

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 Microsoft Teams ar **Dydd Iau, 27 Mai 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 - 6
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 15/04/2021
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 7 - 10
7. P/21/101/Ful - Uned 2, Dreif Garth, Ystad Diwydiannol Y Bragl, CF31 2AQ 11 - 20

Ffôn/Tel: 01656 643643

Facs/Fax: 01656 668126

Ebost/Email: talktous@bridgend.gov.uk

Negeseuon SMS/ SMS Messaging: 07581 157014

[Twitter@bridgendCBC](https://twitter.com/bridgendCBC)

Gwefan/Website: www.bridgend.gov.uk

Cyfnwidi 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

8. P/20/373/Ful - The Range, Uned 6/7 Parc Llundain Brenhinol, Tredwr, CF31 3YN 21 - 30
9. P/21/150/Ful - Clwb Cymdeithasol Pencoed Ltd., 37 Heol Hendre, Pencoed, CF35 6TB 31 - 42
10. Apeliadau 43 - 62
11. Dogfen Ymgynghori Cyhoeddus Cynllun Adneuo Cynllun Datblygu Lleol
https://bridgendcountycouncil-my.sharepoint.com/:b:/g/personal/michael_pitman_bridgend_gov_uk/ETyf6s1tDUJPtCxtOFLnkm0B7fMYpEpekO6Qk7D66a3ASA?e=wKERQT
- p63-p5264
12. Cynnig Bod Cyngor Bwrdeistref Sirol Pen-Y-Bont Ar Ogwr Yn Dod Yn Llofnodwr I Siarter Gwneud Lle Cymru 63 - 68
13. Rhestr Hyfforddiant 69 - 70
14. Materion Brys
 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 neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

K Watson

Prif Swyddog – Gwasanaethau Cyfreithiol, Adnoddau Dynol a Rheoleiddio

Dosbarthiad:

Cynghowrwy
 JPD Blundell
 N Clarke
 RJ Collins
 SK Dendy
 DK Edwards
 RM Granville

Cynghorwyr
 M Hughes
 A Hussain
 MJ Kearns
 DRW Lewis
 JC Radcliffe
 JC Spanswick

Cynghorwyr
 RME Stirman
 G Thomas
 MC Voisey
 KJ Watts
 CA Webster
 RE Young

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 15 EBRILL 2021

COFNODION CYFARFOD Y PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD O BELL TRWY DIMAU MICROSOFT DYDD IAU, 15 EBRILL 2021, AM 14:00

Presennol

Y Cynghorydd G Thomas – Cadeirydd

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

Ymddiheuriadau am Absenoldeb

A Hussain a/ac RME Stirman

Swyddogion:

Rhodri Davies	Rheolwr Datblygu a Rheoli Adeiladu
Craig Flower	Arweinydd Tim Cymorth Thechnegol
Rod Jones	Uwch Cyfreithiwr
Robert Morgan	Uwch Swyddog Rheoli Datblygu Trafnidiaeth
Jonathan Parsons	Rheolwr Grŵp Datblygu
Michael Pitman	Swyddog Gwasanaethau Democraataidd – Pwyllgorau
Alexandra Richards	Uwch Swyddog Cynllunio
Leigh Tuck	Swyddog Rheoli Datblygu Trafnidiaeth

468. DATGANIADAU O FUDDIANT

Datganodd y Cynghorydd A Williams fuddiant rhagfarnus yn eitem 8, P/21/101/FUL ar yr Agenda ac arferodd ei hawl i siarad ar y cais am 3 munud, cyn gadael y cyfarfod tra bod yr eitem yn cael ei hystyried. Dychwelodd y Cynghorydd Williams i'r cyfarfod ar ôl i'r cais gael ei benderfynu.

469. CADARNHAU COFNODION

PENDERFYNWYD: Bod Cofnodion cyfarfod y Pwyllgor Rheoli Datblygu dyddiedig 4 Mawrth 2021, yn cael eu cymeradwyo fel cofnod gwir a chywir.

470. SIARADWYR CYHOEDDUS

Nid oedd siaradwyr cyhoeddus yn y cyfarfod heddiw.

471. TAFLEN DDIWYGIADAU

PENDERFYNWYD: Bod y Cadeirydd wedi derbyn taflen ddiwygiadau'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 addasiadau angenrheidiol i adroddiad y Pwyllgor, a hynny er mwyn ystyried y sylwadau a'r diwygiadau hwyr y mae'n ofynnol eu bodloni.

Dywedodd Rheolwr y Grŵp – Gwasanaethau Cynllunio a Datblygu, mewn perthynas ag eitem 8 ar yr Agenda heddiw, fod aelodau wedi cael llythyr gan yr ymgeisydd, yn codi

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 15 EBRILL 2021

rhai materion mewn perthynas â'r cais. Pwysleisiodd fod y rhain yn Pwysleisiodd, fodd bynnag, fod adroddiad y Swyddog wedi mynd i'r afael â'r materion hyn i gyd.

Cadarnhaodd y Cyngorydd S Baldwin nad oedd wedi derbyn y llythyr hwn gan yr ymgeisydd.

472. CANLLAWIAU'R PWYLLGOR RHEOLI DATBLYGU

PENDERFYNWYD: Bod crynodeb o ganllawiau'r Pwyllgor Rheoli Datblygu, fel y'i nodir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau, yn cael ei nodi.

473. P/20/898/RLX - ALDI UNED 1, LLYNFI WALK, FFORDD LLYNFI, MAESTEG CF34 9DS

PENDERFYNWYD: Bod y cais uchod yn cael ei wrthod, am y rheswm canlynol:-

Rheswm:

Byddai'r bwriad i lacio'r oriau gweithredu am gyfnod dros dro o 6 mis i ganiatáu danfoniadau o 6am yn y bore (Llun-Sad) yn cael effaith andwyol ar amwynderau preswyl meddianwyr preswyl cyfagos drwy lygredd sŵn yn ystod oriau gwrthgymdeithasol yn groes i Bolisi SP2 Cynllun Datblygu Lleol Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr 2013 a chyngor ym Maes Polisi Cynllunio Cymru 11 (Chwefror 2021).

Cynnig

Amrywio cyflwr 1 P/14/65/RLX i ganiatáu i'r storfa ddadlwytho danfoniadau am gyfnod hirach.

474. P/21/101/FUL - UNED 2 GARTH DRIVE, YSTÂD DDIWYDIANNOL BRACLA, PEN-Y-BONT AR OGWR CF31 2AQ

PENDERFYNWYD: Bod aelodau o blaid cymeradwyo'r cais uchod a fydd yn cael ei ohirio tan gyfarfod nesaf y Pwyllgor Rheoli Datblygu, pan fydd adroddiad yn cael ei gyflwyno i'r Aelodau ar unrhyw Amodau y dylid eu hatodi i roi caniatâd cynllunio ar gyfer y cais hwn.

Cynnig

Newid defnydd swyddfa nas defnyddir ar hyn o bryd i fod yn salon gwallt.

475. P/20/423/RLX - FFERM WYNT NEWTON DOWN, STORMY LANE, PORTHCAWL

PENDERFYNWYD: Bod y cais uchod yn cael ei ganiatáu, yn ddarostyngedig i'r Amodau a geir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau.

Cynnig

Amrywio amod 2 y penderfyniad apêl ar gyfer P/12/368/FUL i ymestyn y caniatâd o 25 mlynedd i 40 mlynedd.

476. APELIADAU

PENDERFYNWYD:

1. Bod yr Apeliadau a dderbyniwyd ers y cyfarfod Pwyllgor diwethaf, fel y'u rhestrir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau, yn cael eu nodi.
2. Dylid nodi'r Penderfyniadau Apeliadau canlynol, fel y'u nodir yn adroddiad y Cyfarwyddwr Corfforaethol – Cymunedau, a benderfynwyd gan yr Arolygwr/wyr a benodwyd gan Weinidogion Cymru ers yr adroddiad diwethaf i'r Pwyllgor:-
 - a) Rhif Cod. H/20/3265107 (1912) – Pwnc Apêl - Sgrin gylchdroi ddigidol i ddangos hysbysebion lluosog wedi'i lleoli ar ochr 91 Stryd Nolton, Pen-y-bont ar Ogwr – **Gwrthodwyd yr Apêl** (gweler Atodiad A i'r adroddiad)
 - b) Rhif Cod D/21/3268724 (1913) – Pwnc Apêl - estyniadau blaen a chefn, tynnu to wedi'i osod a'i ailosod â llety ail lawr â tho gwastad yn ei le: Woodcliffe, Rhych Avenue, Porthcawl – **Gwrthodwyd yr Apêl** (gweler Atodiad B i'r adroddiad).

477. COFNOD HYFFORDDIANT

Cyflwynwyd adroddiad gan Reolwr y Grŵp – Gwasanaethau Cynllunio a Datblygu, yn cynnwys eitemau a oedd yn cynnwys Rhaglen Hyfforddi i Aelodau yn y dyfodol.

O ran yr eitem ar y Rheoliadau Diogelwch Tân, dywedodd wrth y Pwyllgor y byddai hyn yn cael ei ohirio tan ddyddiad diweddarach ac, yn ei le, byddai sesiwn hyfforddi ar y Cynllun Datblygu Lleol (CDLI) yn cael ei threfnu ar 26 Mai 2021, y byddai holl Aelodau'r Fwrdeistref Sirol yn cael gwahoddiad iddo.

PENDERFYNWYD:

Bod yr adroddiad yn cael ei nodi, yn amodol ar y diweddariad uchod.

478. EITEMAU BRYD

Dim.

Daeth y cyfarfod i ben am 16:15

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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
- 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/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

UPDATE SINCE DC COMMITTEE MEETING OF 15 APRIL 2021

The application, which was considered by Development Control Committee on 15 April 2021, relates to the partial change of use of the building known as Unit 2, Garth Drive, Brackla Industrial Estate to a hair salon facility falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

The report from the Group Manager – Planning and Development Services recommended that the Planning application be refused because the introduction of an A1 Use Class within Brackla Industrial Estate conflicts with Policy REG1 (18) of the Local Development Plan (2013) 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 is not complementary nor ancillary to the industrial uses on Brackla Industrial Estate.

Members of the Committee acknowledged that the proposed development contradicts the Policy requirements but considered that weight should be given to supporting economic growth and the development of small-businesses. Members were minded to approve the application contrary to Officer recommendation and requested that the application be deferred to this meeting in order to consider appropriate Planning conditions to attach to the consent.

The following Planning conditions are suggested for consideration:

1. The premises shall be used as a hairdressing salon only and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To retain effective control over the use of the site.

2. The hairdressing salon shall only operate within the ground floor area of Unit 2, Garth Drive, Brackla Industrial Estate, as shown on the Proposed Floor Plan received on 11 February 2021.

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

3. The hairdressing salon use hereby permitted shall only be open to customers between the following times:-
09:00 and 17:00 Monday to Friday;
09:00 and 16:00 on Saturdays; and
Not at all on Sunday or Bank Holidays.

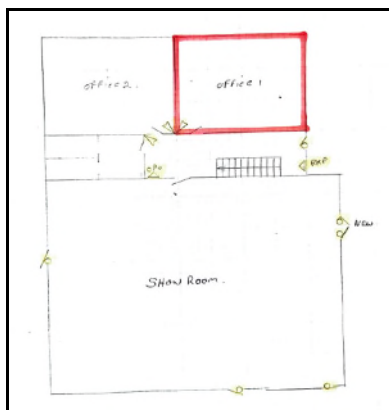
Reason: To retain effective control over the use of the site.

Reproduced below is a copy of the original report:-

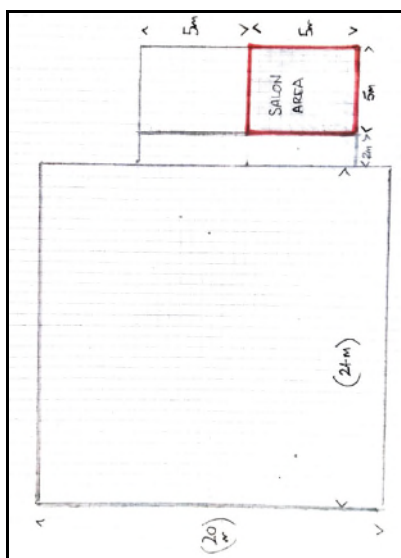
DESCRIPTION OF PROPOSED DEVELOPMENT

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

Application Reference	Description	Decision	Date
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:

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

Supplementary Planning Guidance 17

Parking Standards

Supplementary Planning Guidance 21

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

Planning Policy Wales Edition 11

Planning Policy Wales TAN 12

Design

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

REFERENCE: P/20/373/FUL

APPLICANT: CDS (Superstores International) Ltd, The Range, Head Office,
Unit 15 William Prance Road, Plymouth PL6 5ZD

LOCATION: The Range, Unit 6/7 Royal London Park, Waterton CF31 3YN

PROPOSAL: Siting of two 2.4m x 6.1m steel storage containers for use in connection with The Range

RECEIVED: 2 June 2020

APPLICATION/SITE DESCRIPTION

This application seeks retrospective consent for the siting of two containers in the service yard at the rear of Units 6 & 7 on Waterton Retail Park.



Fig. 1 – Site Location Plan

The two steel containers are demountable measuring 2.4 metres wide, 6.1 metres in length and 2.65m in height and are positioned adjacent to the rear elevation of the unit and some 6m from the service road and 13m from the boundary of the site, which is shared with Waterton Lane. The containers provide storage space for The Range retail outlet.

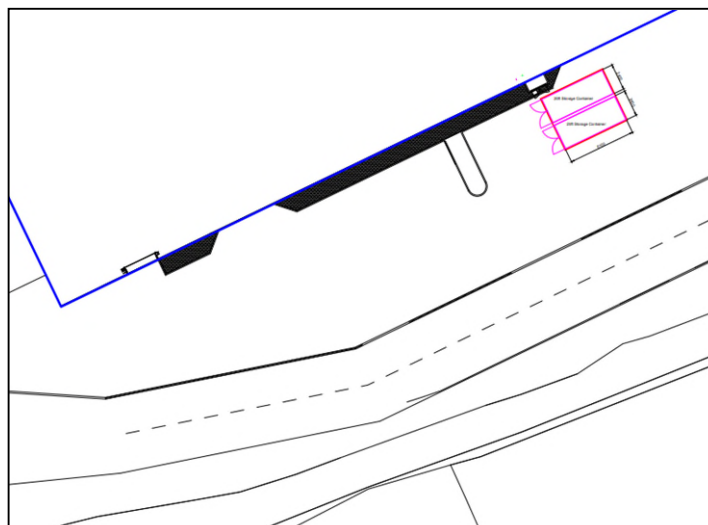


Fig. 2 – Site Layout Plan



Fig. 3 – Photos of Containers

The application has been supported by a vehicle servicing assessment by Vectos – Transport Consultants that seeks to demonstrate that servicing arrangements for The Range and Tapi Carpets will not be compromised by the siting of the two units.

Through negotiations, the applicant has also submitted a Service Delivery Management Scheme that seeks to control deliveries to the store and management of the external storage area. Under the terms of the original permission for the site no such controls currently exist.

Units 6 and 7 are located at the western end of the Retail Park, separated from a customer parking area and Park boundary by a new unit occupied by Tapi Carpets. Residential properties at Waterton Lane lie to the south and south west of the application site and the Fitness Centre and associated car park lie immediately to the west of the Retail Park. The land slopes from north to south which results in the retail warehousing units being set at a lower level than the A473 with Waterton Lane and the residential properties being set at a lower level than the Retail Park. A retaining wall and roadside hedge separates the site from the nearest properties on Waterton Lane.

RELEVANT HISTORY

P/15/743/FUL – An application to erect a polytunnel in the yard to the rear of The Range, to aid the management of stock deliveries was refused planning permission for the following reason:

Insufficient information has been submitted to enable the implications of the proposed polytunnels on the reversing manoeuvres of HGVs delivering or collecting goods to or from the premises to be properly considered by the Local Planning Authority to the potential detriment of highway safety within the site contrary to Policy SP2 of the Bridgend Local Development Plan (2013).

P/15/640/FUL – Planning permission for an extension to the retail park to provide one additional unit (now Tapi Carpets) was allowed on appeal on 14 September 2017. The approved documents included a plan of the service yard at the rear of the new unit and Units 6 and 7. Conditions were imposed that required the delivery turning area to be demarcated in permanent materials prior to the new retail unit being brought into beneficial use and for that area to be retained clear of goods, material and equipment at all times and in perpetuity. No goods, materials or equipment were permitted to be stored outside the new building. The unit is occupied and the turning area has been laid out in accordance with the approved plans.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

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

PLANNING POLICIES

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:

Policies SP1 & PLA1 - Settlement Hierarchy – Main Settlement - Bridgend

Policy REG10 (2) – Existing Retail Development Outside of Retailing and Commercial Centres – Waterton Retail Park – Bulky Comparison Goods

Strategic Policy SP2 - Design and Sustainable Place Making

Policy ENV7 – Natural Resource Protection and Public Health

Development proposals will only be permitted where it can be demonstrated that they would not cause a new or exacerbate an existing unacceptable risk of harm to health, biodiversity and/or local amenity due to...noise pollution, light pollution; Development in areas currently subject to the above will need to demonstrate mitigation measures to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.

Policy PLA11 - Parking Standards

Supplementary Planning Guidance:

SPG 17 - Parking Standards

National Planning Policy and Guidance:

Both Future Wales (FW) – The National Plan 2040 and Planning Policy Wales (PPW) (Edition 11 February 2021) are of relevance to the determination of this application.

PPW reminds us that development management is the positive and proactive approach to shaping, considering, determining and delivering development proposals through the process of deciding Planning applications. The Planning Authority working collaboratively with those proposing developments and other stakeholders including the local community, leads it.

Planning decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. The most appropriate way of achieving this is through a placemaking approach which focuses on positive outcomes that draw upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness and well-being in the widest sense. The key Planning principle in the case of this development is maximising environmental protection and limiting environmental impact.

For Planning purposes, the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long-term prosperity, jobs and incomes. The Planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing) as well as uses such as retail,

tourism and public services (Paragraphs 5.4.1 and 5.4.2 refer). The Welsh Government seeks to maximise opportunities to strengthen the foundational economy particularly the food, retail, tourism and care sectors which play such a prominent role throughout Wales; the Planning system should be supportive of this aim.

PPW confirms that an appropriate soundscape contributes to a positive experience of place as well as being necessary for public health, amenity and well-being. It is an indicator of local environmental quality and an integral quality of place which should be protected through preventative or proactive action through the Planning system. Noise and pollution can have negative effect on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible. The Planning system should maximise its contribution to achieving the well-being goals and in particular a healthier Wales by aiming to reduce average population exposure to noise pollution alongside action to tackle high pollution hotspots. The key Planning policy principle is to consider the effects which proposed developments may have on soundscape quality. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change.

Paragraph 6.7.17 of PPW states 'The location of potentially polluting development adjacent to sensitive receptors will be unacceptable where health and amenity impacts cannot be minimised through appropriate design and mitigation measures'.

CONSULTATION RESPONSES

Coychurch Lower Community Council feels the solution provided by 'The Range' of two containers (already in place) is a wholly inadequate response to the issue of storing all of their stock safely. Environmental Health (Shared Regulatory Services) are already involved due to the rat infestation issue and this is a cause of great concern for the safety of the staff and customers of all the shops as well as the neighbouring residents. The Range need to propose a proper solution that will ensure all stock is housed securely from delivery to sale.

Transportation Officer (Highways) – No objection subject to conditions.

Shared Regulatory Services - No objection subject to conditions.

REPRESENTATIONS RECEIVED

Letters of objection have been received from the occupiers of Moss Nook and Waterton Mill. The contents of their submissions are summarised as follows:

1. Longstanding problems with the tenants of the unit – operating yard used for external storage with disturbance created by the movement of forklift trucks and pallet trucks and the loading and unloading of goods throughout the day and evenings, 7 days a week. Habitable rooms and gardens of properties face the development site. The root of the problem stems from the fact that the Range have a totally inadequate stock room for the size of the store.
2. The siting of the containers will only exacerbate the problems with the ferrying of stock etc. between the containers and the 'Goods Inwards' access door - this will result in a multitude of daily movements over the raised yellow hatch markings as they traverse between the containers and the rear access to the store.
3. Additional lighting is likely to be required which could also impact on the amenity of residents.
4. Outside storage of dried food has resulted in a problem with rats which has transferred

to adjoining land including nearby dwellings – a matter brought to the attention of the Environmental Health Department.

5. Vacant unit alongside The Range would provide a stockroom for the main store.
6. The acoustic fence erected as part of the Tapi Carpets extensions is totally ineffective at attenuating the noise generated from the service yard.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by a local resident:-

1. It is evident from the representations received that the unrestricted servicing area to the rear of the existing retail units has caused a degree of disturbance to a number of residents on Waterton Lane. Part of the problem does stem from the limited warehouse space within the unit. This is however an existing situation that cannot be reviewed under the current Planning application. Officers in the Shared Regulatory Services Section have sought to address the complaints over the years through negotiation with the various managers of the store. As officers understand the situation, the storage containers were sited to improve stock management due in part to the inadequate size of the warehouse. Prior to the siting of the containers when a delivery was received all of the stock apart from perishable goods it is assumed, were stored outside. Wet weather restricted the outside sorting of stock so the containers provided a covered holding area for half the stock delivered with much of the remaining stock being moved directly to the warehouse. Eventually the goods in the containers are transported to the warehouse, when space allows.

Officers in the Shared Regulatory Services Section were initially of the opinion that the siting of the containers would generate additional noise through the movement of stock in and out of the containers and it being transported to the warehouse. The store manager however introduced a number of measures to reduce noise and these have been worked up into a Service and Delivery Management Scheme. It introduces controls over the deliveries and management of the external storage yard which are currently not in place and represent an acceptable level of mitigation to the introduction of the storage containers and beyond that the operation of the unit more generally.

2. The Service and Delivery Management Scheme introduces some controls on deliveries to the unit including the following:
 - All delivery vehicles shall arrive via the rear service access road and unload only within the service yard to the rear of the premises.
 - All delivery vehicles shall shut down their engines while unloading.
 - There shall be no deliveries outside of the hours of 8am to 6pm Monday to Saturday.
 - There shall be no deliveries on Sundays.
 - All deliveries shall occur to the rear of the store within the area defined by the acoustic fence

The plan may not address all the issues of noise associated with the operation of the retail park but its implementation should represent an improvement on the current unregulated situation.

3. No additional lighting is proposed as part of the application.
4. Problems of vermin associated with the outside storage of goods on any of the retail units is a matter controlled under Environmental Health legislation.

5. The use of the adjacent unit as a warehouse for The Range may seem a reasonable solution but is beyond the scope of this application. It should be noted that the unit is no longer vacant.
6. It is disappointing to receive comments that the acoustic fence erected as part of the Tapi carpet development is having no benefits. The technical evidence presented at the time of the public enquiry suggested otherwise. It is noted that the fencing has been erected in accordance with the approved plans. Recent investigations by Shared Regulatory Services revealed that the additional noise from The Range was mainly attributed to the type of deliveries that were being received at the start of the Covid pandemic and the area where they were unloading. Any issues of noise and disturbance would now have to be considered outside the Planning process, although the proposed Service and Delivery Management Scheme will address many of these issues.

APPRAISAL

This application is referred to the Development Control Committee for consideration in view of the objections received from the local residents and Community Council. It seeks retrospective consent for the siting of two containers in the servicing yard at the rear of Units 6/7 on Waterton Retail Park. Details of the application including a summary of the objections received and the policy framework against which the application will be assessed and are set out above.

In consideration of the foregoing, the main issues in the determination of the application are:

- compliance with the site allocating policies,
- the effect of the development upon the living conditions of the occupiers of neighbouring residential properties with particular reference to levels of noise and general disturbance and the extent to which any of the impacts can be minimised,
- the siting of the containers and their impact on the character and appearance of the area
- whether the siting of the containers would prejudice the existing serving arrangements to the detriment of highway safety.

The application site is located on Waterton Retail Park which is designated as an existing 'out of centre' retail facility under Policy REG 10 (2) of the Bridgend Local Development Plan. The Policy outlines six sites within the County Borough where out of centre retail activity is located and should be concentrated. The Policy explains that allocated retail parks should contain a range of large retail stores including food stores selling convenience goods and retail bulky durable comparison goods such as DIY goods, electrical goods and furniture. Paragraph 5.2.26 of the Local Development Plan confirms that extensions within the boundaries of the retail parks will require retail assessment of need, sequential test and impact as stipulated by national policy. Whilst the containers could technically be considered as 'extensions' to the unit, they are only intended to be used for warehousing (not retail) and are relatively modest in scale. On the basis that conditions will control their use, it would be disproportionate to require any form of retail assessment. There is therefore no conflict with the retail policies of the adopted Plan.

From the representation received from residents and the Community Council, there is concern that the retention of the storage containers will affect the living conditions and wellbeing of existing residents. Both local and national policy recognise that noise pollution can have a negative effect on people and should be reduced as far as possible (Policies SP2 (8 &12) and ENV7 (2) refer). The objections are therefore material considerations.

As indicated in the earlier sections of this report, the operations in the servicing yards of Waterton Retail Park are unrestricted in Planning terms with reference to the original Planning permissions for the development. Due to the close proximity of housing along Waterton Lane, the operations have resulted in complaints over a number of years that have been actioned by colleagues in Shared Regulatory Services. It is evident from the submission that the containers have been sited to benefit the operators of the retail unit and without any form of control would in all probability result in an increased level of noise and disturbance to the residents. The application has however provided the means to review the servicing and delivery arrangements to this retail unit and the current operator has been prepared to consider through a Management Plan restrictions on the deliveries and the operation of the external storage area. They include the following:

Deliveries

- All delivery vehicles shall arrive via the rear service access road and unload only within the service yard to the rear of the premises.
- All delivery vehicles shall shut down their engines while unloading.
- There shall be no deliveries outside of the hours of 8am to 6pm Monday to Saturday.
- There shall be no deliveries on Sundays.
- All deliveries shall occur to the rear of the store within the area defined by the acoustic fence

Management of external storage

- All pallet trucks and any wheeled equipment used in the service yard shall have rubberised wheels and rollers which shall be maintained in good working order.
- No goods shall be delivered or transferred to the front of the store by forklift or any other means via the disused service yard alongside Unit 10. The exception will be the delivery of Christmas trees to the front of the store between 08:00 hours to 09:00 hours and returned to the warehouse between 19:00 hours to 20:00 in the months of November and December only.
- All vehicles/plant including the forklift truck which require reversing alarms shall be fitted with white noise reversing alarms.
- The two containers shall be provided with wooden floors which will be maintained in good condition.
- The sound pressure level associated with the forklift truck shall not exceed those set out in Appendix A.
- No external storage of goods (other than the storage of bark, chippings, compost and calor gas within the locked compound) shall be permitted other than those which have been delivered and are in the process of being organised in the yard for transfer to the warehouse, shop floor or two containers. No more than 22 pallets shall be sited in the yard at any one time and only while goods are being sorted for transfer. There shall be no permanent storage of pallets in the yard.
- The Range on receipt of a substantiated complaint or a request from the Local Planning Authority shall review the Service and Delivery Management Plan with a view to identifying what additional measures could be implemented to control noise associated with deliveries to the store.

The above measures which can be secured through the Planning consent, will not only mitigate any additional noise that would be generated through the movement of stock between the containers and the warehouse but will also introduce some control on the deliveries and management of the external storage area. This represents an improvement on the existing situation and compliance with both national and local Planning policy.

As a further safeguard given the nature of the development, a temporary permission is recommended which will also allow a review of the situation both with regard to the

appearance of the containers but also the operation of the Service and Delivery Management Plan.

Policy SP2 of the LDP requires all development to contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located. The siting of the containers and their impact on the character and appearance of the area must therefore be considered against the relevant policies. In this case, it is considered that the containers are of a scale that are modest in comparison to the retail warehouse unit that they serve and due to their location at the rear of the premises will not be readily visible to the general public – the existing hedgeline and acoustic fence provide sufficient screening. Such structures generally have little or no aesthetic quality and can if not properly maintained deteriorate. The granting of a temporary consent will allow their appearance to be reviewed again later.

The Principal Officer Highways Development Control has assessed the siting of the containers and their impact on the servicing arrangements for the retail park. It is noted that the current use of Units 6 & 7 are linked as one large store. In the circumstances, the service yard area is considered sufficient to accommodate the single operator. Part of the area is however hatched out in order to provide for vehicular turning as a result of the construction of Unit 8 (Tapi Carpets) and is required for that consent. Accordingly, this area is not available for delivery vehicles for the Range to be parked to be unloaded. Furthermore the rear service yard area of Units 6 & 7 (The Range) is being utilised for storage of waste and recycling awaiting collection and it is apparent that the significant percentage of floor space given over to display and retail has had a detrimental effect on any back of house facilities (internal storage) which has overspilled onto the service yard.

As such it is considered necessary to suggest a condition requiring an area for delivery vehicles associated with Units 6 & 7 to be unloaded from so as that does not impinge on the turning area already demarcated. In addition, the provision of these units may be acceptable under these circumstances however, in the event that Units 6 & 7 are ever subdivided the service area associated with Unit 6 will be impacted by the presence of the containers and it is considered that these storage units should be removed under those circumstances. Subject to the imposition of Planning conditions addressing the foregoing, there is no objection to the development from a highway perspective.

CONCLUSION

Overall, it is considered that this application which seeks retrospective consent for the siting of the storage containers is compliant with both national and local Planning policy.

The use of land accords with the allocating policies. The introduction of a Service and Delivery Management Plan for the store will establish Planning controls which do not currently exist and will not only mitigate the impacts of the operations associated with the containers but will also have wider benefits related with the storage yard and deliveries to site.

The residents' concerns are in no way dismissed but it is considered that activities on site will be carried out in a manner that has less of an impact in the future. Whilst the implementation of the Service and Delivery Management Plan through the consent will not address all the noise and disturbance associated with the retail park it will result in a betterment compared to the current situation.

With regard to the visual impact of the development and matters of highway safety, the imposition of Planning conditions will offer some safeguards and allow a positive recommendation to be made to Committee.

On balance and taking all material considerations into account including the objections received, the following recommendation is made.

Well-being of Future Generations (Wales) Act

Section 3 of the Well-being of Future Generations (Wales) 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 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.

The Socio Economic Duty

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came in to force on 31 March, 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and, whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

RECOMMENDATION

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

1. The storage containers hereby permitted shall be removed from the site and the land restored to its former condition on or before 31 December 2024 or at any time that Units 6 & 7 are subdivided.

Reason: In the interests of visual amenities and highway safety.

2. From the date of this permission, deliveries and the service yard shall be managed and operated in accordance with the Service and Delivery Management Plan received by the Local Planning Authority on 1 April 2021 and including the requirement that all compost is transferred through the store. The scheme shall be implemented in full and shall remain in place for the lifetime of the development.

Reason: For the avoidance of doubt as to the extent of the permission granted and to enable the Local Planning Authority to exercise some control over the storage and delivery in the interest of protecting the amenity of local residents.

3. Within one month of the date of this Planning permission a scheme for the provision of a delivery vehicle unloading area for combined Units 6 & 7 shall be submitted to and agreed in writing by the Local Planning Authority. Within six months of the date of this permission the unloading area shall be completed in permanent materials and clearly demarcated in permanent materials in accordance with the approved layout and the area shall be retained for vehicle unloading purposes in perpetuity.

Reason: In the interests of highway safety.

4. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION *

Overall, it is considered that this application which seeks retrospective consent for the siting of the storage containers, is compliant with both national and local Planning policy. The use of land accords with the allocating policies. The introduction of a Service and Delivery Management Plan for the store will introduce Planning controls which do not currently exist and will not only mitigate the impacts of the operations associated with the containers but will also have wider benefits related with the storage yard and deliveries to site. The residents' concerns are in no way dismissed but it is hoped that activities on site will be carried out in a manner that has less of an impact in the future. Whilst the implementation of the Service and Delivery Management Plan through the consent will not address all the noise and disturbance associated with the retail park it will have some benefits.

With regard to the visual impact of the development and matters of highway safety, the imposition of Planning conditions will offer some safeguards and allow a positive recommendation to be made to Committee.

Section 3 of the Well-being of Future Generations (Wales) 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 compromising the ability of future generations to meet their own needs (Section 5).

The well-being goals identified in the Act are:

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- 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.

The Socio-economic Duty also requires relevant public bodies to have due regard to the need to reduce the inequalities of outcome that result from socio-economic disadvantage from Planning decisions. No such issues have been identified in the determination of this application.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

REFERENCE: P/21/150/FUL

APPLICANT: Pencoed Social Club Ltd 37 Hendre Road, Pencoed, CF35 6TB

LOCATION: Pencoed Social Club Ltd 37 Hendre Road Pencoed CF35 6TB

PROPOSAL: Erect a marquee at the front of the club - this will be in the garden of 1 Woodland Avenue which is owned by the club

RECEIVED: 22 February 2021

SITE INSPECTED: 12 May 2021

DESCRIPTION OF PROPOSED DEVELOPMENT & SITE DSCRIPTION

Full planning permission is sought for the erection of a marquee in association with Pencoed Social Club (British Legion) at 37 Hendre Road, Pencoed. The marquee is proposed to measure 6 metres in width and 10 metres in depth, reaching a maximum height of 3.3 metres with a 2.3 metre high eaves height. It will have a galvanised framework with extra heavy duty PVC covers in a white colour, as shown below:



6x10m Ultimate Marquee

Design of Marquee

The application site is located within the Main Settlement of Pencoed as defined by Bridgend County Borough Council’s adopted Local Development Plan (2013). The marquee will be accessible from the car park area of the club which lies to the front (north) of the existing building, a two storey flat-roof structure positioned centrally within the linear-shaped plot. The car park is accessed off Hendre Road which lies adjacent to the northern boundary of the application site.

The application site sits within the corner plot between Hendre Road and Woodland Avenue which is characterised as a residential area with a mix of two storey semi-detached dwellings and bungalows. Almost all of the properties within the vicinity of the site have roughcast rendered elevations with concrete tiled roofs and white uPVC windows, doors and rainwater goods.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/03/1360/FUL	Two storey extension (nw elevation) and dormer window to bungalow (se elevation)	Refused	20/01/2004

P/04/268/FUL	Two storey extension to side of legion and dormer window to bungalow	Refused	01/03/2004
P/04/967/FUL	Two storey extension to side of legion and dormer window to bungalow	Refused (Allowed on Appeal)	14/09/2004
P/04/1304/FUL	Relocation of drop kerb	Unconditional Consent	29/10/2004
P/04/1554/FUL	Single storey extension consisting of office and meeting room (re-submission P/04/967/FUL)	Conditional Consent	04/01/2005
P/07/501/FUL	Awning for smokers with safety barrier in car park	Unconditional Consent	31/10/2007

REPRESENTATIONS RECEIVED

This application has been advertised through direct neighbour notification of thirty-eight of the closest residential properties and through the erection of a site notice. The initial period for consultation expired on 16 April 2021.

One letter of support was received on 31 March 2021 from the occupiers of 11a Woodland Avenue, Pencoed.

A letter of support has also been received from Pencoed Contact Group who meet at the club on a regular basis. The response states that the proposed marquee would be of great benefit to the group.

Three letters of objection were received from the occupiers of 4 Woodland Avenue, 3 Woodland Avenue and Rose Cottage and 8 Heol-y-Geifr, generally objecting to the proposed development for the following reasons:

- The development should be a temporary measure in relation to Covid-19 restrictions and not a permanent change;
- The use of 1 Woodland Avenue is a change of use of the land and the club have encroached onto this land without the benefit of Planning consent;
- The proposal results in noise nuisance for neighbouring properties until 11pm closing time with bad language and anti-social behaviour. The marquee will not contain the noise;
- The visual impact of the marquee will be a distraction for road users;
- The impact of parking on Woodland Avenue will be detrimental to highway safety;
- Any lighting proposed will cause light pollution into the gardens of neighbouring properties;
- The development will decrease property value.

COMMENTS ON REPRESENTATIONS RECEIVED

Factors to be taken into account in making Planning decisions must be Planning matters; that is, they must be relevant to the proposed development and the use of land in the public interest. The matters raised in the objections received are addressed below:

- *Temporary Measure*
Restricting the development to being temporary to aid the Covid-19 economic recovery is considered in the appraisal section of the report.

- *Use of 1 Woodland Avenue, Pencoed*
This is considered in the appraisal section of the report.
- *Noise Nuisance*
The concerns raised by the neighbouring residents about patron noise, bad language and anti-social behaviour are noted, however, the concerns mostly relate to the noise emanating from patrons using the club and this is difficult to control/limit in Planning terms given that the applicant is not responsible for the behaviour of patrons and time constraints imposed upon a premises cannot control the behaviour of individuals who use and who leave the premises. Whilst the impact of the development on residential amenity will be considered in the appraisal section of the report, the objections raised in respect of bad language, noise and anti-social behaviour will not be addressed further as they are not matters which can be controlled through the Planning process.
- *Highway Safety*
The impact of the development on highway and pedestrian safety is addressed in the appraisal section of this report.
- *Privacy and Amenity*
The impact of the development on the levels of privacy currently afforded to residents of neighbouring occupiers is addressed in the appraisal section of the report.
- *Property Value*
Property value is not a material Planning consideration and this objection is not considered further in the determination of this Planning application.

CONSULTATION RESPONSES

CONSULTEE

Highway Authority
30 April 2021

COMMENTS

Provided that the marquee is granted on a temporary basis and not used simultaneously with a fully utilised indoor area, the proposal is acceptable in highway safety terms.

RELEVANT POLICIES

The relevant Policies and Supplementary Planning Guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA6	Development West of the Railway Line, Pencoed
Policy PLA11	Parking Standards
Policy ENV9	Development in Mineral Safeguarding Areas

Supplementary Planning Guidance 17

Parking Standards

In the determination of a Planning application regard should also be given to the local requirements of National Planning Policy which are 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

Planning Policy Wales Edition 11

Planning Policy Wales TAN 11

Noise

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.

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came in to force on 31 March, 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and, whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

This application is referred to the Development Control Committee to consider the objections raised by the residents of nearby properties.

USE OF THE LAND

As detailed in the description of development above, the marquee is proposed to be erected within an area of land to the north west of Pencoed Social Club (British Legion) which forms the garden area of 1 Woodland Avenue, Pencoed, as shown below:



OS Map Extract of Application Site

For reference, the property known as 1 Woodland Avenue is within the ownership of Pencoed Social Club (British Legion) and is currently occupied by the Steward of the club. Objections have been raised in respect of this Planning application as the land to the north of 1 Woodland Avenue forms the garden area of the property and no Planning permission has been granted for the use of the land as a beer garden in connection with Pencoed Social Club (British Legion).

For the land to be considered lawful as part of the beer garden of Pencoed Social Club (British Legion) the applicant must prove on the balance of probability that the use of the land as a beer garden has continued for a period of 10 years or more, prior to the submission of the Planning application. The application was validated on 10 March 2021 and so the relevant 10 year period commenced on 10 March 2011.

The area of land to the north of the dwelling has been partially used in connection with club since at least 2001, as shown circled in red on the aerial image below:

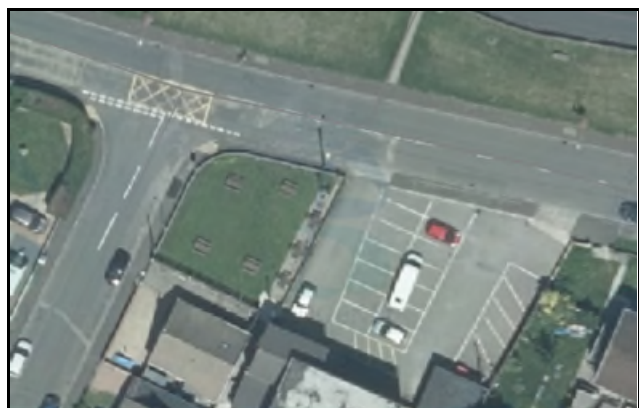


Aerial Image 2001

Having undertaken a review of aerial imagery it is clear that the area of land circled in red above has been continuously used as a beer garden since 2001. Since 2017, the aerial imagery and street view evidence suggests that the whole area of land has been used as a beer garden in connection with Pencoed Social Club (British Legion), as shown below:



Aerial Image 2017



Aerial Image 2020



Google Image Street View (April, 2017)



Google Image Street View (May, 2018)

In consideration of the above, the Authority cannot reasonably accept that the whole area of land has been used as a beer garden in connection with Pencoed Social Club (British Legion) for a period in excess of 10 years and therefore the use of the land is not formalised. As such, this Planning application will consider the acceptability of the use of the land to the north of the dwelling known as 1 Woodland Avenue as a beer garden used in connection with Pencoed Social Club (British Legion) and the erection of a marquee.

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 acceptability of the proposed development is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment”. Criterion (12) of Policy SP2 seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers are not adversely affected by development proposals and in addition seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 Householder Development (SPG02) relates to household development, it is considered that the principles are applicable in this instance. Note 8 of SPG02 refers to amenity. It states at paragraph 5.1.1 “while an individual may accept a window box as sufficient garden space, the County Borough

Council believes that generally there should be a reasonable private outdoor area for enjoyment of the present and future households”.

The property known as 1 Woodland Avenue, forms a detached bungalow which principally faces the north and is finished with roughcast render elevations and a concrete tiled roof. The applicant has confirmed that the property is owned by Pencoed Social Club (British Legion) and is currently occupied by the Steward of the club.

Prior to the occupation of the land to the north of the dwelling as a beer garden, the property would have been located within the southern area of a corner plot between Hendre Road and Woodland Avenue, and would have benefitted from a relatively large amenity space to the front of the dwelling, similar to the dwelling known as 2 Woodland Avenue which is located on the opposite corner plot, as shown below:



2 Woodland Avenue with amenity space to the front

From reviewing street view images, it is clear that the plot associated with the dwelling at 1 Woodland Avenue has been physically sub-divided by a brick wall since at least August 2009, as shown below:



Aerial Image (August, 2009)

As per the guidance above, the Authority seeks to ensure that private outdoor areas for

enjoyment are provided for present and future occupiers of households. In this instance, it is clear that the land to the north of the dwelling which previously formed private garden space, has been sub-divided for an extensive period of time and on the balance of probabilities has not been used as private garden area by the occupiers of the property. It is clear that the occupiers of the property known as 1 Woodland Avenue have only benefitted from a very small, linear private amenity space at the rear of the property between 1 Woodland Avenue and 3 Woodland Avenue which measures around 15 square metres.

As the area has been sub-divided for a period of time, it is considered that the use of the land to the north of the dwelling as a beer garden in connection with the adjoining club does not result in the loss of private amenity space for the occupiers of the property known as 1 Woodland Avenue. The large private amenity space to the north of the dwelling was lost prior to August 2009 when the plot was sub-divided and a physical separation between the property boundary and the grassed area to the north was created.

It would be unreasonable for the Authority to consider that the use of the land as a beer garden in connection with Pencoed Social Club (British Legion) to the north of the dwelling known as 1 Woodland Avenue would result in a loss of amenity space for its occupiers, given that the land has been separated physically and not used as domestic garden space since at least August 2009. On balance, and with consideration to the evidence gathered by the Authority, it is considered that there will not be a loss of amenity space for the occupiers of the property known as 1 Woodland Avenue caused by the proposed use of land as a beer garden.

Whilst acknowledging that the occupiers of 1 Woodland Avenue will only benefit from a small private amenity space as a result of the formalisation of the land to the north as a beer garden, weight must be placed on the fact that the amenity space was lost prior to August 2009, a period of at least 12 years. On balance, and having regard to the above, the use of the land as a beer garden does not result in the loss of private amenity space for the occupiers of the property known as 1 Woodland Avenue, Pencoed.

RESIDENTIAL AMENITY

The objections received raised concern about patron noise emanating from the beer garden and the proposed marquee. The objections raised which relate to patron noise are noted, however, the Planning system cannot be used to control the behaviour of individuals who use the premises as it is the responsibility of the individual to behave in an appropriate manner and noise disturbance is a matter for Public Protection. The applicant is not responsible for the behaviour of patrons and concerns raised which relate to bad language and anti-social behaviour when vacating the premises are matters to be raised with the Police as they cannot be controlled through the Planning system.

The Planning system must protect residential amenity and, therefore, notwithstanding the above, consideration is given to the impact of the use of the land as a beer garden on the residential amenities of residents within the immediate vicinity of the site. Paragraph 2.7 of PPW11 states “placemaking in development decisions happens at all levels and involves considerations at a global scale...down to the very local level, such as considering the amenity impact on neighbouring properties and people”.

The erection of a marquee is likely to enclose the existing level of noise emanating from the beer garden when in use and therefore it is likely that the noise levels experienced by nearby properties will be reduced overall. Pencoed Social Club (British Legion) has a restricted licence to operate within the beer garden from 12pm to 9:30pm to protect neighbouring residential amenity. To align the Planning consent with the licence, it is considered reasonable to impose a condition which limits the hours of operation of the

beer garden and marquee to 9:30pm.

Whilst the objections which refer to noise are noted, it is considered that the restricted hours controlled by the licence limit the impact of the beer garden on residential amenity and as no concerns have been raised by the Public Protection Section which relate to noise, the proposal is considered to be acceptable in this regard subject to the imposition of a Planning condition which limits the hours of operation to 9:30pm.

VISUAL AMENITY

Policy SP2 of the Local Development Plan (2013) states “all development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment”. “Design should be of the highest quality possible, and should be appropriate in scale, size and prominence”.

PPW11 states at paragraph 3.9 “the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important Planning considerations”.

The area to be used for the erection of a marquee can be described as an unused garden space intended for use by the property known as 1 Woodland Avenue. The surrounding area is characterised by a mixture of two storey semi-detached dwellings and bungalows that predominantly have roughcast rendered elevations and concrete tiled roofs.

The installation of a galvanised steel framework with white heavy duty PVC cover is not considered to be in keeping with the general residential area, however, regard must be given to the relaxation of the permitted development rights under The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (Wales) Order 2021, which came into force on 30 April 2021. The relaxation of the permitted development rights allows the erection of moveable structures such as marquees for a temporary period of 56 days from 30 April 2021 to 3 January 2022. This means that despite the concerns raised about the visual impact of the marquee, it could be erected for a period of 56 (non-consecutive) days up to 3 January 2022 without requiring Planning consent.

In a letter dated 30 March 2021, the Welsh Government advised that Planning Authorities should “support the reopening of businesses and their efforts to create safe environments for the public to feel confident to return to the high street, hospitality and tourism sector”.

PPW11 states at paragraphs 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.

Whilst concerns are raised about the visual impact of the marquee, given the relaxed permitted development rights it is considered that Planning consent could be granted on a temporary basis to provide the club with the opportunity to offer a safe environment for patrons until a time whereby restrictions are eased and the public are confident to go back inside the hospitality venues. As advised in the letter dated 30 March 2021 “Authorities should seek to support businesses and organisations...to maximise their potential to operate over the forthcoming spring/summer months as coronavirus Covid-19 control measures are relaxed.” The letter advises that short-term permissions and conditions

should be used to manage Planning impacts which would be inappropriate on a permanent basis.

On balance, it is considered reasonable to grant Planning consent in this instance subject to the imposition of a Planning condition which restricts the consent to being temporary and which requires the removal of the marquee and all associated paraphernalia by 3 January 2022.

HIGHWAYS

Turning to the impact of the development on highway safety, the existing highway network in Pencoed which forms part of the Pencoed - Pyle Transport Corridor is severely constrained by the mainline railway with no prospect of mitigation within the Local Development Plan period (2013-2021). In recognition of this constraint, Policy PLA6 introduces a moratorium on further development which generates a net increase in vehicular movement to the west of the railway line. It states *Development that will generate a net increase in vehicular traffic movement in Pencoed to the west of the railway line...will not be permitted.*

Any new development which generates a net increase in vehicular movement and will exacerbate congestion either side of the level-crossing and at the complex over-bridge junction between the eastern end of the relief road and Penybont Road will be considered as being contrary to the Local Development Plan (2013) and detrimental to highway safety.

The application site lies within the area identified under Policy PLA6 of the Local Development Plan (2013) and the proposed use of the land for a beer garden in connection with Pencoed Social Club (British Legion) and the erection of a marquee would, in normal circumstances, result in an objection being raised by the Highway Authority. However, in the letter referred to above, the Welsh Government stated "once restrictions upon the movement of people are relaxed and businesses begin to reopen, there is demonstrable need for measures to be put in place to create safe environments, both on private property and within the public realm....where the adverse Planning impacts are not significant, we do not want the Planning system to act as a barrier to recovery".

In consideration of the guidance issued by the Welsh Government, regard is given to supporting the recovery of the business as the Covid-19 restrictions ease and significant weight is given to the acceptability of the proposal on a temporary basis to aid in the economic recovery and demonstrate support to businesses.

The Highway Authority considers that if the proposal is granted on a temporary basis and the marquee is not used simultaneously with a fully-utilised indoor area, it would be difficult to quantify the effect of the marquee and its impact on the moratorium. Therefore, if conditions are imposed which seek to limit the marquee to being a temporary feature and link its use with a fully-utilised indoor area, the impact of the development on highway safety is considered to be negligible and not contrary to Policy PLA6 of the Local Development Plan (2013).

Subject to the imposition of the recommended Planning conditions, the proposed development is considered to be acceptable from a highway safety perspective.

CONCLUSION

The key considerations in the acceptability of the development are the impact of the development on residential amenity, visual amenity and highway safety.

Having regard to the above, it is considered that, on balance, the proposal is acceptable in terms of residential amenity and would not result in the loss of amenity space for the occupiers of the property known as 1 Woodland Avenue given the amount of time that has elapsed since the land has been physically separated from the original residential plot. It would be unreasonable of the Authority to consider that the use of the land as a beer garden results in a loss of private amenity space and the proposal is therefore considered to be acceptable in this regard.

Turning to the impact on the residential amenities of neighbouring properties, regard has been given to the noise emanating from the beer garden and proposed marquee. No objection has been raised by Public Protection and weight has been given to the fact that the premises has a licence to operate within the beer garden area from 12pm to 9:30pm, seven days a week.

Therefore, subject to the imposition of a Planning condition which aligns the hours of operation of the beer garden and marquee to the existing licence, the development is not considered to be so detrimental to the amenities of neighbouring occupiers to warrant a refusal on such grounds.

Concern is raised about the visual impact of the development on the streetscene, however, in acknowledging the relaxation of permitted development rights, it is not reasonable to refuse the Planning application on such grounds owing to the guidance provided by Welsh Government in a letter dated 30 March 2021 which advises Authorities to take a relaxed stance to support economic recovery and aid businesses in the easing of Covid-19 restrictions.

To ensure the marquee does not detrimentally impact the visual amenities of the vicinity in the long-term, it is considered reasonable in this instance to impose a Planning condition which limits the Planning consent to being temporary, and which requires the removal of the marquee by 3 January, 2022.

Likewise, the impact of the development on highway safety and in particular on Policy PLA6 of the Local Development Plan (2013) is considered to be negligible if the consent is granted on a temporary basis and is restricted to prevent the marquee and a fully-utilised indoor space being used simultaneously. Subject to the imposition of the recommended Planning conditions, the proposed development is considered to be acceptable to the Local Planning Authority and is recommended for approval.

RECOMMENDATION

(R11) That permission be GRANTED on a temporary basis, subject to the following condition(s):-

1. The development shall be carried out in accordance with the Block Plan received on 22 February 2021 and the Specifications received on 9 March 2021.

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

2. The temporary marquee shall be removed from the land on or before 3 January 2022.

Reason: To ensure the Authority retains effective control over the appearance and use of the site and to ensure that the marquee is removed at the end of the period of the temporary consent.

3. The beer garden and temporary marquee shall only be open to customers/patrons between 12:00 hours (midday) and 21:30 hours (9:30pm) on any day.

Reason: In the interests of protecting neighbouring residential amenity.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

APPEALS

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

CODE NO.	A/21/3272433 (1916)
APPLICATION NO.	P/19/861/FUL
APPELLANT	MR N & MRS M ARNOLD
SUBJECT OF APPEAL	SITING OF A MOBILE TIMBER ECO RESIDENTIAL UNIT ON LAND PART OF THE BLACKBRIDGE ARABIAN STUD: LAND AT BLACKBRIDGE ARABIAN STUD, TYLAGWYN, PONTRHYL
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The site lies in a rural area and the proposal which constitutes an undesirable extension of urban development outside any settlement boundary, would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national and local planning policies to the detriment of visual amenities, contrary to Policies SP2 and ENV1 of the Bridgend Local Development Plan 2013, paragraphs 4.2.24 and 4.2.37 of Planning Policy Wales – Edition 10 – 2018.
2. Insufficient details of the mobile timber eco unit, the access and parking arrangements and drainage systems to serve the development have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority.

CODE NO.	A/21/3271534 (1917)
APPLICATION NO.	P/20/601/FUL
APPELLANT	MRS N EVANS
SUBJECT OF APPEAL	TWO STOREY DWELLING ATTACHED TO EXISTING DWELLING 10 EUSTACE DRIVE, BRYNCETHIN
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling by reason of its siting, size, scale and prominence represents an excessive, incongruous and overly prominent form of development that will have a detrimental impact on the appearance of the streetscene and the general character of the residential area, contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and advice contained within Planning Policy Wales (Edition 11, February 2021).
2. The proposed development by reason of its siting, scale and design constitutes an insensitive and unsympathetic form of development that would unbalance the existing pair of semi-detached properties to the detriment of the established character of the area and

the visual amenities of the locality. As such, the proposal is considered to be contrary to Policy SP2 of the Bridgend Local Development Plan (2013), Council's Supplementary Planning Guidance SPG02 - Householder Development (2008), Technical Advice Note 12 Design (2016) and advice contained within Planning Policy Wales (Edition 11, February 2021).

3. The proposed dormer extension by reason of its design, siting and scale is an overly intrusive and prominent feature within the residential area and its retention will have a detrimental impact on its character, contrary to Policies SP2 of the Local Development Plan and advice contained within Planning Policy Wales (Edition 11, February 2021).
4. The proposed development, by reason of its siting, scale and design would constitute an unneighbourly and harmful form of development that would be detrimental to the existing levels of residential amenity and privacy currently enjoyed in the locality by way of overlooking, contrary to Policy SP2 of the Local Development Plan (2013) and advice contained within Supplementary Planning Guidance Note 02 Householder Development (2008) and Planning Policy Wales (Edition 11, February 2021).
5. The proposed development by reason of its location and site layout would result in insufficient on-site parking provision being available for future occupiers of both the host property and the proposed dwelling, calling visitors, delivery and service vehicles which would generate on-street parking, contrary to the provisions of Policies SP2, SP3 and PLA11 of the Bridgend Local Development Plan (2013), advice contained within Supplementary Planning Guidance Note 17 Parking Standards and advice contained within Planning Policy Wales (Edition 11, February 2021).

CODE NO.	A/21/3272695 (1918)
APPLICATION NO.	P/20/713/FUL
APPELLANT	MR & MRS S TREHARNE
SUBJECT OF APPEAL	RETENTION OF RAISED GROUND & ERECTION OF 1.8M HIGH FENCE: 5 ST MICHAELS WAY, BRACKLA
PROCEDURE	HOUSEHOLDER APPEAL
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The retention of the raised ground level and patio area, together with the installation of a 1.8 metre high fence, by reason of its siting, scale, prominence and proximity to neighbouring properties, is considered to be an unneighbourly and harmful form of development that would result in an overly dominant and overbearing addition along the eastern boundary of the application site, having a detrimental impact on the privacy currently enjoyed in the locality and on the residential amenities of the occupier(s) of neighbouring properties, contrary to Note 1, 3, 4 and 6 of Supplementary Planning Guidance Note 02 Householder Development, criterion (12) of Policy SP2 of the Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021).

CODE NO. A/21/3274317 (1919)
APPLICATION NO. P/20/800/FUL

APPELLANT MR & MRS NOBLE HOOK

SUBJECT OF APPEAL RETENTION OF AN EXISTING OUTBUILDING ERECTED FOR THE PROVISION OF THERAPY TO ADULTS AND CHILDREN WITH LEARNING DIFFICULTIES AND SPECIAL NEEDS
TYNTON FARM, MOUNT PLEASANT COTTAGES, LLANGEINOR

PROCEDURE WRITTEN REPRESENTATION

DECISION LEVEL DELEGATED OFFICER

The application was refused for the following reasons:

1. The building, by reason of its siting, design and finish, is considered to be an overly intrusive and prominent feature, which has a detrimental impact on the setting of the listed building known as Tynton Farm, Llangeinor, contrary to Policies SP2 and SP5 of the Local Development Plan and advice contained within Planning Policy Wales (Edition 11, February 2021).
2. The development, by reason of its form and location, represents an unjustified and sporadic intrusion into the open countryside that is detrimental to the visual amenities, character and openness of the existing countryside location contrary to Policies SP2 and ENV1 of Bridgend County Borough Council's adopted Local Development Plan (2013), Technical Advice Note 6: Planning for Sustainable Rural Communities (2010) and advice contained within Planning Policy Wales (Edition 11, Feb. 2021).

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

CODE NO. A/20/3264867 (1907)
APPLICATION NO. P/20/206/FUL

APPELLANT MR R LEWIS

SUBJECT OF APPEAL RETENTION OF TEMPORARY LOG CABIN
LAND AT CWMDU LODGE, MAESTEG

PROCEDURE WRITTEN REPS

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

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

CODE NO. A/20/3264867 (1908)
APPLICATION NO. P/20/206/FUL

APPELLANT MR R LEWIS

SUBJECT OF APPEAL UNUATHORISED LOG CABIN
LAND ADJACENT TO ST JOHNS COLLIERY, MAESTEG

PROCEDURE WRITTEN REPS

DECISION LEVEL ENFORCEMENT NOTICE

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE ALLOWED AND THE ENFORCEMENT NOTICE BE QUASHED.

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

CODE NO. A/21/3266841 (1910)
APPLICATION NO. P/20/652/RLX

APPELLANT MR & MRS N HEARD

SUBJECT OF APPEAL REMOVE CONDITIONS 1 & 3 OF P/20/299/FUL:
10 WOODSIDE AVENUE, LITCHARD

PROCEDURE WRITTEN REPRESENTATIONS

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE ALLOWED SUBJECT TO CONDITIONS.

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

CODE NO. A/21/3267243 (1911)
APPLICATION NO. P/20/703/OUT

APPELLANT MR P SIMKINS

SUBJECT OF APPEAL ERECTION OF ONE DWELLING:
LAND TO THE REAR OF 30/32 HIGH STREET, OGMORE VALE

PROCEDURE WRITTEN REPRESENTATION

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 D**

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES
Background Papers (see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 29/03/21

gan Richard Duggan, BSc (Hons)
DipTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/5/21

Appeal Decision

Site visit made on 29/03/21

by Richard Duggan, BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11th May 2021

Appeal A Ref: APP/F6915/C/20/3264883

Site address: Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Robert Lewis against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, numbered ENF/215/19/ACK was issued on 2 November 2020.
- The breach of planning control as alleged in the notice is without planning permission the change of use of agricultural land by the erection of a timber cabin for residential use.
- The requirements of the notice is: cease the residential use of the timber cabin and remove the timber cabin outlined in blue from the land outlined in red on the enclosed plan.
- The period for compliance with the requirements is 3 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Appeal B Ref: APP/F6915/C/20/3264883

Site address: Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Robert Lewis against an enforcement notice issued by Bridgend County Borough Council.
- The enforcement notice, numbered ENF/215/19/ACK was issued on 2 November 2020.
- The breach of planning control as alleged in the notice is without planning permission the erection of a timber cabin.
- The requirements of the notice is: remove and keep removed the timber structure outlined in blue from the land outlined in red on the attached plan.
- The period for compliance with the requirements is 3 months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Appeal C Ref: APP/F6915/A/20/3264867

Site address: Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH

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 Robert Lewis against the decision of Bridgend County Borough Council.
- The application Ref: P/20/206/FUL dated 6 March 2020, was refused by notice dated 2 September 2020.
- The development proposed is described as 'erection of a temporary log cabin for a period of three years'.

Decisions

***Appeal A – Appeal on Ground (a) the Deemed Application
APP/F6915/C/20/3264883***

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the change of use of agricultural land by the erection of a timber cabin at Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH, in accordance with the following plans: Site Location Plan/Site Plan; Elevations of the timber building submitted on 9 March 2020; Room Layout Plan submitted on 15 June 2020; and subject to the conditions in the attached schedule.

***Appeal B – Appeal on Ground (a) the Deemed Application
APP/F6915/C/20/3264883***

2. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the erection of a timber cabin at Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH, in accordance with the following plans: Site Location Plan/Site Plan; Elevations of the timber building submitted on 9 March 2020; Room Layout Plan submitted on 15 June 2020; and subject to the conditions in the attached schedule.

Appeal C - Section 78 Appeal APP/F6915/A/20/3264867

3. The appeal is allowed and planning permission is granted for the erection of a temporary log cabin for a period of three years at Cwm Du Lodge, Maesteg, Bridgend, CF34 0DH, in accordance with the terms of the application Ref P/20/206/FUL, dated 6 March 2020 and the following plans: Site Location Plan/Site Plan; Elevations of the timber building submitted on 9 March 2020; Room Layout Plan submitted on 15 June 2020; and subject to the conditions in the attached schedule.

Procedural Matters

4. Despite having the same reference number and date the Council has issued two Enforcement Notices (EN), firstly, for the material change of use of agricultural land by the erection of a timber cabin for residential use, and secondly, the operational development of the land by the erection of a timber cabin. The Appellant has submitted one appeal under ground (a) of the Act that planning permission should be granted for what is alleged in the notices, and he has confirmed that his appeal should be dealt with as being against both ENs. The Council also refused a planning

application for the erection of a temporary log cabin (Ref: P/20/206/FUL) and the Appellant has also appealed that decision.

5. Therefore, there are three appeals before me, one against each EN (Appeals A and B) and one against the refusal of planning permission (Appeal C). It is clear to me that the three appeals deal with the same issues, and to avoid duplication I shall deal with the appeals together in this single document, albeit with separate formal decisions.
6. It is noted that the planning application form refers to Land at Cwmdy Lodge, Maesteg but the ENs refer to Land at Blaencwmdy Farm, Maesteg, Bridgend. For clarification, the Council has confirmed that the appeals relate to the same site and that Cwmdy Lodge forms part of Blaencwmdy Farm.

Main Issue

7. I consider the main issue to be whether the development is justified on the basis of supporting the existing rural enterprise, having regard to the location of the site within the open countryside.

Reasons

Appeals A and B – Appeals on Ground (a) the Deemed Applications (APP/F6915/C/20/3264883)

Appeal C - Section 78 Appeal (APP/F6915/A/20/3264867)

8. The site is located within open countryside as defined in the Bridgend Local Development Plan 2013. Policy ENV1 of the LDP amongst other things, seeks to ensure that development in the countryside is strictly controlled but includes opportunities for dwellings to accommodate agricultural and forestry workers. Planning Policy Wales (PPW) Edition 11 states that new housing in the open countryside should be strictly controlled. One exception to this is where it is essential for a dwelling to house a worker in a rural enterprise.
9. Although PPW requires the strict control of new houses in the open countryside, Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities confirms in paragraph 4.3.1 that one of the few circumstances in which new isolated residential development in the open countryside may be justified is when accommodation is required to enable rural enterprise workers to live at, or close to, their place of work. Whether this is essential in any particular case will depend on the needs of the rural enterprise concerned and not on the personal preference or circumstances of any of the individuals involved. TAN6 sets out how proposals for permanent rural enterprise dwellings should be assessed and is supplemented by Practice Guidance on Rural Enterprise Dwellings. These specify a series of tests to be considered and, in particular, the functional and financial tests.
10. The Council states that as the business has been operating at the site for 9 years it assessed the development as a new dwelling on an established rural enterprise¹. I concur with the Council's view that the business is sufficiently established and should therefore be assessed as a new dwelling on an established enterprise in accordance with section 4.4 of TAN6.

¹ Paragraph 3.4 Appeal Statement, dated February 2021

Functional and Time Tests

11. The functional test is to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Thus, the test is one of necessity rather than desirability, reflecting the policy principle that unnecessary development in the open countryside should be avoided.
12. The appeal relates to an agricultural holding extending over approximately 144 acres of pastureland and a small area of woodland. The Appellant owns 58 acres and the rest of the land is rented. The primary activities of the farm includes a flock of approximately 180 commercial breeding ewes with lambs and approximately 350 laying chickens. The majority of the land is laid to permanent pasture, with fodder for winter months carried out between June and August and includes six acres of haylage. In 2019, the farm business began the production of approximately 250 builder bags of firewood annually which is grown, cut, split and dried on the holding. There are a number of farm buildings located at the site, which are mainly used to house the poultry throughout the year and the fodder in the winter months.
13. The Council accepts that based on the information submitted including details of the labour requirements of the farm, there is a clearly established functional need and that need relates to a full-time worker. Having regard to the submitted evidence, there is no reason for me to take a contrary view in terms of the functional and time tests.

Financial Test

14. The Practice Guidance states that "*where dwelling proposals relate to existing enterprises, it will be possible and necessary for those enterprises to provide information in the Rural Enterprise Dwelling Appraisal of their actual financial soundness and performance over a minimum of the past three consecutive years.*" and, "*the financial test for new dwellings requires that, having provided evidence of positive financial performance, rural enterprises must show that they have a reasonable prospect of sustaining returns to the labour employed for at least the following five years.*" The evidence must show that the business has a reasonable prospect of providing a market return for the skills of that worker for at least 5 years.
15. The Appellant has submitted financial statements for the years 2011 - 2020 which show that gross income and gross profit of the farm business has increased over the 9-year period of the business. However, the financial statements do not include or take into account the salary of a full-time agricultural worker, as a result the financial statements are not a true reflection of the financial stability of the established rural enterprise. The Agricultural Wages (Wales) Order 2020 and Welsh Government guidance states that "*The UK National Minimum/Living Wage rates apply to all workers, including agricultural workers...Where the National Minimum Wage or the National Living Wage becomes higher than the minimum rate prescribed under the Order the National Minimum/Living Wage must be respected*". The minimum wage for a full-time agricultural worker is based upon the 275 Standard Man Days of 8 hours (2,200 hours per annum) multiplied by the national minimum wage of £8.72 per hour (based on April 2020 rate), giving a sum of £19,184 (pre-tax).
16. It is clear that the Appellant has worked on the farm for many years, but this has been mostly on a part time basis helping his father whilst working in different jobs outside the farming business. However, since the death of his father in 2015 the

Appellant has been able to concentrate more fully on the farming business by working full time. It is clear to me that the log cabin, as opposed to a small caravan, would enable the Appellant to gain further benefits from living on site through livestock husbandry and for management and security purposes.

17. The Appellant has also clearly shown that the business has been managed without the need to use an overdraft or other finance facilities, and the business has steadily improved with continued investment made by purchasing livestock, plant and machinery. This clearly shows an ongoing commitment to the business and that the Appellant is committed to making the business more profitable in coming years. Based on the submitted information I am persuaded that there is a compelling economic rationale for allowing the temporary cabin to remain on the appeal site to allow the Appellant to bear the fruits of his investments over the forthcoming three years.
18. Although the submitted accounts indicate that the level of profit is not sufficient at present to provide a living for one farm worker, the figures demonstrate that the business is moving towards adequate profitability. I am satisfied that the financial affairs of the business are soundly based and the profit and loss accounts document the increasing profitability of the enterprise over the years, and I consider that the evidence is adequate to justify a temporary permission. A period of three years will provide the Appellant the opportunity to grow the business further and allow him to take advantage of living in close proximity to the adjoining farm buildings and the farming activities taking place on the land.

Other Dwellings Test

19. The other dwellings test should identify whether there is an existing dwelling or building suitable for conversion on the enterprise or a dwelling in the locality that could meet any identified functional need. Paragraph 6.1 of the Practice Guidance clarifies that the onus is on an applicant to demonstrate that no reasonable alternative to a new dwelling is available.
20. I saw that the appeal site contains a range of buildings which are used for housing plant and machinery, a workshop and poultry sheds. There are no other buildings available on the holding of a traditional construction which could be converted for residential use, and the Appellant has demonstrated that there are no suitable dwellings at an affordable price available for purchase in close proximity to the farm that would meet the rural enterprise needs. Irrespective of this, if a dwelling were to be available within Garth or Maesteg it would be physically disconnected from the appeal site and, due to the unpredictable and time critical nature of lambing, they would not be suitable for meeting the specific needs of the enterprise. Whilst the mobile home is situated close to the agricultural barns and lambing dates can be estimated with some degree of accuracy, I do not consider that this arrangement would enable the Appellant to move the business forward and to manage the enterprise in an efficient and sustainable manner. I also agree that the Appellant is required to live on, or in very close proximity to, the appeal site for security purposes.
21. In this respect I am satisfied that there is a need for a presence on site at most times of the day and night which would be best served by accommodation within sight and ear shot. Accordingly, in this case, it has been adequately demonstrated that no reasonable alternative to the log cabin is available given the needs of the rural enterprise concerned.

Other planning requirements

22. The other normal planning requirements test is required to demonstrate that the dwelling would be suitably located to fulfil its identified need and to minimise impact on the wider environment. The Council's second and third reasons for refusing planning permission for the log cabin relate to the effect on the character and appearance of the area and on highway safety.
23. The existing buildings found on the appeal site are typical agricultural sheds which are not prominent within the local landscape. Although the log cabin is elevated above the access road it is seen within the context of these existing buildings and would be significantly smaller in scale. As the dwelling is of a wooden structure, I consider that it appears as subordinate to the existing buildings and blends into its agricultural surroundings. On this basis I consider that the log cabin does not appear out of character with its location and surroundings and broadly aligns with Policies ENV1, SP2 (2) and SP2 (3) of the LDP.
24. The Council is also concerned that the narrow access road leading to the site is unsuitable in terms of its constrained width when passing opposing traffic and lack of lighting together with the absence of segregated footways. In addition, the development will generate increased traffic onto this route resulting in a potential increase in vehicular and pedestrian conflict to the detriment of the safety and free flow of traffic.
25. I saw that the road varies in width along its length and in places the width narrows to the extent that only one car can pass at a time, and that the lane does not provide any pedestrian facilities. However, the log cabin is located off an existing farm drive which has provided access to the farm holding since the 1950s and also historically provided access to St Johns Colliery for over 100 years. The road is also used by another farm, Bryn Defaid Farm, and is occasionally used by vehicles associated with Natural Resources Wales to access areas of woodland/timber production. Whilst I note the Council's evidence in relation to the number of individual vehicular movements that could be generated by the two-bedroom cabin, I am not persuaded that these additional movements, over and above those already taking place along Cwmdu Road, would materially increase the number of vehicles using the road to the detriment of highway safety. Indeed, the Council acknowledges² that there are no recorded Personal Injury Accidents involving pedestrians along this section of lane and that the level of existing pedestrian movements is currently negligible.
26. Whilst I note the Council's concerns that the appeal site is located in a remote location from public transport and the day to day services and facilities that the Appellant may need to access on a daily basis, this appeal relates to a log cabin on an established farming enterprise. The very nature of the farm holding means that it is located within open countryside in a rural location and remote from local services, facilities and public transport. Therefore, I consider the Council's concerns in this regard to be unfounded.
27. The Council is concerned that the development would set an undesirable precedent. However, my findings in this appeal must be based only on the individual planning merits of the case that is before me. The circumstances of other sites would be likely to be different and if proposals came forward elsewhere within the County Borough, they would be assessed in the light of the factors relevant to those cases. Therefore, I consider the concern about precedent does not offer a basis for resisting the scheme.

² Paragraph 5.17 Appeal Statement, dated February 2021

28. The Appellant has drawn my attention to a number of other similar cases that were permitted by the Council. Nevertheless, I have been provided with little further details regarding these developments or the context in which they were determined by the Council, as such I have given them very little weight in my consideration of this appeal. In any event, each case needs to be considered on its individual merits.

Conditions

29. I have considered the suggested conditions put forward by the Council and having regard to the advice in Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (October 2014).
30. I agree that a condition should be imposed to make it explicit that the permission is temporary for a period of three years and for the land to be restored to its former condition at the end of this period. Irrespective of the restricted time limit for the development, the appeal proposal has been justified on the basis of an agricultural need. TAN 6 is clear that such dwellings should be kept available for meeting this need. Consequently, I have imposed a condition limiting the occupation of the dwelling to rural enterprise workers. I also agree to impose the suggested condition removing permitted development rights and for the submission of a scheme for the disposal of foul and surface water.
31. The Council has put forward conditions relating to the provision of traffic signs warning of the presence of pedestrians and the provision of vehicular passing bays and pedestrian step off points along the lanes leading to the site. Given the scale of the development and my conclusions regarding the impact of the development on highway safety set out above, I consider these conditions to be unnecessary and unreasonable.

Conclusions in relation to Appeals A and B (APP/F6915/C/20/3264883)

32. For the above reasons and having considered all matters raised, I conclude that the appeals succeed on ground (a). Subject to the imposition of conditions, I shall grant planning permission on the applications deemed to have been made under section 177(5) of the Act, and the enforcement notices will be quashed.
33. In coming to this conclusion, 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.

Conclusions in relation to Appeal C (APP/F6915/A/20/3264867)

34. For the above reasons and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions set out in the schedule attached to this decision.
35. In coming to this conclusion, 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 Duggan

INSPECTOR

Schedule of Conditions

- 1) The permission hereby granted shall endure for a period of three years from the date of this decision. Within one month of the expiry of this permission, the residential use shall be discontinued on the land and the log cabin and the associated infrastructure with the use shall be removed from the land in its entirety and the land shall be restored to its former condition.

Reason: The development is only acceptable on a temporary basis to enable the Appellant to demonstrate the financial viability of the enterprise in respect of a permanent form of accommodation in connection with the farming enterprise on the land.

- 2) The occupancy of the temporary dwelling shall be restricted to a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: In order to control the occupancy of the dwelling and meet the aims and terms of Policy ENV1 of the Bridgend Local Development Plan (2013).

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking or re-enacting that order with or without modification), no development within Schedule Article 2, Part 1, Classes A, B, C, D and E shall be carried out within the curtilage of the appeal property (other than those expressly authorised by this permission) without the written consent of the Local Planning Authority.

Reason: In the interest of the visual amenities of the area and in accordance with ENV1, SP2 (2) and SP2 (3) of the LDP.

- 4) Details of a scheme for the disposal of foul and surface water shall be submitted to and agreed in writing by the local planning authority within 6 months of the date of this decision. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the land and log cabin for residential purposes and retained in perpetuity.

Reason: To prevent pollution of the environment by ensuring the provision of adequate foul drainage.

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/21

gan P J Davies, BSc (Hons) MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 23/4/21

Appeal Decision

Site visit made on 19/03/21

by P J Davies, BSc (Hons) MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 23rd April 2021

Appeal Ref: APP/F6915/A/21/3266841

Site address: 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF

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 under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs Neil Heard against the decision of Bridgend County Borough Council.
- The application Ref: P/20/652/RLX dated 28 August 2020, was refused by notice dated 27 October 2020.
- The application sought planning permission for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) without complying with conditions attached to planning permission Ref: P/20/299/FUL dated 23 July 2020.
- The conditions in dispute are Nos 1 and 3.
- Condition 1 states: *'The use hereby permitted shall be discontinued on or before 31 December 2022'*.
- Condition 3 states: *'An up to date register shall be kept at the residential care home (use class C2) premises from the first beneficial C2 occupation of the property. The register shall be made available for inspection by the local planning authority upon request. The register shall contain details of the names and occupations of all visitors to the property, the date, the time of arrival and the time of departure from the property'*.
- The reason given for Condition 1 is: *'To enable the Local Planning Authority to assess the impact the development has on the amenities of the area and to enable the matter to be reviewed at the end of the period of the temporary consent'*.
- The reason given for Condition 3 is: *'To inform the Local Planning Authority of the use of the property at the end of the temporary period'*.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from dwelling house (use class C3(a)) to the residential care of 2 children (use class (C2)) at 10 Woodside Avenue, Litchard, Bridgend, CF31 1QF in accordance with the application Ref: P/20/652/RLX dated 28 August 2020, without compliance with condition numbers 1 and 3 previously imposed on planning permission Ref: P/20/299/FUL dated 23 July 2020 and subject to the following condition:
 - 1) The premises shall be used as a residential care home for a maximum of two children as specified in the application details and for no other purpose including any other purpose in Class C2 of the Town & Country Planning (Use Classes)

Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In the interests of the general amenities of the area (LDP Policy SP2).

Main Issue

2. This is whether the disputed conditions are reasonable and necessary in the interests of the general amenities of the area.

Reasons

3. The appeal property is a 2-storey semi-detached house situated at the head of a cul-de-sac in a built up predominantly residential environment. I observed some on-street parking which has the effect of narrowing the carriageway, but most dwellings have driveways and off-road parking facilities, and traffic speeds and flow are low. The development to which this appeal relates is a residential home providing 24-hour care for a maximum of 2 young people.
4. The Council confirms that the principle of the development is acceptable. Given that a residential use would be compatible with the character of the area, I do not disagree. From the Council's officer report and statement it is evident that whilst it was accepted that the development may not result in excessive comings and goings over and above the existing residential character, given the extent of local concerns, and because the business had not been registered with the Care Inspectorate, Condition 1 was considered reasonable to allow an assessment of the impact on residential amenity to be made. Related to this, Condition 3 was considered necessary to enable sufficient information to be available as evidence to support an assessment under Condition 1.
5. Guidance regarding the imposition of planning conditions is set out in the Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' ('the Circular'). Paragraph 5.23 advises that it will rarely be necessary to grant temporary permission for development which conforms with the provisions of the development plan. The material considerations to which regard must be had in granting permission are not limited or made different by a decision to make the permission a temporary one. The reason for granting a temporary permission should never be that a time limit is necessary because of the effect of the development on the amenity of the area.
6. The development is a small care home that would be occupied by up to two children with associated care workers providing 24-hour supervision and care. Given that the appeal property is a family sized dwelling, the intensity of occupation would be similar to a private family household. I concur that the development would result in a greater propensity for visits from various service providers, however, families can also generate delivery and service traffic and are not exempt from visits from care professionals or emergency services. The scale and occupation level of the care home use would be proportionate to the size of the appeal property, and I consider that the amount of activity associated with either use would not be fundamentally different.
7. I have had regard to the objections from nearby residents and the reported issues around child supervision and anti-social behaviour. However, these are problems that can equally apply to a family household and, in this case, the development would be regulated by care bodies outside the planning system. Taking account of the small-scale nature of the operation, there is little evidence that general activity from the care home would amount to actual harm to residents' living conditions. Similarly, I have had regard to concerns relating to parking congestion and traffic, but there is no

tangible information, such as evidence from the Highway Authority, to demonstrate that the occupancy level of the care home would materially change the volume or flow of traffic to and from the site. The Council does not indicate that any parking standards would be breached and, notwithstanding local concerns, I have no reason to believe that the development would prejudice highway safety interests or cause unacceptable inconvenience to residents.

8. Having regard to the advice in the Circular, I conclude that Conditions 1 and 3 are not reasonable or necessary. Removing the disputed conditions would not result in any harm to the general amenities of the area, or result in any conflict with Policy SP2 of the Bridgend Local Development Plan which seeks high quality, attractive and sustainable places by, amongst other things, ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected.
9. The original permission contained a condition to restrict occupation to a maximum of two children, and I consider that this is necessary to safeguard the amenities of the area. I have therefore reimposed the condition on this permission.
10. In reaching my decision, I have taken account of 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 Ministers well-being objectives set out as required by section 8 of the Act.
11. For the above reasons and having regard to all matters raised, the appeal is allowed.

P J Davies

INSPECTOR

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/03/21

gan **P J Davies, BSc (Hons) MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 27/4/21

Appeal Decision

Site visit made on 19/03/21

by **P J Davies, BSc (Hons) MA MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 27th April 2021

Appeal Ref: APP/F6915/A/21/3267243

Site address: 30-32 High Street, Ogmores Vale, Bridgend, CF32 7AD

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 outline planning permission.
- The appeal is made by Mr Peter Simpkins against the decision of Bridgend County Borough Council.
- The application Ref: P/20/703/OUT dated 15 September 2020, was refused by notice dated 5 January 2021.
- The development proposed is erection of one dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the application was determined by the Council, the National Development Framework (Future Wales: the national plan 2040) [‘the NDF’] and Edition 11 of Planning Policy Wales (PPW 11) have been published. Neither of these documents have resulted in any fundamental change to the main considerations in this case, but in any event, both documents represent current national planning policy and my decision is made on this basis.
3. The application is made in outline with all matters reserved.

Main Issue

4. This is the effect of the proposed development on residents’ living conditions and highway safety.

Reasons

5. The appeal site is steeply sloping overgrown land that lies between Glyn Street and 30-32 High Street. For the purposes of Policy PLA1 of the Bridgend Local Development Plan (LDP), it is within the local service settlement of Ogmores Vale which is identified as being capable of supporting some additional growth particularly on underutilised or brownfield land. In identified settlements, LDP Policy COM3 is permissive of residential development on ‘small scale’ sites. The principle of the proposed development is therefore acceptable. However, it does not follow that all

brownfield sites will be suitable for development. LDP Policy SP2 requires all development to contribute to creating high quality attractive, sustainable places which enhance the community in which they are located. In particular, it seeks to ensure that the viability and amenity of neighbouring uses, and their users/ occupiers will not be adversely affected. Policy PLA11 also requires all development to provide appropriate levels of parking. These are material considerations that carry significant weight in the context of the development plan as a whole.

Living Conditions

6. The application is supported by two alternative illustrations of siting and layout. Given the very steep gradient, both involve tiered or terraced gardens and amenity spaces at the rear, with the second alternative also including a garden to the side adjacent to the elevated garden platform to No. 1 Filas Wessex, which is the end terrace property on the adjoining development. In the latter case, there would be scope for some overlooking of the adjacent garden from the proposed development, but the existing garden is already overlooked by an elevated communal staircase leading from the shared parking bays. It does not enjoy any particularly high standards of privacy and the outlook towards the appeal site is already restricted by a solid wall. In any event the first alternative layout indicates that the garden area to the development could be contained to the rear where any intervisibility would not be untypical of densely built up residential environments such as this. In terms of useable garden space for the occupiers of the proposed dwelling, the gardens would be sloping but not significantly so, and they would provide a pleasant sense of openness and space to the rear. Moreover, level terraces for sitting out and general domestic activity such as clothes drying are illustrated in both drawings.
7. With regard to the relationship with the properties on Glyn Street, these are elevated above the street, and the principal front elevations face the site. The distances involved are around 13 metres which is below the standards the Council applies from its supplementary planning guidance on house extensions. Nonetheless, in most built up situations, it is not generally possible to achieve high expectations of privacy from the highway frontage. The relationship between the appeal property and Glyn Terrace would not be an unusual one and I find the Council's concerns to be unfounded on this point.
8. Taking the above into consideration I find no reason to believe that a scheme could not be designed and laid out on the site in a way that would have an acceptable effect on residential amenity and on the living condition of future and nearby residents. I therefore find no conflict with LDP Policy SP2 in that respect.

Highway Safety

9. The proposed development would be accessed from Glyn Street, where on-street parking is mainly restricted to one side of the street, with the adjacent Filas Wessex development served by off-road parking bays. Parked cars have the effect of narrowing the carriageway, in this case, to single width. I also observed a degree of parking pressure with some cars parked on the narrow footway on the eastern side of the street blocking access for pedestrians and forcing them into the road. In these circumstances and given the limited capacity of the highway to accommodate further parking demand, I consider that adequate off-road parking provision is an important material consideration in this case.
10. The Council's supplementary planning guidance 'Parking Standards' (SPG) identifies Ogmores Vale as Zone 3, where 1 parking space per bedroom is required, up to 3 as a

maximum. The illustrative plans suggest a three-bedroom house with a consequent requirement for 3 off-road parking spaces, although it is acknowledged by the Highway Authority that the application of sustainability criteria could reduce this requirement to two spaces. One of the submitted plans includes a garage that does not meet the Council's standards for internal dimensions but the other provides for an open parking bay. As illustrated therefore, the proposal would be capable of providing at least one off-road space, and it is suggested by the appellant that a layby across the highway frontage would provide parking for two cars. I note concerns that layby parking would encourage use of the awkward junction to the northern end of Glyn Street, however even if this was the case, in the wider context of this built-up area, a single dwelling would not materially intensify the use of that junction to warrant withholding planning permission for that reason.

11. Nonetheless, given the very steep gradient of the site and the limited width to the highway frontage, there is insufficient detail before me that satisfactorily demonstrates that the appeal site would be capable of providing off-road parking to the Council's current standards. There is, therefore, a significant risk that the proposal would lead to on-street parking that would exacerbate the existing parking pressures and interrupt the free and safe flow of traffic and pedestrians. Insufficient parking can also cause inconvenience to the future occupants of the dwelling, as well as existing residents in the locality, if they are unable to park close to their property. I note that the appellant is agreeable to a condition limiting the development to a two-bedroom property, but this contradicts the illustrative scale of the proposal which suggests that a larger dwelling is intended for the site. In these circumstances, such a condition would not be appropriate.
12. On this matter, I find that the proposal would fail to provide an appropriate level of parking as required by LDP Policy PLA11 and the SPG, to the detriment of highway safety interests.

Other Matters

13. In 2008 planning permission was granted for a dwelling in the same terms as the proposal that is before me. That permission has expired, and it is argued that there has been no material change in circumstances since then. Nonetheless, the Council has since adopted the current LDP which forms the development plan for the area. Creating safe, healthy and inclusive communities is part of its strategy which is consistent with national objectives relating to sustainable placemaking and the well-being of communities. These are planning principles that have evolved since the former application was considered. I have determined the appeal in accordance with current planning policy and for the reasons given above, the proposal would not provide a safe environment and it would conflict with the development plan.
14. I have considered the benefits of granting permission, in particular the poor condition of the site and that the proposal would remove an eyesore. However, physical improvements to the site are not necessarily reliant on planning permission being granted. This would not therefore outweigh the harm that I have identified.
15. In reaching my decision, I have taken account of 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 Ministers well-being objectives set out as required by section 8 of the WCFG Act.

Overall Conclusions

16. I have found that the site could be developed without material harm to residents living conditions. However, it has not been demonstrated that the proposal would provide adequate parking in the interests of highway safety, or in compliance with the LDP. These are compelling factors that have led to my decision.
17. For the above reasons, and having regard to all matters raised, the appeal is dismissed.

P J Davies

INSPECTOR

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO DEVELOPMENT CONTROL COMMITTEE

27 MAY 2021

REPORT OF THE CORPORATE DIRECTOR - COMMUNITIES

TO PROPOSE THAT BRIDGEND COUNTY BOROUGH COUNCIL BECOMES A SIGNATORY TO THE PLACEMAKING WALES CHARTER

1. Purpose of report

- 1.1 The purpose of this report is to seek the endorsement of the Development Control Committee in proposing that the Council becomes a signatory to the Placemaking Charter Wales.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report refers to the implementation of the statutory Town and Country Planning system which assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015:-**
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the County Borough.
 2. **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience and enable them to develop solutions to have active, healthy and independent lives.

3. Background

- 3.1 Placemaking is a proactive and collaborative process of creating and managing places. Although the Local Planning Authority may be considered as the main proponent, the placemaking agenda goes effectively beyond the Planning and related functions of the Council which has cross-disciplinary connections to multiple service areas across local government and its related partners in order to contribute to the effective creation and management of places. Placemaking is seen as a key process to deliver the duties of the Well-Being of Future Generations Act and key corporate priorities/strategies including the Corporate Plan and the carbon reduction aspirations of Bridgend 2030. Furthermore, its multi-disciplinary requirements align well with a one Council approach in carrying out its functions.
- 3.2 National Planning Policy (Future Wales 2040 and Planning Policy Wales 11) places placemaking at the heart of the Planning system. Placemaking principles

are already embedded in the current Bridgend Local Development Plan(LDP) through Policy SP2 and are to be enhanced and augmented in the replacement LDP which will be published for consultation in June 2021.

- 3.3 By becoming a signatory to the Placemaking Charter Wales, the Council will demonstrate its commitment to the placemaking principles and developing and improving its places.

4. Current situation/proposal

- 4.1 The Placemaking Wales Charter, launched in September 2020, has been developed by Welsh Government and the Design Commission for Wales in collaboration with the Placemaking Wales Partnership. This consists of stakeholders representing a wide range of interests and organisations working within the built and natural environment. The Charter is intended to reflect the collective and individual commitment of these organisations to support the development of high-quality places across Wales for the benefit of communities.
- 4.2 Current signatories to the Placemaking Wales Charter include the Home Builders Federation, Chartered Institute of Highways and Transportation, Institute of Highway Engineers, Housing Associations, Future Generations Commissioner for Wales, Royal Society of Architects Wales, Welsh Government, the Welsh Local Government Association and national/regional house builders. The Charter is summarised below and attached as **Appendix A**.
- 4.3 Signatories to the Placemaking Wales Charter agree to promote the following principles in the planning, design and management of new and existing places:

People and Community – The local community are involved in the development of proposals. The needs, aspirations, health and well-being of all people are considered at the outset. Proposals are shaped to help to meet these needs as well as create, integrate, protect and/or enhance a sense of community and promote equality.

Location – Places grow and develop in a way that uses land efficiently, supports and enhances existing places and is well connected. The location of housing, employment, leisure and other facilities are planned to help reduce the need to travel.

Movement – Walking, cycling and public transport are prioritised to provide a choice of transport modes and avoid dependence on private vehicles. Well designed and safe active travel routes connect to the wider active travel and public transport network and public transport stations and stops are positively integrated.

Mix of Uses – Places have a range of purposes which provide opportunities for community development, local business growth and access to jobs, services and facilities via walking, cycling or public transport. Development density and a mix of uses and tenures helps to support a diverse community and vibrant public realm.

Public Realm – Streets and public spaces are well defined, welcoming, safe and inclusive with a distinct identity. They are designed to be robust and adaptable with landscape, green infrastructure and sustainable drainage well integrated.

They are well connected to existing places and promote opportunities for social interaction and a range of activities for all people.

Identity – The positive, distinctive qualities of existing places are valued and respected. The unique features and opportunities of a location including heritage, culture, language, built and natural physical attributes are identified and responded to.

4.4 As a signatory to the Placemaking Charter the Council would pledge to:

- Involve the local community in the development of proposals
- Choose sustainable locations for new development
- Prioritise walking, cycling and public transport
- Create inclusive, well defined, safe and welcoming streets and public spaces
- Promote a sustainable mix of uses to make places vibrant
- Value and respect the positive distinctive qualities and identity of existing places.

4.5 This will require a commitment across a wide range of departments and Council functions, all of which have a role to play in ensuring that new development and supporting infrastructure are informed by placemaking objectives.

4.6 The Welsh Government's 'Future Wales' document provides the National Development Plan and contains a specific policy requiring the public sector to show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities. It states under Policy 2: "The public sector must lead by example and apply placemaking principles to create exemplar developments. In particular, (it) must prioritise design quality, innovation and sustainability."

4.7 The draft replacement Local Development Plan has 4 strategic objectives

- To Create High Quality Sustainable Places (Placemaking)
- To Create Active, Healthy, Cohesive and Social Communities
- To Create Productive and Enterprising Places
- To Protect and Enhance Distinctive and Natural Places

4.8 The future strategic sites coming through the replacement Local Development Plan will have to be designed with a priority on placemaking.

4.9 Placemaking is now recognized as a function of the Planning and Development Services Group in the Communities Directorate Business Plan 2021/22. Both the Development Control Committee and the Planning Service are best placed to act as the Council's placemaking champions to ensure new development complies with the principles set out in the Charter. There is an aspiration to set up a 'Placemaking Unit' within the team drawing from existing expertise as well as taking on additional resource and suitable training in order to provide the necessary placemaking input

into new schemes. This would include the Council's own projects as well as any private sector development.

- 4.10 In practical terms this could involve amongst other things, the requirement for developers to have a Placemaking expert on board at pre-application stage and developing a suite of up to date Supplementary Planning Guidance documents. This will enable Bridgend to become an exemplar Authority in terms of placemaking.
- 4.11 Becoming a signatory to the Placemaking Charter therefore provides an opportunity for the Council to confirm its commitment to delivering quality places and recognizing the key role that this plays in enhancing the health and well-being of its communities and residents for the long-term future. This will require a whole Council agreement and further approval will be need from the Corporate Management Board, Cabinet and Council.

5. Effect upon policy framework and procedure rules

- 5.1 The statutory Town & Country Planning system requires Local Planning Authorities must determine Planning applications in accordance with the relevant regulations and policy.

6. Equality Act 2010 implications

- 6.1 As part of the wider statutory Planning process the effective management of land and its change seeks to help to eliminate inequality and disadvantage in people's lives. This has been reflected in the recently published Planning Policy Wales 11 (PPW11), which aligns the Planning system with other key Welsh Government strategies including the Well-being of Future Generations Act 2015 and the Socio-Economic Duty.
- 6.2 There are no direct implications associated with this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The statutory Town & Country Planning System and associated Planning policy including Placemaking principles is aligned in accordance with the seven Wellbeing goals and the five ways of working as identified in the Act.

8. Financial implications

- 8.1 The cost of the administering the statutory Town and Country Planning System is met from current budgets. Higher quality development may lead to higher overall cost although this may impact on the development industry. There may also be a requirement to provide suitable training to Officers and Members as well as the need for additional resource to provide the necessary placemaking guidance to developers although this cost could be offset by pre-application fees and the use of Planning Performance Agreements (PPAs).
- 8.2 Compliance with the placemaking agenda and being a signatory to the Charter requires that the Council must ensure its own proposed schemes are of a high quality. This inevitably requires an appropriate level of investment and financial

commitment however, if placemaking is addressed in a comprehensive manner at a suitably early stage of the development process following the principles set out in the Charter, it will not necessitate any increase in costs being incurred by the Council on its development projects. More importantly, good placemaking is far more than specifying expensive materials or reducing the scale or scope of development. In many instances, adhering to the principles of the Charter may be suitably addressed using pragmatic solutions in a careful and creative way.

9. Recommendations

- 9.1 That Members endorse that Bridgend County Borough Council agrees to become a signatory of the Placemaking Wales Charter.
- 9.2 That the Group Manager Planning & Development Services pursue the matter through the Corporate Management Board and seek the approval of Cabinet and Council.

Janine Nightingale
Corporate Director Communities
27 May 2021

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Background documents: Appendix 1 – Placemaking Wales Charter



Placemaking Wales Charter

The Placemaking Wales Charter has been developed in collaboration with the Placemaking Wales Partnership which is made up of stakeholders representing a wide range of interests. The Charter reflects the collective and individual commitment of those organisations to support the development of high-quality places across Wales for the benefit of communities.

In signing the Placemaking Wales Charter /my organisation agree to support placemaking in all relevant areas of my/our work and promote the following principles in the planning, design and management of new and existing places:

People and community

The local community are involved in the development of places. The needs, aspirations, health and well-being of all people are considered at the outset. Places are shaped to help to meet these needs as well as create, integrate, protect and/or enhance a sense of community and promote equality.

Location

Places grow and develop in a way that use land efficiently, supports and enhances existing places and is well connected. The location of housing, employment and leisure and other facilities are planned to help reduce the need to travel.

Movement

Walking, cycling and public transport are provided to provide a choice of transport modes and avoid dependence on private vehicles. Well designed and safe active travel routes connect to the wider active travel and public transport network, and public transport stations and stops are positively integrated.

Mix of uses

Places have a range of purposes which provide opportunities for community development, local business growth and access, jobs, services and facilities via walking, cycling or public transport. Development density and a mix of uses and features helps to support a diverse community and vibrant public realm.

Public realm

Blocks and public spaces are well defined, welcoming, safe and inclusive with a distinct identity. They are designed to be robust and adaptable with landscaping, green infrastructure and sustainable drainage well integrated. They are well connected to existing places and provide opportunities for social interaction and a range of activities for all people.

Identity

The positive, distinctive qualities of existing places are valued and respected. The unique features and opportunities of a location including heritage, culture, language, built and natural physical attributes are identified and responded to.

TRAINING LOG

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

Subject

Date

Deposit replacement Local Development Plan

26 May 2021

Building Regulations Fire Safety

7 July 2021

Minerals Update

17 August 2021

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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