to the electricity grid network ('First Export Date'). Written confirmation of this shall be provided to the Local Planning Authority within 1 month of the First Export Date.*

The first export date is the date that electricity generated by the wind farm was initially exported to the National Grid. In this case it was confirmed in writing that the first export date was the 2 March 2017, and the proposal if approved would allow the wind farm to continue operating until 2057 rather than 2042 as currently permitted. In support of the application, the applicant has cited advances in technology and a general uptake in renewable energy projects that supports an increase in the life of wind farms.

The turbines have been operational for a number of years and the site occupies a sloping hillside that was one part of a former wartime airfield overlooking Porthcawl. The majority of the surrounding land is agricultural in nature although the neighbouring site is part of the Cenin renewable energy site and comprises a waste food recycling plant, low carbon concrete production facility as well as 2 wind turbines, a solar array and associated battery storage installation.

The site is also located within a mineral safeguarding area and the operational Cornelly group of quarries lie to the north.

## **RELEVANT HISTORY**

See above

## **PUBLICITY**

The application has been advertised on site.

The period allowed for response to consultations/publicity has expired.

## **CONSULTATION RESPONSES**

Councillor Kenneth J Watts – Advised that the application can be dealt with by delegated officer

Merthyr Mawr Community Council - This Council has chosen to object with the following concerns to this planning application. Current permission is until 2037 so why reapply now. Developers asked for an extension for 40 years, but in their documents provided to the Council, it says other wind farm with 25 years have asked for 20, 25 or 30 years extension so why ask for 40 years for this development. This Council questions why the developers are applying for an extension so early when there is still 17 years left.

The Council understands that residents in Laleston and Porthcawl originally objected to the Wind Farm.

Porthcawl Town Council object to the proposal as the appeal decision agreed by the Planning Inspector was for 25 years therefore the planning committee object to the consent being extended to 40 years.

The comments received from the Community Council and Town Council are addressed in the appraisal section of the report.

The Minerals Officer (through a Service Level Agreement with Carmarthenshire CC) has no objection to the extension of time.

## **REPRESENTATIONS RECEIVED**

None

### **Local Policies**

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021 which was formally adopted by the Council in September 2013 and within which the following Policies are of relevance:

Strategic Policy SP4 – Conservation and enhancement of the natural environment

Strategic Policy SP8 – Renewable energy

Strategic Policy SP6 - Minerals

Strategic Policy SP5 – Conservation of the built and natural environment

Policy ENV1 – Development in the Countryside

Policy ENV7 – Natural resource protection and public health

Policy ENV9 – Development in mineral safeguarding areas

Policy ENV10 – Development within mineral buffer zones

Policy ENV17 – Renewable energy and low/zero carbon technology

Policy ENV18 – Renewable energy

Policy ENV4 – Development Sites in Retailing and Commercial Centres

### **National Planning Policy and Guidance**

Future Wales – the National Plan 2040 (Feb. 2021)

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW)

### **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development



in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

## **APPRAISAL**

This application is referred to Committee in view of the objections received from Porthcawl Town Council and Merthyr Mawr Community Council.

The application seeks to vary condition 2 of P/12/368/FUL to extend the period of operation for a further 15 years taking the consent up to 2057.

Welsh Government Circular 016/2014 : The Use of Planning Conditions for Development Management provides guidance on the renewal of planning permissions before the expiry of time limits and states that, as a general rule, such applications should only be refused where:-

- i. There has been some material change in Planning circumstances since the original permission was granted (e.g. a change of some relevant Planning policy for the area, or in relevant highway considerations, or the publication by the Government of new Planning policy guidance material to the renewal application)
- ii. Continued failure to begin the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- iii. The application is premature because the permission still has a reasonable time to run.

In respect of this application i. and iii. are relevant and are considered below:-

An appeal made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on application P/12/368/FUL for Planning permission was made by Renewable Energy Partnerships Ltd against Bridgend County Borough Council. Planning permission was subsequently granted by the Planning Inspectorate in May 2013 for the erection of two wind turbines with a maximum height to blade tip of 125m together with vehicular access, site tracks, a substation and compound, an anemometer mast, a visitor facility and associated infrastructure, crane pads and external transformers at Newton Down, Stormy Lane, Porthcawl.

On reaching his decision the Inspector opined:

*Overall, I conclude that the proposal is very largely compliant with the development plan, and moreover is supported by the thrust of government policy. The development would not give rise to adverse effects sufficient to comprise significant substantive objections to the proposal; to the extent that there would be minor adverse visual effects, these are*

*outweighed to my mind by the contribution that would be made to meeting renewable energy targets and the time-limited and reversible nature of the development. Whilst I have found a very minor degree of conflict with the development plan in relation to policy EV42, I consider that the very large extent of accord with the development plan overall and the factors I have identified in favour of the development clearly point to the grant of planning permission.*

The Inspector made an on-balance decision weighted on the benefits of renewable energy against any potential landscape and visual impact. In coming to this conclusion the Inspector allowed the appeal and accepted that level of landscape change that would occur. It could also be argued that the decision paved the way for the approval of a further two turbines on the adjoining site. Nevertheless the Inspector also indicated that the minor adverse impact would be time limited and reversible. The current proposal seeks to extend the time limit by an additional 15 years from the original consent.

The issues that must be addressed in this proposal as previously is to consider the landscape and visual impact of an extended life of the wind farm and weight this aspect against the benefit of providing renewable energy.

Since 2013 the landscape character of this area has changed with two operational wind power schemes, which from a distance appear as one wind farm. The landscape and visual change has been evident for some time and this has to be considered as part of the assessment of this application.

The turbines approved on the adjoining site have consent to operate until 2048. As such there will likely be a wind farm element in this area even if the Newton Down facility ceases to operate in 2042.

Also, of relevance is there has been a change of emphasis in national planning policy as well as a new Local Development Plan (LDP) adopted in 2013. In recent weeks Future Wales – the National Plan 2040 (FW204) has been published in conjunction with Planning Policy Wales (PPW 11) FW2040 is a national development framework setting the direction for development in Wales. It is a Development Plan with a strategy for addressing key national priorities through the Planning system including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

Future Wales supports and helps deliver the aims of the Economic Action Plan and in this respect supports a low carbon economy and the decarbonisation of industry and the growth of sustainable and renewable energy.

In addition PPW 11 (February 2021) advises in Chapter 5:

*Productive and Enterprising Places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and sustainable economic development. These places are designed and sited to promote healthy lifestyles and tackle the climate emergency. This is done by making them: easy to walk and cycle to and around; accessible by public transport; minimising the use of non-renewable resources; and using renewable and low carbon energy sources.*

and at Paragraph 5.9.14 states:

*Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should*

*assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development of energy developments below 10MW. There should be a presumption in favour of development in identified areas, including an acceptance of landscape change, with clear criteria-based policies setting out detailed locational issues to be considered at the planning application stage.*

Taking the above into account and the LDP with a focus on the promotion of renewable energy, supported by Strategic Policy SP8 that supports development proposals which contribute to meeting national renewable energy and energy efficiency targets, there is a strong national and local presumption in favour of supporting the ongoing use of renewable energy schemes to achieve carbon reduction targets.

The Minerals Officer has considered the application and comments that there are no objections to the proposal as sufficient mineral reserves would still be available outside the buffer zone within the proposed lifetime of the wind turbines. As such it is not considered that there will be any impact on the safeguarding area.

## **CONCLUSION**

Having regard to Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, it is concluded that there has been some material change in Planning circumstances since the original permission was granted in that the weight of Future Wales 2040, PPW 11 and the objectives and Policies of the Bridgend Local Development Plan is to positively encourage the growth of sustainable and renewable energy and the contribution to a move to a low carbon economy.

The character of the area has also changed partly as a result of this proposal but also further afield the prevalence of wind turbines both locally and nationally has increased significantly over the last decade. It could be considered that the presence of wind turbines is now accepted as part of the landscape of much of South Wales. In any event, the principle of the benefits of the provision of renewable energy outweighing any landscape and visual impacts has already been established.

In view of this, the proposal to extend the life of the consent is acceptable in Planning terms however, the length of time applied for (40 years) must also be considered. In this case the consent still has over 20 years remaining. The case put forward by the applicant has been considered but does not fully justify the need to provide an additional 15 years of operational life. Nevertheless, it is noted that the adjoining wind energy scheme has a consent until the end of 2048. In landscape and visual terms both the Newton Down and Stormy Down schemes can be viewed as a combined facility. It is considered therefore that in order to ensure a consistent approach and to be able to assess the long term impacts of the development, an extension to the end of 2048 would be more appropriate.

This would provide an additional 6 and a half years operational life whilst still taking into account the 'time-limited' and reversible effects of the development as considered in the original decision.

The concerns raised by Porthcawl Town Council and Merthyr Mawr Community Council are acknowledged however, on balance and taking all material considerations into account, a claim of prematurity is not considered to outweigh the other material issues connected to the development.

## RECOMMENDATION

(R53) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the revised windfarm scheme layout plan Drawing No. NDWF\_NMA\_REV1 and the Parc Stormy Renewable Energy Visitor Facility Cooperation Proposal received on 9 March 2017.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. The permission hereby granted shall endure for a period of 31 years and 9 months from 2 March 2017, the date when electricity was first exported from a wind turbine within the site to the electricity grid network ('First Export Date').

Reason: For the avoidance of doubt as to the extent of the permission granted.

3. No later than 12 months before the expiry of the permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. Such a scheme will include:
  - the removal of all surface elements, plus one metre of the turbine bases below ground level, of the wind farm;
  - confirmation of the management and timing of works;
  - a traffic management plan to fully address highway issues during the period of the decommissioning works;
  - an environmental management plan to cover the decommissioning process
  - providing details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within the development site and pollution prevention measures;
  - any other works of restoration and aftercare, following consultation with other parties, as the Local Planning Authority in their reasonable opinion deem to be necessary.

The approved decommissioning schemes shall be implemented and completed within 24 months of the expiry date of this permission.

Reason: To secure the safe and efficient restoration of the site.

4. If any wind turbine fails to produce electricity to the grid for a continuous period of 12 months the Local Planning Authority shall be notified in writing and, if so instructed by the Local Planning Authority, the wind turbine and its associated ancillary equipment shall be removed from the site within a period of 6 months from the end of that 12 month period. Details of the proposed decommissioning shall first be agreed in writing with the Local Planning Authority.

Reason: To secure the safe and efficient restoration of the site.

5. All of the blades of the turbines hereby permitted shall rotate in the same direction.

Reason: In the interests of safety.

6. The overall height of the wind turbines shall not exceed 125 metres to the tips of the turbine blades and shall not exceed 85 metres to the centre line of the hub as measured from natural ground conditions immediately adjacent to the turbine base.

Reason: In the interests of safety.

7. Other than any aviation requirements the turbines shall not be illuminated and there shall be no permanent illumination on the site.

Reason: In the interests of safety.

8. All cabling within the site shall be installed underground except where it exits the substation.

Reason: In the interests of safety.

9. The turbines shall operate in accordance with the protocol relating to the assessment and mitigation of shadow flicker at any affected dwelling agreed by Bridgend County Borough Council on 6 October 2015. The protocol included the identification of relevant dwellings and potential measures to be employed as mitigation in response to any established occurrence of shadow flicker. In the event of a complaint to the Local Planning Authority which the authority considers to be valid and made by the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of this permission, the turbines shall operate in accordance with the protocol.

Reason: In the interests of safety and local amenities.

10. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, Tables 1 and 2 attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

Table 1 - Between 07:00 and 23:00 - Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods										
Location	Measured wind speed at 10 m height, m/s									
	3	4	5	6	7	8	9	10	11	12
H8	40.6	41.3	42.0	42.7	43.6	44.5	45.5	46.5	47.7	48.8
H13	43.0	43.0	43.2	43.7	44.3	45.1	45.7	46.1	46.1	46.1
H19	45.5	45.5	45.7	46.3	47.2	48.3	49.6	50.0	50.0	50.0
H25	44.3	44.5	44.9	45.3	46.0	46.7	47.6	48.6	49.8	50.0

Table 2 - Between 23:00 and 07:00 - Noise limits expressed in dB $L_{A90,10\text{-minute}}$ as a function of the measured wind speed (m/s) at 10 meter height as determined within the site averaged over 10 minute periods										
Location	Measured wind speed at 10 m height, m/s									
	3	4	5	6	7	8	9	10	11	12
H8	39.0	39.0	39.0	39.0	39.7	41.1	42.5	44.0	45.6	47.2
H13	41.0	41.0	41.0	41.0	41.0	41.6	43.3	45.1	46.9	48.8
H19	41.0	41.0	41.0	41.0	42.9	46.2	49.1	50.0	50.0	50.0
H25	41.7	41.8	42.2	42.8	43.6	44.7	45.9	47.3	49.0	50.0

Table 3: Coordinate locations of the properties listed in Tables 1 and 2		
Location	Easting	Northing
H8	284938	179963
H13	283515	178484
H19	284144	178377
H25	285181	179140

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reason: In the interests of safety and local amenities.

- The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall

provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

Reason: In the interests of safety and local amenities.

- 12.No amendments shall be made to the list of proposed independent consultants who may undertake compliance measurements in accordance with these conditions agreed by Bridgend County Borough Council on 29 June 2015.

Reason: For the avoidance of doubt as to the approved independent consultants.

- 13.Within 21 days from receipt of a written and reasonable request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason: In the interests of safety and local amenities.

- 14.The independent consultant's assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under condition 27, and such others as the independent consultant considers likely to result in a breach of the noise limits.

Reason: In the interests of safety and local amenities.

- 15.Where a dwelling to which a complaint is related is not listed in Table 3 attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in Tables 1 and 2 to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

Reason: In the interests of safety and local amenities.

16. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise emissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under condition 16, unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise emissions.

Reason: In the interests of safety and local amenities.

17. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to conditions 28-30 above unless the time limit has been extended in writing by the Local Planning Authority.

Reason: In the interests of safety and local amenities.

18. Once the Local Planning Authority has received the independent consultant's noise assessment required by these conditions, including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in Tables 1 & 2 attached to condition 10, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach the wind farm operator shall within 21 days propose a scheme of remediation for the approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence, and shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter until the expiry of this permission.

Reason: In the interests of safety and local amenities.

19. In the event that the proposed turbine model for installation differs from the machine utilised in the ES, a revised noise impact assessment report shall be submitted, demonstrating that predicted noise levels indicate likely compliance with the noise condition levels stated in Tables 1 and 2.

Reason: In the interests of safety and local amenities.

### **Guidance Notes for Noise Conditions**

These notes are to be read with and form part of the noise conditions. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication



entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

### Guidance Note 1

- (a) Values of the LA90,10-minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and wind direction at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods, unless otherwise agreed in writing with the Local Planning Authority. During any noise compliance test, the mean wind speed and wind direction shall also be measured on-site at a height of 10m above ground level. The wind speed measurement shall not be unduly affected by any turbine wake. It is this measured 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter. In the event that it is not possible to undertake wind speed measurements at 10m, the wind speed can be measured at another height and converted to a height of 10m according to a method to be agreed with the Local Planning Authority.
- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

## Guidance Note 2

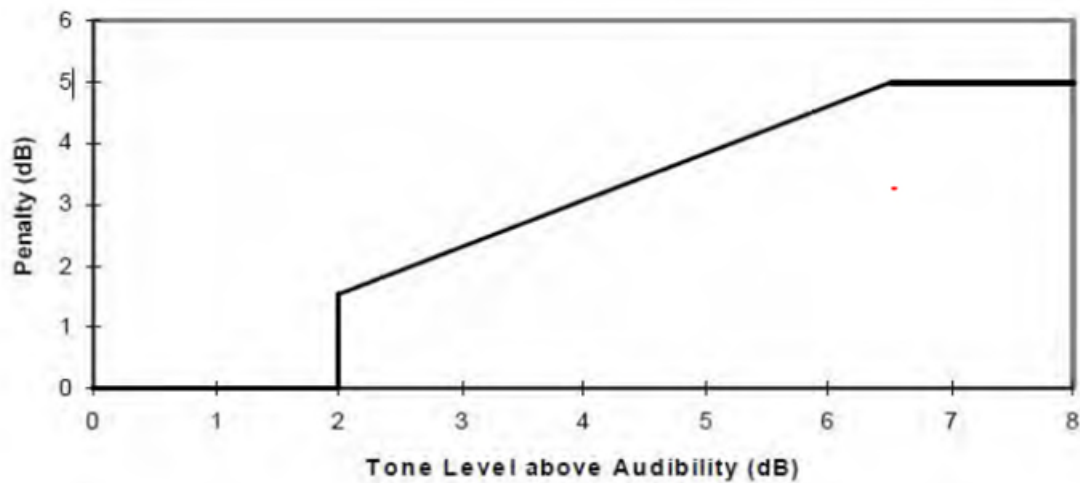
- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2.
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under condition 28 of the noise conditions, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurements periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10-minute noise measurements and corresponding values of the 10-minute wind speed, as measured at a ten metre height wind speed using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the measured 10m mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

## Guidance Note 3

- (a) Where, in accordance with the approved assessment protocol under condition 28 of the noise conditions, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise emissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process

shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under condition 28 of the noise conditions.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with condition 29 of the noise conditions, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant reasonably requires to undertake the further assessment or any other assessment to determine compliance with Tables 1 and 2 as attached. The further assessment shall be undertaken in accordance with the following steps:
- (i) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise ( $L_3$ ) at each integer wind speed within the range requested by the Local Planning Authority in its written request under condition 14 and the approved protocol under condition 15 of the noise conditions.
  - (ii) The wind farm noise ( $L_1$ ) at this speed shall then be calculated as follows where  $L_2$  is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- (iii) The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Guidance Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (iv) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 16 of the noise conditions then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with condition 16 of the noise conditions then the development fails to comply with the conditions.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

## APPEALS

The following appeals have been received since my last report to Committee:

<b>CODE NO.</b>	A/21/3268705 (1914)
<b>APPLICATION NO.</b>	P/20/600/TPN
<b>APPELLANT</b>	Hutchison 3G UK LTD
<b>SUBJECT OF APPEAL</b>	PRIOR NOTIFICATION FOR PROPOSED TELECOMMUNICATIONS INSTALLATION: 20.0M PHASE 8 MONOPOLE CW WRAPAROUND CABINET AT BASE AND ASSOCIATED ANCILLARY WORKS: A4063 ST BRIDES MINOR (NEXT TO LAYBY), SARN
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development will create traffic hazards to the detriment of the safety and free flow of traffic on Route A4063.
2. The proposed development will generate additional vehicular turning movements to and from the public highway, to the detriment of highway safety.

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<b>CODE NO.</b>	A/21/3270088 (1915)
<b>APPLICATION NO.</b>	P/20/382/OUT
<b>APPELLANT</b>	MR K SYLVESTER
<b>SUBJECT OF APPEAL</b>	ONE BEDROOM DETACHED BUNGALOW WITH 1 OFF ROAD PARKING SPACE: 10 TONTEG, PENCOED
<b>PROCEDURE</b>	WRITTEN REPRESENTATION
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposal, by reason of its siting, layout and design, represents over-development as the site is too restricted to accommodate a dwelling consistent with generally accepted standards of space about new residential development and is of insufficient size to permit the dwelling to be sited so as to safeguard the privacy and amenities of future occupiers of the proposed development contrary to Policy SP2 of the Bridgend Local Development Plan and advice contained in Planning Policy Wales (Edition 10 - December, 2018).

**The following appeals have been decided since my last report to Committee:**

**CODE NO.** H/20/3265107 (1912)  
**APPLICATION NO.** A/20/11/ADV

**APPELLANT** MR G JENKINS

**SUBJECT OF APPEAL** DIGITAL ROTATING SCREEN TO SHOW MULTIPLE ADVERTS  
LOCATED ON SIDE OF 91 NOLTON STREET STREET, BRIDGEND

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE DISMISSED.

A copy of the appeal decision is attached as **APPENDIX A**

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**CODE NO.** D/21/3268724 (1913)  
**APPLICATION NO.** P/20/100/FUL

**APPELLANT** MR A HILL

**SUBJECT OF APPEAL** FRONT & REAR EXTENSIONS, REMOVAL OF PITCHED ROOF &  
REPLACEMENT WITH FLAT ROOFED SECOND FLOOR  
ACCOMMODATION:  
WOODCLIFFE, RHYCH AVENUE, PORTHCAWL

**PROCEDURE** HOUSEHOLDER APPEAL

**DECISION LEVEL** DELEGATED OFFICER

**DECISION** THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE DISMISSED.

A copy of the appeal decision is attached as **APPENDIX B**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers** (see application reference number)



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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/02/21

gan Vicki Hirst, BA (Hons) PG Dip TP  
MA MRTPI

Swyddog a benodir gan Weinidogion Cymru

Dyddiad: 12/3/21

## Appeal Decision

Site visit made on 16/02/21

by Vicki Hirst, BA (Hons) PG Dip TP MA  
MRTPI

An Inspector appointed by the Welsh  
Ministers

Date: 12<sup>th</sup> March 2021

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**Appeal Ref: APP/F6915/H/20/3265107**

**Site address: 91 Nolton Street, Bridgend, CF31 3AE**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
  - The appeal is made by Mr Gregory Jenkins against the decision of Bridgend County Borough Council.
  - The application Ref: A20/11/ADV dated 11 March 2020, was refused by notice dated 17 July 2020.
  - The advertisement proposed is a digital rotating screen to show multiple adverts.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed advertisement on public safety with regard to highway safety.

### Reasons

3. The appeal site comprises No. 91 Nolton Street which is an end of terrace property. It is located on the northern side of the junction of Nolton Street, Cowbridge Road, Ewenny Road and Langenau Strasse. I noted on my site visit that a static advertisement panel is displayed on the gable end of the appeal site.
  4. The proposal would replace the existing advertisement with a digital screen advertisement that would display a range of static adverts on rotation every 10 seconds. The advertisement would be constructed of aluminium with static LED illumination.
  5. The Council has not raised any concerns with regard to the effect of the proposed advertisement on the visual amenities of the area and given the existence of an existing advertisement of a similar size in the same location I have no reason to disagree.
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6. The Council's concern lies with the effect of the rotation of the advertisements on highway safety close to the road junction.
7. The Welsh Government's Technical Advice Note 7 "Outdoor Advertisement Control" (TAN 7) states that in assessing an advertisement's impact upon public safety regard should be had to the safe use and operation of any form of traffic. This includes the likely behaviour of vehicle drivers who will see the advertisement.
8. No traffic assessment has been provided, however I observed on my site visit that the junction serves several routes that carry considerable amounts of traffic. Multiple vehicular and pedestrian movements are controlled at the junction by traffic lights.
9. Whilst I note the appellant's comments in respect of the seamless transition between the individual images, there is a lack of large scale rotating advertisements in the vicinity. As such I find such an advertisement would come as a surprise to drivers. Although the sign would be situated at the eye level of drivers of oncoming traffic, the flank wall of 91 Nolton Street is situated adjacent to the complex junction at a slightly oblique angle to the various roads' alignment. In my assessment the changing display every 10 seconds would provide a momentary distraction to drivers when approaching the junction. Given the sign's proximity to the junction but to the side of it, such a distraction would draw driver's attention away from the highway at a critical moment when approaching the complex and busy junction. This in turn would result in associated risks to others using the highway, including pedestrians.
10. I note the appellant's intention to restrict what can be advertised to reduce any extended time looking at the advertisement. However, the content of the individual advertisements is not able to be controlled through an application for advertisement consent. In any event I do not find this would overcome the above concerns in respect of the changing display.
11. I note the appellant's contention that there is no documented correlation between digital billboards and traffic/pedestrian accidents although he acknowledges that various studies raise issues with the transition of images and the amount of time that a person may be distracted. The Council has referred me to a report "The safety effects of (digital) roadside advertising: an overview of the literature" produced by the CEDR Transnational Road Research Programme. This report concludes that those drivers that do look at billboards will look more often and longer at digital billboards and in particular at the moment that the advert switches. Whilst they rarely look longer than two seconds they sometimes do, and this is found to be of concern as there is evidence that long glances at objects outside the vehicle increases the crash risk significantly.
12. The report considers generic issues and is not in itself conclusive evidence that the proposal before me would cause a risk to highway safety. However, given my findings above regarding the particular characteristics of the junction combined with the conclusions in the report, I conclude that the potential distraction caused by the proposed advertisement would give rise to an unacceptable risk to highway safety and would not be in accord with TAN 7.
13. I note the concerns relating to the potential impact of the advertisement on the occupants of 9 Cowbridge Road as a result of noise and light pollution. Given the location of the site close to a busy road junction with associated street lighting and the orientation of the advertisement to No. 9 I am satisfied that the proposal would not cause any harm to the living conditions of the occupants of that property.



14. The Council included policy SP2 of the Bridgend Local Development Plan (the LDP) in its decision notice and I have taken it into account as a material consideration. However, the powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In determining the appeal, the Council's policy has not, by itself been decisive.

### **Conclusion**

15. I have taken into account all other matters raised, including the contended lack of collisions at the junction, the video footage of a similar sign in Cardiff and the alleged benefits to local businesses arising from the advertisements. However, each proposal must be made on its individual merits with regard to the particular context and circumstances. In this case, I find the risk to highway safety to be compelling and no matters outweigh the harm that I have identified. For the reasons above I dismiss the appeal.

16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives as required by section 8 of the WBFG Act.

*VK Hirst*

INSPECTOR



## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/03/21

gan **Richard E. Jenkins, BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 7/4/21

## Appeal Decision

Site visit made on 08/03/21

by **Richard E. Jenkins, BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 7<sup>th</sup> April 2021

**Appeal Ref: APP/F6915/D/21/3268724**

**Site address: Woodcliffe, Rhych Avenue, Newton, Porthcawl, CF36 5DB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Alex Hill against the decision of Bridgend County Borough Council.
- The application Ref: P/20/100/FUL dated 28 January 2020, was refused by notice dated 20 January 2021.
- The development proposed is front and rear extensions, removal of pitched roof and replacement with flat roofed second floor accommodation.

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I have taken the description of development from the Council's Notice of Decision as it represents a more concise and accurate description than those outlined on the application and appeal forms. The appellant has no objection to the appeal being determined on this basis and I am satisfied that there is no prejudice in this respect.
3. Amended plans were submitted to the Council through the planning application process. Nevertheless, the Council has confirmed which plans formed the basis of its determination and, as the right of appeal relates to the decision made by the Council, I am bound to determine the appeal on the same basis. I shall consider the appeal accordingly.

### Main Issues

4. These are the effect of the proposed development on: the character and appearance of the area; and the living conditions of the occupiers of neighbouring residential properties, having particular reference to outlook and levels of light at Swn-yr-Don.

### Reasons

5. The appeal relates to a site currently occupied by a dilapidated, vacant, two and a half storey pitched roof residential property known as Woodcliffe which is located off Rhych Avenue in Porthcawl. The property forms part of an isolated cluster of dwellings that front the Wales coastal path. The property is located within close proximity to the adjacent residential dwelling known as Swn-yr-Don, with Trecco Bay Holiday Caravan

Park located a short distance to the east and a Lifeguard Station located beyond Swn-yr-Don to the west.

6. The appeal proposal seeks planning permission to substantially reconfigure the existing dwelling, adding a front and rear extension, whilst also replacing the original pitched roof with a flat roof structure that would provide living accommodation at second floor level. The resulting three storey dwelling would be finished in natural stone cladding, white render and zinc cladding on the second floor, with aluminium framed doors and windows. The contemporary structure would incorporate three raised balcony areas, one to the rear of the second floor, one to the front elevation of the second floor that would be inset into the roof of the building and one to the front elevation of the first floor.

### ***Character and Appearance***

7. The Council contends that, by reason of its design, scale and materials, the dwelling would represent an excessive, incongruous and overly prominent form of development that would have a detrimental impact on the immediate context of the site and be out of keeping with the character and appearance of its coastal location. Specifically, the Council has indicated a preference for a pitched roof design and the use of more traditional materials.
8. Nevertheless, having regard to the relatively isolated nature of the cluster of dwellings within which the appeal site lies, as well as the wider context set by a number of utilitarian structures, including those that form part of the prominent Trecco Bay Holiday Caravan Park and the nearby Lifeguard Station, I am satisfied that a dwelling of contemporary design could be assimilated into the immediate and wider environs without any material harm to the character and appearance of the area. I do not, therefore, find any material conflict with Policy SP2 (2) and (3): *Design and Sustainable Place Making* of the adopted Local Development Plan (Adopted 2013) (LDP), or the Council's Supplementary Planning Guidance (SPG) Note 02: *Householder Development* (2008), in respect of such matters.

### ***Living Conditions***

9. I was able to confirm at the time of my site inspection the close relationship between the appeal property and the adjacent Swn-yr-Don. In particular, I was able to appreciate the fact that the proposed three storey property would be located within such close proximity to the eastern elevation of Swn-yr-Don which incorporates a number of windows. Indeed, by reason of its siting and overall scale, I concur with the Council's assessment that the proposed development would cause significant overbearing and overshadowing impacts on the occupiers of Swn-yr-Don.
10. I note the fact that the maximum height of the proposed dwelling would be lower than the ridge height of the original property. I also note that some overbearing and overshadowing impacts would have existed at Swn-yr-Don as a result of the original design. However, there is no doubt in my mind that, by reason of its scale, form and overall design, the proposal would substantially increase the massing of the property and would thereby materially exacerbate such overbearing and overshadowing impacts. Indeed, the proposed remodelling of the property would result in the loss of the original pitched roof, which sloped away from Swn-yr-Don, and its replacement with a bold and substantial second floor element.
11. I note the fact that the windows in the eastern elevation of Swn-yr-Don serve rooms with secondary window openings. I also note the fact that the loss of light would be limited to particular hours of the day. Nevertheless, I do not consider that such

matters, or indeed the difference in floor levels between the two properties, sufficiently justify or mitigate the overall harm. Indeed, the proposed development would represent a significantly oppressive structure when viewed from the affected rooms of Swn-yr-Don and, in combination with the loss of light at that property, would cause material harm to the living conditions of its occupiers by reason of loss of outlook and natural light.

12. The development would therefore conflict with criterion 12) of Policy SP2 of the adopted LDP which seeks to protect the amenity of neighbouring uses and occupiers. For the same reasons, the development would also conflict with the corresponding elements of the aforementioned SPG document. Such concerns and associated policy conflict amount to a compelling reason why planning permission should be withheld in this instance.

### ***Overall Conclusions***

13. Based on the foregoing analysis, and having considered all matters raised, I conclude that the appeal should be dismissed. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

*Richard E. Jenkins*

INSPECTOR

## **TRAINING LOG**

*All training sessions will be held on the Microsoft Teams platform.*

<b><u>Subject</u></b>	<b><u>Date</u></b>
Future Wales 2040 (National Development Framework) and Planning Policy Wales 11	14 April 2021
Fire Safety Regulations	27 May 2021
Minerals Update	8 July 2021

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

### **BACKGROUND PAPERS**

None

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