

# Public Document Pack

## 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

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#### **Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**

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Gofynnwch am / Ask for: Democratic Services

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Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 3 February 2023

Dear Councillor,

#### **DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held Hybrid in the Council Chamber, Civic Offices, Angel Street, Bridgend, CF31 4WB / remotely - via Microsoft Teams on **Thursday, 9 February 2023 at 10:00.**

#### **AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers including those who are also Town and Community Councillors, in accordance with the provisions of the Members' Code of Conduct adopted by Council from 1 September 2008. Members having such dual roles should declare a personal interest in respect of their membership of such Town/Community Council and a prejudicial interest if they have taken part in the consideration of an item at that Town/Community Council contained in the Officer's Reports below.
3. Site Visits  
To confirm a date of Wednesday 22 March 2023 for proposed site inspections arising at the meeting, or identified in advance of the next Committee meeting by the Chairperson.
4. Approval of Minutes 3 - 14  
To receive for approval the minutes of the 17/11/2022 and 05/01/2023
5. Public Speakers  
To advise Members of the names of the public speakers listed to speak at today's meeting (if any).
6. Amendment Sheet  
That the Chairperson accepts the Development Control Committee Amendment Sheet as an urgent item in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for Committee to consider necessary modifications to the Committee Report, so as to take account of late representations and revisions that require to be

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accommodated.

- |     |   |           |
|-----|---|-----------|
| 7.  | <u>Development Control Committee Guidance</u>   | 15 - 18   |
| 8.  | <u>P/21/118/OUT - Land at Minffrwd Close, Pencoed CF35 6SE</u>  | 19 - 36   |
| 9.  | <u>Appeals</u>  | 37 - 44   |
| 10. | <u>Changes To The Town And Country Planning (Use Classes) Order 1987 And Town And Country Planning (General Permitted Development) Order 1995 In Wales To Create The Town And Country Planning (Use Classes) (Amendment) (Wales) Order 2022 And The Town And Country Planning (General Permitted Development Etc.) (Amendment) (Wales) Order 2022</u> | 45 - 78   |
| 11. | <u>Royal Town Planning Institute - The Big Conversation</u>   | 79 - 120  |
| 12. | <u>Training Log</u>   | 121 - 122 |
| 13. | <u>Urgent Items</u><br>To consider any other item(s) of business in respect of which notice has been given in accordance with Part 4 (paragraph 4) of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.      |           |

Note: This will be a Hybrid meeting and Members and Officers will be attending in the Council Chamber, Civic Offices, Angel Street Bridgend / Remotely via Microsoft Teams. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet\_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

**K Watson**

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

H T Bennett  
A R Berrow  
N Clarke  
RJ Collins  
C L C Davies  
S Easterbrook

Councillors

RM Granville  
H Griffiths  
S J Griffiths  
D T Harrison  
M L Hughes  
D M Hughes

Councillors

M R John  
MJ Kearns  
W J Kendall  
J E Pratt  
MJ Williams  
R Williams

# Agenda Item 4

DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 17 NOVEMBER 2022

MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN COUNCIL CHAMBER/REMOTE ON THURSDAY, 17 NOVEMBER 2022 AT 10:00

## Present

Councillor RM Granville – Chairperson

H T Bennett	A R Berrow	C L C Davies	H Griffiths
S J Griffiths	D T Harrison	M L Hughes	D M Hughes
M R John	MJ Kearn	W J Kendall	J E Pratt
MJ Williams	R Williams		

## Apologies for Absence

N Clarke and RJ Collins

## Officers:

Rhodri Davies	Development & Building Control Manager
Janine Nightingale	Corporate Director - Communities
Michael Pitman	Technical Support Officer – Democratic Services

## 50. DECLARATIONS OF INTEREST

The following Members/Officer made declarations of interest in the items so specified:-

J Parsons – Agenda item 9, personal interest, as his mother-in-law was a resident at a Nursing Home situate near the planning application site.

Councillor M Kearn – Agenda item 10 and 11, personal interests, as a member of Kenfig Trust Facebook page.

Councillor J Pratt – Agenda item 10 and 11, prejudicial interest, as a member of the Coastguard Search and Rescue Team. Councillor Pratt left the meeting whilst these items were being considered.

Councillor W Kendall – Agenda item 9, prejudicial interest, in that he had been involved in exchanging correspondence with one of the parties involved in the application over the past several months. Councillor Kendall left the meeting whilst this item was being considered.

## 51. APPROVAL OF MINUTES

RESOLVED: That the minutes of a meeting of the 25 August 2022, be approved as a true and accurate record.

## 52. SITE VISITS

RESOLVED: That in light of the date of the Development Control Committee scheduled for 29 December 2022, having been agreed at a meeting of Council yesterday to be moved to 5 January 2023, Members agreed for the date of any proposed site inspections to also be moved from 28 December 2022 to 4 January 2023 (am).

## 53. PUBLIC SPEAKERS

There were no registered public speakers present to address any planning applications at today's meeting.

54. **AMENDMENT SHEET**

**RESOLVED:** That the Chairperson accepted the Development Control Committee Amendment Sheet as an urgent item, in accordance with Part 4 (paragraph 4) of the Council Procedure Rules, in order to allow for the Committee to consider necessary modifications to the Committee report, so as to take account of late representations and revisions that are required to be accommodated.

55. **DEVELOPMENT CONTROL COMMITTEE GUIDANCE**

**RESOLVED:** That the summary of Development Control Committee Guidance as detailed in the report of the Corporate Director - Communities was noted.

56. **P/22/535/RLX - 39 HUNTERS RIDGE, BRACKLA ,BRIDGEND CF31 2LH**

**RESOLVED:** That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-

**PROPOSAL:** Variation of condition 1 of P/21/44/FUL to reflect existing changes and proposed alterations to single storey extension; erection of fence panels

Subject to the inclusion of the following further Condition.

4. The materials used to complete the works shall match the remainder of the substantially completed extension and, within 2 months of the date of this consent, the areas of exposed blockwork shall be fitted with a brick slip system to match the brickwork on the side elevations.

Reason: To ensure a satisfactory form of development.

57. **P/20/995/FUL - ISLAND FARM SITE, EWENNY ROAD, BRIDGEND, CF31 3LG**

**RESOLVED:** (1) That having regard to the above application, the applicant enters into a Section 106 Agreement to:

(i) Contribute a total sum of £25,266, paid on the commencement of development towards:-

- Bus stop improvements, including bus stop signs, markings, and bus shelter roofing upgrades - £6,600.
- Traffic Orders required in connection with the required pedestrian crossing on Eweny Road - £8,000.
- Improvements to the Microprocessor Optimised Vehicle Actuation (MOVA) system on Eweny Roundabout - £10,666.

(2) That the Corporate Director Communities be given delegated powers to issue a decision notice granting conditional consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, subject to the Conditions contained in the report.

**PROPOSAL:** Indoor and outdoor tennis centre, outdoor swimming pool, landscaping, car parking, new access and Active Travel route, new car park and amenity area for the adjacent care home

Subject to the amendment of two of the Conditions in the report, as follows:-

13. Notwithstanding the submitted plans no development shall commence until a scheme for the provision of long stay and short stay cycle parking has been submitted to and agreed in writing by the Local Planning Authority. The cycle parking shall be implemented before the development is brought into beneficial use and retained for cycle parking purposes in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site.

24. All tournament tennis shall only be played on the external courts between 08.00 and 22.00 hours on any day.

Reason: To protect the amenities of the adjoining occupiers.

58. **P/22/463/FUL - KENFIG NATURE RESERVE, KENFIG, BRIDGEND, CF33 4PT**

**RESOLVED:** That the above application be granted, subject to the Conditions contained in the report of the Corporate Director – Communities:-

**PROPOSAL:** Installation of tickets kiosk machines x 3 and ANPR cameras, laying of CAT 6 and armoured cable to each car park kiosk/camera and reception

59. **A/22/25/ADV - KENFIG NATURE RESERVE, KENFIG, BRIDGEND, CF33 4PT**

**RESOLVED:** That Advertisement Consent be granted for the above application, subject to the Conditions contained in the report of the Corporate Director – Communities, in addition to the standard advertisement conditions:-

**PROPOSAL:** Non-illuminated pole mounted parking signs

60. **APPEALS**

**RESOLVED:** (1) That the appeals received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities be noted.

(2) That the Inspector appointed by Welsh Ministers to determine the following appeals, has directed they be dismissed:-

Appeal No. - CAS-02086-N7G7S9 (1942)  
Subject of Appeal – Two Storey Extension to side of Dwelling and Single Storey Extension to Rear of Dwelling, 8 Priory Road, Bridgend.

Appeal No. - CAS-02006-Q7B8M6 (1953)  
Subject of Appeal - Freestanding Hoarding Sign (48 Sheet) 6m X 3m Land Opposite 65 Bethania Street, (South of Scout Hall), Maesteg.

Appeal No. CAS-02071-B9C1R9 (1960)

Subject of Appeal - Removal of Existing Roof; Rotation of Roof Pitch; Increase of Roof Pitch; Two New Pitched Roof Dormers too Front; Flat Roof Dormer Extension too Rear, 15 Anglesey Way, Porthcawl

- (3) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed it be Allowed subject to Conditions:-

Appeal No. CAS-01997-N2P6M0 (1955)

Subject of Appeal - Construct Garden Room to Rear Garden, 16 Shelley Drive Bridgend

- (4) The Inspector appointed by Welsh Ministers to determine the following appeal, has directed the following decision:-

\*\*The appeal is dismissed insofar as it relates to the alteration to the front dormer and provision of a balcony.

\*\*The appeal is allowed insofar as it relates to the removal of the rear extension and construction of a single-storey rear extension with balcony

Appeal No. CAS-02083-H6T1M9 (1963)

Subject of Appeal - Remove rear Extension; Construct Single Storey Rear Extension with Balcony over; Alteration to Front Dormer and Provision of Balcony, 7 Gordon Road Porthcawl

- (5) The following appeal was Refused for the reason contained in the report of the Corporate Director – Communities:-

Appeal No. CAS-02190-V5X2C2 (1972)

Subject of Appeal - Construction of a Roof Top Extension  
11 Rest Bay Close, Porthcawl

**Note:** Since this appeal was submitted, PEDW advised:

As the above appeal was not received within 12 weeks of the date of the refusal, the appeal has been found to be invalid and PEDW cannot take any further action on the appeal.

61. 2022 ANNUAL MONITORING REPORT (AMR) FOR THE BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) 2006 - 2021

The Strategic Planning Officer presented a report, the purpose of which, was to update the Development Control Committee on the findings of the 2022 AMR (attached at Appendix 1 to the report) and more notably, that housing delivery is failing to keep pace with the housing requirement and new deliverable housing allocations are urgently needed to relieve growing housing supply pressure.

He explained that the Council has a statutory obligation under Section 61 of the Planning and Compulsory Purchase Act 2004, to keep all matters under review that are expected to affect the development of its area. In addition, Section 76 of the Act required the Local Planning Authority to produce information on these matters in the form of an AMR, for submission to the Welsh Government.

He further advised that the 2022 AMR must be submitted to the Welsh Government prior to the 31 October 2022.

The main aim of the AMR was to assess the extent to which the LDP Strategy and Policies are being achieved. Therefore, the AMR has two primary roles, firstly, to consider whether the policies identified in the monitoring process are being implemented successfully and secondly to consider the Plan as a whole against all of the information gathered, in order to determine whether a complete or partial review of the Plan is necessary.

The Strategic Planning Officer went on to say, that there had been many changes since 2013 that had influenced the successful implementation of the LDP. The AMR therefore considered whether the development strategy that underpins the LDP remains valid and assesses whether or not the Strategy Policies contained within this are being effective in delivering the Development Strategy and meeting the objectives of the plan.

The findings of the AMR also provided an important opportunity for the Council to assess the effectiveness of the adopted LDP and to determine whether or not it needs to be reviewed. The previously published LDP Review Report (2018) already recognised an urgent need to address the shortfall in the housing land supply through the identification of additional housing sites.

The development that had taken place since adoption of the existing LDP has levied significant investment into the County Borough and delivered new homes and jobs for BCBC's communities. However, a number of key housing provision policy targets are not being met which indicated that these policies are not functioning as intended. The longer this situation remains unaddressed he added, the greater the need will be to include extra housing provision within the Replacement LDP or risk ad hoc development and 'planning by appeal'.

This further reinforced the need for a plan review, as the annual housing requirement will not pause for housing delivery to catch up.

The Strategic Planning Officer confirmed that the Local Planning Authority is continuing to progress the Replacement LDP to address the shortfall in housing delivery and facilitate the identification/allocation of additional housing land.

He concluded his report, by stating that further investment into the local economy is required and the Replacement LDP will stimulate take up of new employment land, mixed-use sites and regeneration opportunities (including sites in the Council's ownership). This will bring forward new schemes, masterplans and development briefs to enable development.

**RESOLVED:** That Members noted the content of the report of the Corporate Director – Communities.

62. **TRAINING LOG**

**RESOLVED:** That the report of the Corporate Director – Communities outlining up and coming training sessions on Planning and Development key topics, be noted.

63. **URGENT ITEMS**

None.

The meeting closed at 12:30



MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD HYBRID IN THE COUNCIL CHAMBER / REMOTELY - VIA MICROSOFT TEAMS ON THURSDAY, 5 JANUARY 2023 AT 10:00

Present

Councillor RM Granville – Chairperson

H T Bennett	N Clarke	RJ Collins	C L C Davies
H Griffiths	D T Harrison	M L Hughes	D M Hughes
M R John	MJ Kearn	W J Kendall	J E Pratt
MJ Williams	R Williams		

Apologies for Absence

A R Berrow and S J Griffiths

Officers:

Rhodri Davies	Development & Building Control Manager
Claire Hamm	Conservation and Design Team Leader
Michael Pitman	Technical Support Officer – Democratic Services

65. DECLARATIONS OF INTEREST

Councillor D Hughes - prejudicial interest in Agenda item 7. as an objector to the application was a relative and she also knew the family of another objector well and was employed previously by this objector's father. Councillor Hughes left the meeting whilst the application was being considered.

Councillor H Bennett – prejudicial interest in Agenda item 8. as she knew the applicant's family. Councillor Bennett left the meeting whilst the application was being considered.

66. SITE VISITS

RESOLVED: That a date of 8 February 2023 be agreed for any proposed site inspections identified in advance of the next Committee meeting Members and/or the Chairperson.

67. PUBLIC SPEAKERS

That the following public speakers exercised their right to speak, in turn, on the under mentioned application:-

P/22/85/RLX – Councillor D Unwin (Bridgend Town Councillor)  
P/22/85/RLX – Mr A Nelson and S Kelly (two objectors speaking)  
P/22/85/RLX – Mr R Chichester (Applicant's agent)

68. AMENDMENT SHEET

RESOLVED: The Amendment Sheet was accepted by the Chairperson as an urgent item under Part 4, paragraph 4 of the Council Procedure Rules.

69. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

**RESOLVED:** That the report of the Corporate Director – Communities, outlining the Development Control Committee Guidance be noted.

70. **P/22/85/RLX - COED PARC PARK STREET BRIDGEND CF31 4BA**

**RESOLVED:** That the Committee approved the above application, subject to the Conditions contained in the report of the Corporate Director – Communities:-

**Proposal:**

Remove Condition 19 (Construction Method Statement) of P/19/174/RLX by the provision of details.

Subject to the inclusion of the following added Conditions:-

21. Notwithstanding the submitted and agreed Construction Method Statement, no further works on Phase 3 of the development shall commence until the provision of a 1m wide fully heras fenced pedestrian refuge is provided on the eastern edge of the existing access driveway. The pedestrian refuge will link the dwellings of Plots 2, 3 and 4 to the existing footway provision. The pedestrian refuge shall be implemented before any further development on Phase 3 and retained for pedestrian safety for the duration of the construction period.

Reason: In the interests of highway and pedestrian safety.

22. Within two months from the date of this consent, the incomplete section of the pedestrian safety located on the eastern side of the bell mouth entrance to the site fronting Park Street, shall be completed and retained in permanent materials, to ensure a continuous pedestrian route onto Park Street, for the existing residents of the site.

Reason: In the interests of highway and pedestrian safety.

71. **P/20/895/RLX - WARD JONES BRIDGEND LTD, HORSEFAIR ROAD, WATERTON INDUSTRIAL ESTATE, BRIDGEND CF31 3YN**

**RESOLVED:** That the Committee approved the above application, subject to the Conditions contained in the report of the Corporate Director – Communities.

**Proposal:**

Variation of Conditions 1, 2, 3, & 4 and removal of Conditions 8 & 16 of P/17/369/RLX to allow for partial site use changes.

Part f of Condition 2 on the report should be amended to read as follows:-

Area 6, 6A, 6B and 6C – the storage of steel containers

The rows of storage containers on 6A and 6B shall be maintained and retained in perpetuity as a row of steel storage containers and/or 2.5m high close board fencing with joins over-boarded to form a solid sound barrier line without gaps along the southern perimeter of Areas 2 and 3. The opening mechanisms on the containers shall be fitted with sound attenuation measures. The fencing shall have a minimum mass of 10kg per

square metre per unit area. Should any containers and or high close board fencing be removed, the use of the motorcycle training facility shall immediately cease until replacement noise mitigation measures have been approved by the Local Planning Authority and installed to the Local Planning Authority's satisfaction.

Area 6C shall be maintained and retained in perpetuity as a row of steel storage containers to form a solid sound barrier line without gaps along the southern perimeter of Area 5. The access gates for maintenance of the Landscape Protected Zone shall be 2.5m high close board fenced gates and shall have a minimum mass of 10kg per square metre per unit area. The barrier or fence agreed by the Local Planning Authority shall be maintained and retained in perpetuity. Areas 6, 6b and 6c shall be secured to prevent access outside the following times:

07.00 hours to 23.00 hours on any day.

72. **APPEALS**

- RESOLVED:**
- (1) That the appeals received since the last meeting of the Committee as shown in the report of the Corporate Director – Communities be noted.
  - (2) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed the Appeal be allowed, subject to the conditions contained in the report:-

(i) Appeal No. – A/20/3253547 (1895)

Subject of Appeal – One static residential Gypsy Caravan together with the erection of a day/utility Room, one Touring Caravan, Replacement Stable Block, Car Parking Area and Installation of a Septic Tank, Land at the Barn, Smallholdings Lane, Coity, Bridgend.

- (3) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed that the Enforcement Notice be upheld and amended:-

(ii) Appeal No. – C/21/3278601 (1933)

Subject of Appeal – Unauthorised felling of TPO trees, 10 Llys Briallen, Brackla, Bridgend.

- (4) That the Inspector appointed by Welsh Ministers to determine the following appeal, has directed that the Appeal be dismissed:-

(iii) Appeal No. - A/21/3275105 (1946)

Subject of Appeal - Erection of Retaining Wall and Steps, Raised Patio, Garden Room and Wind Turbine to rear garden, 10 Llys Briallen, Brackla, Bridgend.

- (5) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that the Appeal be dismissed:-

(iv) Appeal No. - A/21/3283050 (1934)

Subject of Appeal - Change of use of Ground Floor to Residential Accommodation to be used with existing First Floor Residential Accommodation (One Residential Unit) White Hart Inn, Bridgend Road, Maesteg.

- (6) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that the Enforcement Notice be upheld:-

(v) Appeal No. - CAS-01665-W4K9P2 (1944)

Subject of Appeal - Alleged unauthorised Siting of Containers and Deposit of Rubbish, former 7777 Site, Llangynwyd, Maesteg

- (7) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that the Appeal be dismissed:-

(vi) Appeal No. - CAS-01665-W4K9P2 (1945)

Subject of Appeal - Retention of 2 Storage Containers land south of Pont Rhyd-Y-Cyff, Maesteg

- (8) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that the appeal be part allowed/part dismissed:-

(vii) Appeal No. - CAS-02097-T1X2Y0 (1964)

Subject of Appeal - Two Storey Extension to side & rear of Existing House, Porch to Front & New Rendered Blockwork External Skin, 1 Mount Earl Close, Bridgend.

- (9) That the Inspector appointed by the Welsh Ministers to determine the following appeal has directed that the Appeal be allowed, subject to the Conditions contained in the report:-

(viii) Appeal No. - CAS-02162-X2D1M5 (1969)

Subject of Appeal - Remove Condition 2 of P/17/456/Ful (Obscure Glazing) Seawynds, Carlton Place, Porthcawl.

73. **LISTED BUILDING CONSENT DELEGATION**

The Team Leader, Conservation and Design presented a report, the purpose of which, was to update Members of the Development Control Committee on Bridgend County Borough Council's application for Listed Building Consent Delegation in terms of feedback from Cadw and the next steps.

Following some background information, she advised that on 15 December 2022, Cadw wrote to Officers to confirm that it was minded to award delegation to the named Officer as specified in the application (Senior Conservation and Design Officer Mrs Moira Lucas), based on the application and record of experience submitted.

The award was subject to this Authority providing the following:

- (i) a corporate commitment to seek and adhere to the advice of the named officer on applications for listed building consent, and
- (ii) where the advice of the named officer is not available, or the application is proposed to be approved against the advice of the named officer, Cadw will be notified in order to consider call-in.

The Team Leader, Conservation and Design explained, that removal of the requirement to notify Cadw, would take out a time-consuming and resource intensive part of the Listed Building Consent cycle for both Cadw and the local planning authority. It would also strengthen local decision-making, making it more timely and efficient, and would improve the service available to the public.

The Development Control Committee currently has delegated to it by Council, the power to discharge the Council's functions under the Planning (Listed Buildings and Conservation Areas) Act 1990, which are detailed in the Constitution. The delegated power included the power to determine application for Listed Building Consent but subject to the requirement to notify Welsh Ministers in line with Section 13 of the Act as mentioned in Paragraph 3.1 of this report.

She added, that if members agreed to accept the recommendations in the Report, the Constitution will require a change to the delegation to add that the Committee can approve applications for Listed Building Consent without the need for referral to Welsh Ministers if it has on any application for Listed Building Consent received and adhered to the advice of the Senior Conservation and Design Officer Moira Lucas.

**RESOLVED:** That the Development Control Committee:-

- Agreed a commitment to seek and adhere to the advice of the named officer (Senior Officer Conservation and Design Mrs Moira Lucas) on applications for listed building consent;
- Agreed that where the advice of the named officer is not available, or the application is proposed to be approved against the advice of the named officer, Cadw will be notified in order to consider call-in;
- Accepted the offer from CADW of Listed Building Consent Delegation on all Grade II Listed Buildings;
- Agreed that the report be referred to Council for agreement to amend the Constitution as described in paragraph 4.4, along with any other necessary amendments.

74. **TRAINING LOG**

**RESOLVED:** That the report of the Corporate Director – Communities outlining up and coming training sessions on key topics relating to Planning and Development, be noted.

75. **URGENT ITEMS**

None.

The meeting closed at 12:00

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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](http://www.coal.gov.uk)
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
  - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
  - increase in the volume of a building;
  - increase in the height of a building;
  - changes to the site area;
  - changes which conflict with a condition;
  - additional or repositioned windows / doors / openings within 21m of an existing building;
  - changes which alter the nature or description of the development;
  - new works or elements not part of the original scheme;
  - new works or elements not considered by an environmental statement submitted with the application.
- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).



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

## **THE SITE INSPECTION PROTOCOL**

The Site Inspection Protocol is as follows:-

### **Purpose**

#### **Fact Finding**

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

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

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

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

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

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

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

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

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

### **Inappropriate Site Visit**

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

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

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

#### **Attendance**

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

## **Officer Advice**

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

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

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

## **Code of Conduct**

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

## **Record Keeping**

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

## **Site Visit Summary**

In summary site visits are: -

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

## **Frequently Used Planning Acronyms**

AONB	Area Of Outstanding Natural Beauty	PEDW	Planning & Environment Decisions Wales
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
PINS	Planning Inspectorate		

**REFERENCE:** P/21/118/OUT

**APPLICANT:** Castell Construction Ltd: 10 Gloucester Road, Newport NP19 7EG

**LOCATION:** Land at Minffrwd Close, Pencoed CF35 6SE

**PROPOSAL:** Construction of 4 detached houses including external areas and parking

**RECEIVED:** 16 February 2021

## **BACKGROUND**

This application was presented to the Development Control Committee at the meeting held on 6 October 2022. Members resolved that planning permission be granted subject to the applicant entering into a S106 agreement to:

- Provide a minimum of 20% of the units as affordable housing with the type of unit(s), location within the site and affordable tenure to be agreed by the Council or a financial contribution towards off-site provision of affordable dwellings to an equivalent value.
- Provide a financial contribution of £4,156 on the commencement of development towards the provision/upgrading of children's play space and outdoor sports facilities in the vicinity of the application site.

The applicant was requested to agree the terms of the S106 agreement and the draft planning conditions and to provide details of the Solicitor acting on their behalf in the drafting of the agreement. In response, the Managing Director of Castell Construction confirmed that the requirements of the agreement would render the development unviable and seeks that the permission be issued without any S106 obligations. A Viability Appraisal has been submitted in support of the application which will be considered in the later sections of this report.

## **APPLICATION/SITE DESCRIPTION**

Outline planning consent is sought for the construction of 4 detached dwellings on 0.2 hectares of land, roughly rectangular in form, located between Minffrwd Road and Minffrwd Close, Pencoed. All matters of detail, apart from the means of access and layout, have been reserved for future consideration.

The site has a long planning history, dating back to a 1968 permission for the development of the whole estate. In 1992, the former Authority rejected an application for 8 dormer bungalows on the site on the basis of its impact on the character of the area and the inadequacies of the road network to serve the development.

The decision was reversed at appeal with the Inspector confirming that the development would not harm the character and appearance of the immediate residential surroundings. The Inspector was also not convinced that the extra traffic generated by the development would create inconvenience and danger to road users. A series of planning applications have followed that decision with various iterations of layouts ranging from 8 two-bedroom semi-detached bungalows in 2000 to 8 two storey dwellinghouses in 2006. In 2013, planning permission was granted for the erection of 4 detached dwellings. No works were commenced and the consent has expired.

The site layout plan, as amended confirms that the four detached dwellings will be positioned centrally, fronting Minffrwd Road.



**Figure 1 – Site Layout Plan**

Plots 2, 3 and 4 of the proposed development will have driveways and direct access onto Minffrwd Road whilst Plot 1 will have pedestrian access to the front but vehicular access to the rear off the unmade road that forms the Close. Proposed improvements and widening along Minffrwd Road are detailed on the layout plan as part of the access works and will include a 1.8m wide footway on the development side as well as limited works to the junction with Minffrwd Close (new junction radii with kerbing on the southern side and a permanent road surface for the first 10m). A small layby facility will serve Plot 1 to cater for calling vehicles. The application does not propose to upgrade Minffrwd Close apart from the junction but does retain the required highway widths and turning area.

Where scale is a Reserved Matter, the application must state the upper and lower limits for the height, width and length of the dwelling. The submitted plans indicate dwellings with a similar footprint and maximum dimensions of 10m x 8m with a side attached garage measuring 3m x 6m. Two storey houses are proposed with the height parameters ranging from 5m to 5.2m at eaves level and between 8.6m and 9.7m to the ridge.

The application details confirm that surface water will be disposed of through a sustainable drainage system although no details have been provided at this stage. Foul water will be disposed of to the main sewer.

A series of Transport Technical Notes, Active Travel Audits and plans proposing off-site highway works to improve pedestrian infrastructure on Minffrwd Road have also been submitted in support of the application.

An Ecology Walkover Report accompanied the original submission, confirming the site to be of low ecological value with there being no impact on arboriculture, bats, badgers and reptiles. The potential low impact on a small number of commoner birds could be negated through new planting, bird boxes etc.

## RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/06/292/FUL	8 semi-detached two storey dwellings and associated highway works	Conditional Consent	26 January 2007
P/12/46/RLX	Relax standard condition of p/06/292/ful to permit the period of approval for further 5 years	Conditional Consent	18 July 2014
P/13/80/FUL	Erection of 4 detached houses	Conditional Consent	18 October 2013
P/17/512/RLX	Remove conditions 8 & 9 of P/13/80/FUL which both relate to Code for Sustainable Homes	Conditional Consent	14 July 2017
P/21/117/OUT	Outline application for the construction of 4 detached houses including external areas and parking.	Application Withdrawn.	21 February 2022

## CONSULTATION RESPONSES

### CONSULTEE

**Cllr Alex Williams (Local Member)**

### COMMENTS

Requests that the application be referred to committee for determination, due to residents' ongoing concerns. The focus is on highway safety; traffic; parking; nature conservation; and the adoption/resurfacing of Minffrwd Close.

Opposition to the proposed developments include loss of privacy and that the new development would be in close proximity and overlook existing properties

From a nature conservation perspective, there are concerns about the destruction of a habitat teeming with wildlife including small mammals, nesting birds, insects, flora and fauna. Residents believe that there is a moral obligation to protect these areas of biological diversity.

Residents believe that the conditions which were imposed on previous planning application (P/13/80/FUL) should be applied to any future planning application.

With regards to traffic and highway safety, residents suggest that the development will significantly increase traffic along a single-track road which is not designed for the amount of foot or vehicular traffic that already exists, especially since the development of Clos Penglyn that have this as their only access road. Residents contend that this will increase the level of danger for pedestrians as there are no pavements along this stretch of Minffrwd Road, and the road narrows to single track in several places.

Furthermore, the junction of Pentwyn Rd and Minffrwd Rd is notoriously dangerous already, and any increased traffic to the area will only increase this potential risk.

Parking within the area is already over capacity.

One resident is concerned that increased road traffic, particularly of heavy goods vehicles and plant for the construction of the dwellings, will have a negative effect on the structural integrity of

their boundary wall and potentially result in structural damage to their house.

Other residents have referred to the potential increase in noise pollution and air pollution as a result of the construction of these dwellings.

Residents are concerned about the speed of vehicles along this stretch of road and would like to see a traffic survey undertaken to assess the speed and quantity of traffic.

Residents note that Minffrwd Close should be a better state of repair and that the current road would not cope with the extra traffic which any development would bring. Residents have asked whether Minffrwd Close will be adopted by BCBC and repaired as a result of this planning application.

Finally, residents would like an assessment of whether or not the drainage system in the area is fit for purpose to accommodate further dwellings.

**Pencoed Town Council**

Noted that this site has been the subject of previous consents which have never materialised.

Potential that the site is an over commitment and perhaps should benefit from a more sympathetic scheme.

Already received comments/objections from residents

Access to the proposed site is via a Private unadopted road i.e., Minffrwd Close

Access to the site via Minffrwd Road is very narrow allowing one way traffic

Potential increase in traffic over Penprysg Bridge

Will this application if granted be subject to 106 monies? If so, the Town Council would want some input.

**Transportation Officer  
(Highways)**

No objection subject to conditions.

**Land Drainage**

No objection subject to conditions.

**Dwr Cymru/Welsh Water**

No objection subject to conditions.

**Biodiversity Policy and  
Management Officer**

No objection subject to conditions.

**Natural Resources Wales**

No comments received.

## REPRESENTATIONS RECEIVED

The application has been advertised on site. Neighbours have been notified of the receipt of the application and the subsequent submission of amended plans. The period allowed for response to consultations/publicity has expired.

Letters of objection have been received from the following properties:

34, 36, 38, 40, Minffrwd Road  
6, 7, 8, 10, 11 Minffrwd Close  
4, 6A, 8, 10, 10A, 12, 14, 14A Pentwyn Road

The following is a summary of the objections received:

**Principle of the development:** loss of green space, no requirement for additional housing, lack of infrastructure to support development, (school places, capacity in doctors and dentists etc)

**Highway Safety:** Minffrwd Road is too narrow to facilitate access to new dwellings – two cars are unable to pass – road cannot cope with existing levels of traffic – development will increase conflict between vehicles and pedestrians, including children walking to school – there are no footways - the planned footpath is not good enough – development will result in vehicles reversing onto a substandard road where traffic speeds exceed the limit - historically direct access onto Minffrwd Road was rejected - visibility is poor as you climb the hill on Minffrwd Road – there are blind spots. Development will exacerbate parking problems with visitors to the new housing parking on-street – could restrict access for emergency vehicles. Layout does not provide adequate parking. Site is poorly served by public transport (bus services have been reduced) and there is a lack of safe routes to facilities for cyclists and pedestrians. The scheme fails to deliver improvements to Minffrwd Close other than at the junction – Minffrwd Close will become the ‘back-street’ – new occupants will make back entrances onto close and will use substandard road – not surface.

Residents have also commented on the Technical Notes that have been submitted by the applicant’s Transport Consultant suggesting that the information is inaccurate. The report which suggests that the lack of footways does not deter pedestrians from using the road and encourages drivers to travel at lower speeds is not accepted. In the view of residents, vehicles travel too fast. The road dimensions in the Lime Transport report are also considered to be inaccurate.

**Housing will detract from the character of the area and the living conditions of residents:** the dwellings proposed are completely out of character with the surrounding - the land provides a buffer between existing housing – it provides privacy – new dwellings will overlook and overshadow existing properties – concern that affordable housing could result in an increase in crime rates – noise from additional traffic

**Unacceptable impacts on biodiversity interests on site:** loss of vegetation is a loss of habitat for birds, reptiles etc. – there is a haven for wildlife such as green and gold finches - survey work is inadequate

**The acceptability of site drainage to serve the development -** are the drainage systems (foul) able to cope with additional development

## COMMENTS ON REPRESENTATIONS RECEIVED

Many of the objections offered by residents coincide with the main considerations in the assessment of the application and will accordingly be addressed in the appraisal section of the report.

A number of issues which are more minor and/or are not material to the determination of the application are considered below:

It is a requirement of local policy that affordable housing should be provided as part of any new housing development – see Policy COM5 below. The suggestion by some residents that the tenure of housing will affect rates of crime is unsubstantiated and is not material to the determination of this application

Avoiding or minimising noise pollution is a requirement of both local and national policy and some concerns have been expressed regarding noise associated with construction and traffic levels from the completed development. A condition will be imposed requiring the submission of a construction management plan to control the development in the interests of the living conditions of residents and highway safety. Whilst vehicle movements will increase as a consequence of the development, the impact from traffic noise given the scale of the development will be limited.

## RELEVANT POLICIES

### Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary planning guidance are relevant:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards
<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV5</b>	Green Infrastructure
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy COM3</b>	Residential Re-use of a Building or Land
<b>Policy COM4</b>	Residential Density – development will be built at a density of at least 35 dwellings per hectare
<b>Policy COM5</b>	Affordable Housing – on sites capable of accommodating 5 or more dwellings – sites will deliver 20% affordable housing
<b>Policy COM11</b>	Provision of Outdoor Recreation Facilities
<b>Policy SP14</b>	Infrastructure

<b>Supplementary Planning Guidance 5</b>	Outdoor Recreation Facilities and New Housing Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity & Development

### National Policies

In the determination of a planning application regard should also be given to the 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

<b>Planning Policy Wales Edition 11</b>	
<b>Planning Policy Wales TAN 5</b>	Nature Conservation and Planning
<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 18</b>	Transport
<b>Planning Policy Wales TAN 23</b>	Economic Development

### 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**

The application is referred to the Development Control Committee for determination in response to the request from the Local Member and in view of the number of material objections received from residents and the Town Council.

The main considerations in the assessment of this application relate to the following:

- The principle of residential development in this location
- The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing
- The potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided,
- The impact of the scheme on the natural environment
- The drainage of the site, and
- Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.

### **The Principle of the Development in this location**

The application site is located within the main settlement of Pencoed as defined by Policy PLA1 of the Bridgend Local Development Plan 2013 (LDP). Policy COM3 confirms that residential developments on 'small scale' sites such as this will be permitted where no other LDP Policy protects the building on land for an existing or alternative use.

The objectors claim about the loss of green space and there being no requirement for additional housing are not justified in this case. The site has no formal designation and is not regarded as protected green space. It forms a vacant parcel of land that has a history of planning consents for housing. The site is not allocated for a specific use and therefore, residential development would be acceptable in principle subject to other LDP Policies.

Concerns about a lack of infrastructure to support this development have been considered but given the scale (4 units) it does not pass the threshold requiring a contribution to education facilities. The availability of doctors and dentists to serve an increasing population is a cause for concern on many applications for new housing. The availability for health facilities goes beyond the scope and control of the Local Planning Authority and is a matter for Welsh Government and the Health Trusts. Given the scale of the development proposed, the impacts are unlikely to be significant.

The publication of Planning Policy Wales in February 2021 established the role of the planning system in promoting and supporting the delivery of the Active Travel Act, requiring such provision to be an essential component of development schemes. The lack of continuous footways serving the site (linking to public transport and wider services) has been the subject of discussions and negotiations with the applicants. An Active Travel Walking Route Assessment has been undertaken in accordance with the Walking Route Audit Toolkit outlined in the Active Travel Act Guidance (July 2021). The results of this survey along with proposal to improve the connections through new signage and the provision of designated pedestrianised zones on Pentwyn Road and Minffrwd Road has to some extent negated the initial concerns about Active Travel connections.

Based on the audit and highway improvements that can be secured through the consent, any policy objection to the principle of this site being developed for housing would be difficult to sustain at appeal. It should also be noted that the site is located within the settlement of Pencoed and has a history of consents for similar and larger developments.

### **The design and layout of the development and the potential impact on the living conditions and future well-being of adjacent residents and the future occupiers of the proposed housing**

National policy confirms that new housing developments should be well integrated with and connected to the existing pattern of settlements. In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources and good design can overcome adverse effects but where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. At a local level, Policy SP2 requires all development to respect and enhance local character whilst also protecting the amenities of existing residents.

Objectors have suggested that the development is completely out of character with its surroundings. This may indeed have been the case for the withdrawn application for 10 units which included a flatted complex and an earlier layout which proposed the dwellings perpendicular to Minffrwd Road and Close. The proposed layout follows the general pattern of development in the area with the scale of units (two storey) similar to those on Minffrwd Road. The area has a mix of house designs and scales and to suggest that the design is completely out of character is unjustified. It should be noted that this layout is almost identical to that approved under P/13/80/FUL.

Indicators of unacceptably high densities would be evident when privacy/daylighting/domination standards between the new dwellings and their relationship with the existing properties is compromised. The critical issue is whether the impacts are so significant as to be contrary to local policies and guidelines. Residents have suggested that the land forms a buffer between the existing houses that front Minffrwd Road and Minffrwd Close, providing high levels of privacy for the occupants. Based on the submitted layout it would however be possible to introduce the new units with their habitable room windows on the front and rear whilst retaining the privacy standard of 21m (14 Pentwyn Road is a detached property lying to the south of the development site). Previously, there was some concerns that the levels of privacy for the occupiers of this property would be compromised. Although the final design of the houses is not being agreed at this stage, Plot 1 is likely to have habitable room windows on the front facing Minffrwd Road and to the rear facing Minffrwd Close. Careful examination of the plan and the site circumstances confirms that the windows do not in any way directly overlook the existing habitable room windows in the aforementioned property. The juxtaposition of the two creates a reasonably acute angle which should safeguard the neighbour's privacy.

The outlook from existing properties surrounding the site will change and will be affected by the new housing. View of course cannot be protected and the distance between existing and new should ensure that no overshadowing occurs. Again, the relationship with 14 Pentwyn Road and the unusual position of its windows must be considered. From the submitted drawings, the rear elevation of Plot 1 will be set back from the side elevation of single storey extension to 14 Pentwyn Road which accommodates a door and habitable room window. At its closest, the distance separating the new house from No.14 is just over 4m (measured at an angle). The space formed by the driveway and garage and the position of the new dwelling to the north of No.14 should ensure that any overshadowing will be limited and certainly not to the extent as to warrant a refusal of planning permission.

Consideration must also be given to the living conditions of the future residents. Although a full assessment cannot be made at this stage on the basis that the scale and appearance of the dwellings are unknown, the layout does give an indication as to the levels of amenity space that will be afforded to future occupiers. Rear gardens are between 8.5m and 9.0m in length which is less than the normal 10.5m but the length is compensated by the width which exceeds 12m in all cases. Overall, the garden spaces should be sufficient to provide reasonable living conditions for the future occupiers.

Overall, the development will have some impacts on the occupiers of the existing properties on Minffrwd Road and Minffrwd Close but not to the extent that would warrant a refusal of planning permission. The requirements of national and local policy will be addressed by the development.

### **The potential implications of the development on the surrounding highway network, highway safety and whether sufficient parking facilities can/are being provided**

The adequacy of the highway network to accommodate the development on this site have been longstanding objections that have been considered in the assessment of previous applications. Deficiencies do exist with the footway links along Minffrwd Road being intermittent resulting in pedestrians having to share the carriageway with vehicular traffic in a number of locations. Opportunities to improve are limited with existing property boundaries in this older part of Pencoed being built up to the highway. Residents suggest that the speed of traffic and parked vehicles creates an unsafe situation which will only be exacerbated by the development. This is however an existing problem which will continue irrespective of this development. The application however offers an opportunity for improvements to be made as discussed above with the provision of designated pedestrianised zones on Pentwyn Road and Minffrwd Road. The proposed works will have wider benefits and will improve the existing highway safety situation. Members should also be mindful that the site development will result in a widening of Minffrwd Road and the provision of a footway along the site frontage which should assist the movement of pedestrians and cyclists.

Again, existing problems associated with on-street parking cannot be resolved through this application and the assessment must be on whether sufficient car parking can be provided to serve the quantum of development proposed. At this stage, the size of the dwellings and the parking requirements is in unknown. A condition will however be imposed requiring the submission of a scheme that will be tested against the requirement of the Council's Parking Standards. Based on the submitted layout, sufficient space should be available to provide the required car parking. The future development is likely to see vehicles reversing onto the highway, an arrangement that has been deemed acceptable in safety terms with adequate vision being available at the respective access points.

Despite the development being widely opposed by local residents over the years, one of the benefits of the previous consented schemes was the upgrading of a section of Minffrwd Close up to the junction with Minffrwd Road. Such works were entirely reasonable previously on the basis that eight dwellings were to access the Close. Although the ownership of the 'highway' was unknown, previous developers had indicated that the required works would be undertaken. The layout submitted with this current application proposes three dwellings with vehicular access onto Minffrwd Road with only Plot 1 utilising the unmade highway. Consideration has been given to repeating the planning conditions requiring the upgrade of the 'Close' on this application. Welsh Government advice is however clear that developers will only be required to pay the cost of any highway improvements where the need is directly created by their development. They should not be required to pay for improvements to deal with existing deficiencies in the road system which would not be made worse by their proposal. On the basis that the greater part of the proposed development will affect Minffrwd Road and conditions can be imposed to prevent vehicular access to Plots 2, 3 and 4 from the 'Close', the level of improvements required under previous permissions cannot reasonably be sought again. That was accepted in the decision to grant application P/13/80/FUL.

### **The impact of the scheme on the natural environment**

Criterion (10) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that biodiversity and green infrastructure is safeguarded. This follows the approach identified in Planning Policy Wales which confirms that Planning Authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (Section 6 duty).

Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The Council's Ecologist has reviewed the submitted Preliminary Ecological Appraisal and concurs with its findings. The Section 6 Recommendations contained within the Preliminary Ecological Appraisal should be included in the conditions of any approval. More details will be required on the ecological enhancements proposed for the development, such as landscaping plans, species to be replanted (including size and numbers) and the provision of bird and bat boxes within the development but these could be secured through the planning consent. Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate local authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions.

The site does contain Common montbretia, a species listed under Part II of Schedule 9 of the Wildlife & Countryside Act (1981). Given that the development may result in spoil material being moved from site, a condition will be imposed that requires the submission of an invasive species management methodology.

Subject to the inclusion of the recommended Planning conditions, this development will be compliant with Policy ENV6 of the Local Development Plan (2013) and criterion (10) of Policy SP2.

### **The drainage of the site**

The provision of Sustainable Drainage Systems (SuDS) must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. The application form states surface water will be disposed via SUDs, but no surface water drainage layout has been provided to date. As the development exceeds the thresholds established by Welsh Government, the surface water drainage systems for this development will need to be designed and built-in accordance with standards for sustainable drainage. Such systems will need to be approved by this Council before construction work begins

Planning Policy Wales requires development proposals in sewered areas to connect foul drainage to the nearest main sewer. Dwr Cymru Welsh Water (DCWW) have confirmed that capacity exists within the public sewerage network in order to receive the domestic foul from the proposed development. Concerns expressed by residents in this regard would appear to be unjustified. DCWW have identified that part of the site is crossed by a public 3-inch water main (across the northern boundary of Plot 4). It may be possible to divert the public water main if the developer applies under Section 185 of the Water Industry Act.

A condition will be imposed requiring the agreement of a comprehensive drainage system for this site dealing with both surface water and foul drainage. Based on the information before the Council, there is a reasonable prospect that such a scheme can be designed and agreed by the relevant drainage bodies through the planning system.

### **Whether contributions need to be secured through a Section 106 Legal Agreement to mitigate the impact of the development and to comply with policy.**

Policy SP14 of the Bridgend Local Development Plan requires applications for development to include material proposals to deal with the fair and reasonable infrastructural requirements of the development and to mitigate any negative impacts that may arise.

A development of 4 dwellings does not trigger the threshold of SPG16: Educational Facilities & Residential Development and no contribution is required. Although the proposal is for less than 5 dwellings, the site exceeds 0.15ha and as such the application triggers Policy COM5 of the LDP regarding affordable housing. This location requires 20% of the dwellings to be provided as affordable housing. As such, 1 of the units should be provided as affordable housing of an appropriate tenure or alternatively a financial contribution, to an equivalent benefit, could be sought towards off-site provision.

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sport & Children's Play Space Audit (2017) indicates a deficit in provision of all forms of Outdoor Recreation Facilities in the area. The proposed development does not include open space on-site and given the scale of the development and limitations of the site, more community benefit will be realised to securing a financial contribution to improve local facilities. This will be calculated at £470 per dwelling for children's play space and £569 per dwelling towards outdoor sport facilities.

As indicated in the introduction to this report, the Managing Director of Castell Construction has confirmed that the requirements of the Agreement would render the development unviable and seeks that permission be issued without any S106 obligations. It had been wrongly assumed that the quantum of development, 4 units, was below the policy threshold and that no affordable housing was required. Policy COM5 of the Bridgend Local Development Plan (2013) (LDP) confirms that where a local need is demonstrated, an appropriate element of affordable housing will be required on sites capable of accommodating 5 or more dwellings or exceeding 0.15 hectares. The site measures 0.17 hectares and hence the policy is triggered.

Policy SP14 of the LDP requires that applications should include material proposals which deal with the fair and reasonable infrastructural requirements of the development and will include amongst other things, the provision of affordable housing, outdoor recreation, improvements to the highway network, including walking and cycling routes and public transport. The supporting text to the policy does however recognise that development costs, including the costs of implementing planning agreements, should not prejudice development that supports the Council's aspiration to see the regeneration and improvement of the Borough however, if such costs would result in a proposal being unviable, the Council may conclude that the benefits of the development outweigh the benefits of seeking to secure all the infrastructural requirements. In cases where it is claimed that development is unable to support the costs of a planning obligation such as this, the developer will need to demonstrate that a project is unviable by an open book approach. The applicant has submitted a 'Viability Analysis' that reviews predicted sales values, construction costs, finance costs, land costs and profit margins. The main headlines from the assessment are as follows:

The applicant engaged Peter Alan Estates Agent to undertake an analysis of sales values. The four dwellings would be valued at £375,000 giving a total revenue of **£1,500,000**.

Construction costs have been calculated at the national rate of £1,300 per square metre, plus contingencies, SAB requirements, sprinklers, off-site highway improvements and site drainage works giving a total of **£897,000**

Administration costs which include planning and building regs fees, warranties, S278 agreements, legal and the cost of finance come to an estimated total of **£160,340**

Land costs – the applicant has signed an option agreement for the site which is **£300,000**

The total costs for the development, (excluding Land Acquisition) = **£1,057,340**

The Viability Assessment indicates that a minimum 15-20% profit margin, is the recognised industry standard, however, it can be as high as 25% for those sites with a higher level of perceived risk. A profit margin that is too low compromises the ability to secure borrowing on a development site. In this case, a 15% profit margin against the sales values, would be expected which comes to **£225,000**

If the total costs for the development, including a profit margin, without any S106 obligation were taken from the gross development value, it would provide a return of £217,660, known as the residual land value i.e. the amount the developer is able to pay for the land. In this case, this would be below the £300,000 which is the land cost.

In the applicant's view the viability of the site is compromised without any contributions being made to affordable housing or off-site play facilities.

The Viability Appraisal has been reviewed by officers in the Strategic Planning Section and considered to be a fair representation of the revenues and costs associated with the development. The conclusion that the site would be unviable with the proposed obligations is not disputed.

The supporting text to Policy SP14 confirms that in cases where it can be demonstrated that the provision of multiple obligations is unsustainable and a prioritisation is required, the Council would assess the need for contributions on a case-by-case basis to provide a flexible approach that reflects local circumstances and need. Whilst the need for affordable housing across the whole of the County Borough is well established and is a material planning consideration in the determination of planning applications for new housing developments, the evidence submitted with this application confirms that providing only one unit of affordable housing or the equivalent financial contribution would make the whole development unviable. The monies required for the upgrading of children's play space and outdoor sports facilities in the vicinity of the application site would be considerably less but would still undermine the viability of the proposed development.

High development costs are undermining the viability of this development and they are principally coming from off-site highway and drainage works. To provide surface water drainage for this site it may be necessary to construct a new surface water sewer at a cost of approximately £50,000. Members will recall that the application would also facilitate new pedestrianised zones on Pentwyn Road and Minffrwd Road which were considered critical in addressing a number of highway safety concerns, that would benefit existing residents as well as those occupying the new houses. It is estimated that such works will cost £75,000.

Based on the information submitted, it is evident that this will not be developed if the requirement to provide contributions to affordable housing and children's play facilities is not relaxed. It could reasonably be argued that the off-site highway works that are required to make the scheme acceptable in highway policy and safety terms would have greater benefits to the immediate community than the other obligations. Furthermore, a re-prioritisation of the obligations in this case will allow this vacant plot of land to be brought forward for development.

## **CONCLUSION**

The primary objective of Planning Policy Wales is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. It is the role of the Planning Authority to exercise its judgement and consider many and often conflicting issues to decide whether a development scheme is acceptable. The process of 'weighing up' the relevant factors often described as the 'planning balance' is challenging in respect of this particular site due to the history of consents but also its specific characterisations. The policies of the adopted Bridgend Local Development Plan (LDP) (2013) are the starting point. The broad support for the development of underused sites for housing has been part of the plan strategy at a national and local level. Such support is not however unqualified and Policy SP2 of the LDP demands a high quality of design for all development and represents the starting point for all planning applications.

Overall, it remains the case that the principle of the site being developed for housing accords with all relevant policies. Although the active travel links connecting the site to nearby facilities and amenities are not complete, the scheme offers an opportunity for improvements to be made in the form of pedestrian zones (surfacing and signage) on the highway network serving the site. Such works should ensure that a choice of transport modes will be available to existing and future residents. A safer route should encourage walking and cycling to existing public transport and wider amenities and facilities.

The development of this site has been opposed by residents for many years with the key issues being around highway safety and the impact on living conditions. As set out in the report above, there will be impacts resulting from this development but none that would indicate a fundamental conflict with policy. Conditions will be required to control the development in the interests of safeguarding living conditions and highway safety.

Impacts on biodiversity interests and site drainage have also been fully considered and again there are no statutory designations or protected species that will be affected. Indeed, the development offer an opportunity to deliver biodiversity enhancements and again these will be secured by conditions.

Finally, contributions to affordable housing and off-site open space provision will in this case be relaxed based on the high development costs associated with the required highway and drainage works.

**RECOMMENDATION**

(R05) That Outline planning permission be GRANTED subject to the following conditions in addition to the standard Reserved Matters conditions: -

1.	<p>The development hereby permitted shall be carried out in accordance with the following approved documents:</p> <p>Site Plan – Job Number: 1449-SK-4-01 Revision C</p> <p>Reason: For the avoidance of doubt as to the extent of the scale of development consented and to protect the amenities of both existing and future residents and in the interests of highway safety.</p>
2.	<p>No more than 4 dwellings shall be erected on the application site.</p> <p>Reason: To ensure that the final development is in accordance with the Outline submission to ensure that the impact on amenity and character of the area is acceptable and in the interests of highway safety.</p>
3.	<p>The mitigation measures set out in Chapter 6 – Recommendations of the Ecology Walkover Report by Sylvan Ecology dated 13<sup>th</sup> October 2020 shall be implemented as prescribed in the document.</p> <p>Reason: To avoid doubt and confusion as to the nature and extent of the approved development</p>
4.	<p>No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.</p> <p>Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.</p>
5.	<p>Notwithstanding the submitted details and before the superstructure works commence, a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.</p> <p>The scheme shall include, but not limited to, the following details:</p> <p>i. Description, design or specification of the type of features or measures to be</p>

	<p>undertaken</p> <ol style="list-style-type: none"> <li>ii. Materials and construction to ensure long lifespan of the feature/measure</li> <li>iii. A drawing showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.</li> <li>iv. When the features or measures will be installed within the construction and occupation, of the development.</li> </ol> <p>Reason: For the avoidance of doubt as to the extent of the permission granted and to maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
6.	<p>No development shall commence until an invasive non-native species protocol has been submitted to and approved in writing by the Local Planning Authority detailing the containment, control and removal of Common Montbretia on site. The agreed measures shall be carried out strictly in accordance with the approved invasive non-native species protocol and throughout the development of the site.</p> <p>Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote nature conservation.</p>
7.	<p>No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.</p> <p>Reason: To ensure that the general amenities of the area are protected.</p>
8.	<p>No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.</p> <p>Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.</p>
9.	<p>No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved infiltration system shall be implemented prior to beneficial use.</p> <p>Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.</p>
10.	<p>No development shall take place, including site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:</p> <ul style="list-style-type: none"> <li>• Timing and routing of construction and delivery vehicles</li> <li>• Provision of a temporary compound for the storage of construction materials and plant</li> <li>• Parking for contractor's vehicles throughout the construction</li> <li>• Parking of vehicles for site operatives and visitors</li> <li>• Wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing highway network</li> <li>• Details of the construction works, including timescales and hours of operation</li> <li>• Measures to control the emission of dust and dirt during construction</li> <li>• The provision of temporary traffic management along Minffrwd Road</li> </ul>



	Reason: In the interests of highway safety.
11.	<p>Notwithstanding the submitted plans, no development shall commence until a revised scheme for the provision of carriageway surface treatment and pedestrian warning signage broadly in accordance with submitted Lime Transport drawings:</p> <ul style="list-style-type: none"> <li>• 21107.OS.103.01 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 1 of 3)</li> <li>• 21107.OS.103.02 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 1 of 3)</li> <li>• 21107.OS.103.03 Improvements to pedestrian Infrastructure along Minffrwd Road (Sheet 3 of 3)</li> </ul> <p>has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be supported by a Stage 2 Road Safety Audit. The agreed scheme should be implemented in permanent materials before the occupation of the first dwelling on the site.</p> <p>Reason: In the interest of highway safety.</p>
12.	<p>No development shall commence until a scheme for the provision of an amended layby and footway arrangement fronting Plot 1/Minffrwd Road has been submitted to and agreed in writing by the Local Planning Authority. The layby and footway shall be implemented in accordance with the agreed scheme and in permanent materials prior to the commencement of construction of any of the individual properties and shall be retained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
13.	<p>No development shall commence until a scheme for the treatment of the existing stone boundary wall, the proposed boundary at the south-eastern corner of Plot 1 and the intermediate land has been submitted to and agreed in writing by the Local Planning Authority. The plot boundary and proposed scheme shall be implemented as agreed prior to the commencement of construction of any of the individual properties and the boundary wall shall be retained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
14.	<p>The eastern site boundary fronting Minffrwd Road shall be set back and a widened carriageway and 1.8m footway provided along the site frontage in accordance with Kennedy James Griffiths drawing 1449-SK-4-01 Rev C. The works shall be completed in permanent materials and implemented before the commencement of construction of any of the individual properties and retained as such in perpetuity.</p> <p>Reason: In the interest of highway safety.</p>
15.	<p>The northern and western site boundaries fronting Minffrwd Close shall be set back and a 1.0m verge provided along the frontage as detailed on submitted drawing in accordance with Kennedy James Griffiths drawing 1449-SK-4-01 Rev C. The works shall be implemented before the commencement of construction of any of the individual properties and shall be retained as such in perpetuity.</p> <p>Reason: In the interest of highway safety</p>
16.	<p>The junction of Minffrwd Close with Minffrwd Road shall be laid out with a 7.5m radius kerbing on the southern side of the junction together with a vision splay of 2.4m x 43m before the commencement of construction of any of the individual properties and retained as such in perpetuity.</p>

	Reason: In the interest of highway safety
17.	Minffrwd Close shall be completed in permanent materials for a distance of no less than 10m from its junction with Minffrwd Road prior to the commencement of construction of any of the individual properties.  Reason: In the interest of highway safety
18.	No development shall commence until a scheme for the provision of off-street parking spaces on each plot has been submitted to and approved in writing by the Local Planning Authority. The parking shall be implemented in permanent materials with any driveways at a gradient no greater than 5% (1 in 20) for the first 5 metres and thereafter not steeper than 8.3% (1 in 12) before the development is brought into beneficial use and retained for parking purposes in perpetuity.  Reason: In the interest of highway safety.
19.	The individual driveways for Plots 2, 3 & 4 shall be laid out with vision splays of 2.4m x 33m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.  Reason: In the interests of highway safety
20.	The individual driveway for Plot 1 shall be laid out with a Northerly vision splay of 2.4m x site frontage before the development is brought into beneficial use and retained as such thereafter in perpetuity.  Reason: In the interests of highway safety
21.	No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.  Reason: In the interest of highway safety
22.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no vehicular access shall be permitted on the eastern boundary of Plot 1 onto Minffrwd Road.  Reason: In the interests of highway safety.
23.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013(or any Order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian accesses shall be permitted on the western boundaries of Plots 2 and 3 onto Minffrwd Close.  Reason: In the interests of highway safety.
24.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 or the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013(or any Order revoking and re-enacting that Order with or without modification) no vehicular or pedestrian access shall be permitted on the northern and western boundaries of Plot 4 onto Minffrwd Close.  Reason: In the interests of highway safety.

25.	<p>No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified and shall thereafter be retained and maintained as such in perpetuity.</p> <p>Reason: In the interests of highway safety.</p>
26.	<p>In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and, where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.</p> <p>Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.</p>
27.	<p><b>* THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION *</b></p> <p>To satisfy the conditions 8 and 9, the applicant must:</p> <ul style="list-style-type: none"> <li>• Provide a foul and surface water drainage layout</li> <li>• Provide an agreement in principle from DCWW for foul disposal to the public sewer</li> <li>• Provide a construction management plan outlining how surface water runoff will be managed during the construction phase</li> <li>• Submit a sustainable drainage application form to the BCBC SAB (<a href="mailto:SAB@bridgend.gov.uk">SAB@bridgend.gov.uk</a>).</li> <li>• Provide a surface water drainage layout including the location of a soakaway</li> <li>• Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365</li> <li>• Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location</li> <li>• Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system</li> <li>• Provide a timetable for its implementation; and</li> <li>• Provide a management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.</li> </ul>

**JANINE NIGHTINGALE  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None

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## APPEALS

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

<b>APPEAL NO.</b>	CAS-02102-T9M5R1 (1961)
<b>APPLICATION NO.</b>	P/20/729/OUT
<b>APPELLANT</b>	C H KNIGHT & PARTNERS
<b>SUBJECT OF APPEAL</b>	RESIDENTIAL DEVELOPMENT WITH CAR PARKING, LANDSCAPING AND ANCILLARY WORKS LAND TO NORTH & EAST OF CYPRESS GARDENS, PORTHCAWL
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its form, siting and scale, constitutes an undesirable and inappropriate form of development outside any existing settlement boundary and in the open countryside that 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. As such, the development would be contrary to established national and local planning policies and would set an undesirable precedent for further applications for similar development in this area, contrary to Policies PLA1 and ENV1 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales 11 (2021).
2. The proposed development, by reason of its siting, scale and layout, would constitute an insensitive and undesirable intrusion of built development into an area of considerable landscape and amenity value to the detriment of the existing character and general levels of visual amenity currently enjoyed in the locality, contrary to policies SP2 and ENV3(9) of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 12: Design (2016) and Planning Policy Wales 11 (2021).
3. A satisfactory means of access cannot be provided to serve pedestrian and vehicular traffic generated by the proposed development, contrary to Policies SP2 and SP3 of the adopted Bridgend Local Development Plan (2013).
4. The access, as proposed, would result in un-controlled vehicular reversing and turning movements to and from the highway to the detriment of highway and pedestrian safety, contrary to Policies SP2 and SP3 of the adopted Bridgend Local Development Plan (2013).
5. The proposed additional use of the sub-standard access (Cypress Gardens) will create increased traffic and hazards to the detriment of highway safety, contrary to Policies SP2 and SP3 of the adopted Bridgend Local Development Plan (2013).
6. Insufficient information has been submitted with the planning application to fully assess the likely archaeological impacts of the scheme. As such, the development proposal is considered contrary to Policy SP5 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 24: The Historic Environment (2017) and Planning Policy Wales (2021).

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<b>APPEAL NO. ENFORCEMENT NO.</b>	CAS-02104-Z1X1Y3 (1966) ENF/392/21/ACK
<b>APPELLANT</b>	MR WAYNE ISAAC
<b>SUBJECT OF APPEAL</b>	ALLEGED UNAUTHORISED LOG CABIN FOR MIXED USE OF HOLIDAY LET AND PRIVATE USE NANTMWTH FACH FARM, SHWT
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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<b>APPEAL NO. ENFORCEMENT NO.</b>	CAS-02105-X9F1N2 (1967) ENF/392/21/ACK
<b>APPELLANT</b>	MR WAYNE ISAAC
<b>SUBJECT OF APPEAL</b>	UNAUTHORISED TIMBER CABIN - MATERIAL CHANGE OF USE NANTMWTH FACH FARM, SHWT
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE

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<b>APPEAL NO. APPLICATION NO.</b>	CAS-02106-M5G1L1 (1968) P/21/472/FUL
<b>APPELLANT</b>	MR WAYNE ISAAC
<b>SUBJECT OF APPEAL</b>	RETENTION OF LOG CABIN FOR USE AS A HOLIDAY LET FOR TOURISM PURPOSES AND THE CONSTRUCTION OF A PROPOSED ADJACENT TOILET AND SHOWER BLOCK NANTMWTH FACH FARM, SHWT
<b>PROCEDURE</b>	WRITTEN REPRESENTATIONS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by reason of its design, siting and materials, would be out of keeping with the open nature of the existing countryside having a detrimental visual impact on the landscape character of this rural location contrary to Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note 12: Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
2. The proposal, by reason of its form and location within the open countryside, represents an unsuitable and unsustainable form of development that is not accessible by a range of different transport modes, with an overreliance on private motor vehicles. Together with the lack of a pedestrian footway, the potential for pedestrian/vehicular conflicts is increased to the detriment

of highway safety contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan (2013), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

3. The proposal, by reason of its form and siting, would result in visitors using a narrow lane that is not suitable to serve as the principal means of vehicular access for the proposed development which is detrimental to highway safety and contrary to Policies SP2 and SP3 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note 18 (2007), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

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<b>APPEAL NO.</b>	CAS-02392-C5M3H6 (1980)
<b>APPLICATION NO.</b>	P/22/505/FUL
<b>APPELLANT</b>	Mr & Mrs R Davies
<b>SUBJECT OF APPEAL</b>	RETENTION OF SHED AND FENCE WITHIN FRONT GARDEN 5 CLEVIS CRESCENT, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED

The application was refused for the following reason:

1. The development, by reason of its nature, siting, scale and design, represents incongruous and prominent additions to the streetscene to the detriment of local visual amenities, 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 - 2021).

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<b>APPEAL NO.</b>	CAS-02421-S3S7F6 (1981)
<b>APPLICATION NO.</b>	P/22/403/FUL
<b>APPELLANT</b>	MR S KNIPE
<b>SUBJECT OF APPEAL</b>	REMODELLING OF DWELLING – FIRST FLOOR WITH PITCHED ROOF DORMERS & TWO STOREY GLAZED FRONTAGE; ALTERATIONS & EXTENSIONS TO GROUND FLOOR 1 THE WHIMBRELS, PORTHCAWL
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its scale, design and form, represents an unacceptable design that would be detrimental to the character and appearance of the host dwellinghouse and the wider street scene, 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 scale, orientation and design, would have an excessively dominating impact on the adjoining property (3, The Whimbrels) resulting in a significant loss of residential amenity through overbearing and overshadowing impact contrary to Policy SP2 of the Local Development Plan (2013), Supplementary Planning Guidance Note 02 Householder Development and Paragraph 2.7 of Planning Policy Wales (Edition 11, February 2021).

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**The following appeal has been decided since my last report to Committee:**

<b>APPEAL NO.</b>	CAS-02095-L3N9F0 (1962)
<b>APPLICATION NO.</b>	P/21/914/FUL
<b>APPELLANT</b>	MR & MRS BEDESHA
<b>SUBJECT OF APPEAL</b>	CONVERSION OF EXISTING GARAGE INTO GAMES ROOM AND BASEMENT CINEMA WITH GLAZED LINK TO THE MAIN DWELLING AND ASSOCIATED WORKS LONGACRE, OLD COACHMANS LANE, COURT COLMAN
<b>PROCEDURE</b>	HOUSEHOLDER
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	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 A**

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**RECOMMENDATION**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

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



## Appeal Decision

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By I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 29/12/2022

Appeal reference: CAS-02095-L3N9F0

Site address: Longacre, Old Coachman's Lane, Court Colman, Bridgend, CF32 0HD.

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- 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 and Mrs Bedesha against the decision of Bridgend County Borough Council.
  - The application Ref P/21/914/FUL, dated 17 September 2021, was refused by notice dated 12 July 2022.
  - The development proposed is conversion of existing garage into games room and basement cinema with glazed link to the main dwelling and associated works.
  - A site visit was made by the Inspector on 23 November 2022.
- 

### Decision

1. The appeal is allowed and planning permission is granted for conversion of existing garage into games room and basement cinema with glazed link to the main dwelling and associated works at Longacre, Old Coachman's Lane, Court Colman, Bridgend, CF32 0HD, in accordance with the terms of the application, Ref P/21/914/FUL, dated 17 September 2021, subject to the conditions set out in the schedule to this decision letter.

### Procedural Matter

2. The Council refers to advice in its Supplementary Planning Guidance (SPG) 02 – Householder Development, adopted in December 2008. The guidance was prepared to support policies in an earlier development plan and predates adoption of the current Bridgend Local Development Plan (LDP) in September 2013. However, given the broad thrust of the relevant policy and with no evidence that it has materially changed since, it provides useful guidance related to design matters in householder developments. I have therefore had regard to it in my decision.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of Longacre and the surrounding area.

## Reasons

4. Longacre is a detached dwelling set within extensive grounds in a rural area north of the M4 motorway. The dwelling combines traditional and contemporary design approaches in its appearance, including stone walls, a slate roof, glazed apexes, rooflights and other openings. It is set back in its plot from the access road. On the approach to the property there are glimpses of the dwelling and other buildings within the site. These include an outbuilding near the entrance that was under construction during my visit, and a double-fronted detached garage which is the subject of this appeal. The garage is located to the side and set in front of the main dwelling. Its design differs from the dwelling, with a flat roof, low height, and utilitarian appearance. The undulating topography of the area and mix of trees and vegetation limit long-distance views of the property. These features also contribute positively to the pleasant rural character of the area.
5. The proposal would convert the garage into a games room at ground-floor level, while excavation works would create a cinema at basement level. The building would link with the dwelling by an L-shaped glazed structure.
6. In planning policy terms, the site is in the countryside, outside of the designated settlement boundaries as set out in the Bridgend Local Development Plan (LDP), adopted in September 2013. Policy ENV1 of the LDP states that development in the countryside may be acceptable where it is necessary for one of several reasons. Criterion 7 refers to the suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure. Strategic Policy SP2 seeks, amongst other things, for designs to be of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character. The policy also seeks for designs appropriate in scale, size, and prominence.
7. I recognise that the roof alterations would increase the building's height and there would be a significant increase in floorspace through the excavation works. However, the building would occupy the existing footprint. The dimensions of the converted building would remain much less than the main dwelling, while the form of the pitched roof would be like the dwelling. The roof height would remain below that of the main dwelling by over 1m.
8. The use of materials in the proposal, including stone walls and slate roofs, complement the high-quality appearance of the main dwelling. From the front elevation, the matching window openings further complement the dwelling. The glazed apexes on both ends of the converted building would be a contemporary design solution that add visual interest whilst taking their design cue from the front elevation of the dwelling. The roof lights would be modest in size and would not appear dominant or detract from the simple form of the roof.
9. The glazed link would be a new addition that fills in a void between both buildings. In the context of the appeal site with its expansive grounds and sloping land, its length at approximately 10.8m would not appear significant. Given the position of the dwelling and garage building, the L-shaped form of the glazed link would be partially hidden in front and side views of the property. Indeed, the longest section would only be visible from the rear elevation within the appeal site. The roof height would reach the eaves of the main dwelling and fall below the ridge height of the proposed conversion. The hipped roof design would not appear discordant and would allow for matching roof materials to the more substantive pitched roofs on its adjoining buildings. I note that the large windows would differ from other openings on the buildings. However, the contemporary design approach would not detract from the overall appearance of the property, given the proportionality in scale relative to the amount and positioning of other openings.

10. I am mindful of the advice in the Council's Householder Development SPG that an extension to a house in the countryside should not exceed 25% of the gross residential floor area of the original dwellinghouse. I recognise that another outbuilding is currently being built on site. While I have not been provided with details of the cumulative floorspaces, I recognise that the guide is set out in the SPG as a way of assessing impacts and is not a rulebook. It is generic guidance and the SPG recognises that the circumstances of each proposal will always be important, having regard to the overall objectives of good design. In this instance, the overall design solution does not compete with the adjacent building.
11. I recognise the proposal extends forward of the dwelling and would be visible from the highway. However, by using the existing footprint and with a proportionate height increase it would not appear excessive or dominant relative to the adjacent dwelling, or contrast with its design features. Indeed, the proposed materials would lessen the visual impact and provide continuity that is sympathetic to the character of the dwelling and wider area. Existing screening around the site boundary, together with the undulating landscape, limits wider views of the site with the proposal only visible from the approach along the property boundary to the north.
12. I therefore conclude that the proposed development would not harm the character or appearance of Longacre or the surrounding area, and it would comply with Policies ENV1 and PS2 of the Bridgend LDP. It would also comply with the broad thrust of advice in the Householder Development SPG.

### **Conditions**

13. I have considered the conditions recommended by the Council in the light of advice in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'. In addition to the standard conditions, the condition to ensure development is only used for purposes ancillary to the main dwelling would give control over the use of the building and is necessary in the interests of safeguarding the character and appearance of the area. I have amended the condition in line with the wording provided in the Circular. A biodiversity enhancement condition is also necessary to ensure the proposal complies with national planning policy.

### **Conclusion**

14. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.
15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*I Stevens*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development shall begin no later than five years from the date of this decision.  
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans:
  - Site location plan – Received in planning 13 October 2021
  - Drawing no. 06 (A) - Proposed extension basement floor plan
  - Drawing no. 09 A – Proposed elevations – (Sheet 01 of 02) Received in planning 8 December 2021
  - Drawing no. 10 A – Proposed elevations – (Sheet 02 of 02) Received in planning 8 December 2021
  - Reason: To ensure that the development is carried out in accordance with the approved plans and drawings submitted with the application.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.  
Reason: In the interest of the visual amenity of the area and to ensure the development complies with Policy SP2 of the Brigand Local Development Plan.
- 4) The building shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Longacre, Old Coachman's Lane, Court Colman, Bridgend, CF32 0HD.  
Reason: In the interest of clarity and to ensure compliance with Policies SP2 and ENV1 of the Bridgend Local Development Plan.
- 5) No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.  
Reason: Future Wales and Planning Policy Wales (Edition 11, February 2021) requires all development to maintain and enhance biodiversity.

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

9 FEBRUARY 2023

#### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### CHANGES TO THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 AND TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 IN WALES TO CREATE THE TOWN AND COUNTRY PLANNING (USE CLASSES) (AMENDMENT) (WALES) ORDER 2022 AND THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (AMENDMENT) (WALES) ORDER 2022

#### 1. Purpose of Report

- 1.1 The purpose of this report is to update Members of the Development Control Committee on recent changes to legislation in the form of the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 and the Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022.

#### 2. Connection to Corporate Well-being Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
- 2.2 **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.

#### 3. Background

- 3.1 The demand for second homes and short-term holiday lets has been evident within many rural, coastal and Welsh-speaking communities for years. The COVID pandemic has resulted in a general movement of people away from large towns and cities into often more rural environments and this has highlighted the issue of second homes and holiday lets within these communities.
- 3.2 Tensions about the relative affordability for local people, particularly younger people, and the sustainability of the Welsh language within many of these communities have been increasingly evident. High concentrations of second homes and short-term holiday lets can lead to substantial changes for settled communities as the nature of a neighbourhood changes. Issues and problems can manifest themselves in many different ways and create less stable local communities.
- 3.3 Research highlighted the localised nature of concentrations of second homes with Council Tax data (which does not include short-term holiday lets) indicating that they are predominantly concentrated around coastal, rural authorities and within Cardiff and Swansea.
- 3.4 The Welsh Government conducted a consultation between 23 November 2021 and 22 February 2022 (the documents can be found using this hyperlink <https://www.gov.wales/planning-legislation-and-policy-second-homes-and-short-term-holiday-lets>)

with the overall aim of ensuring that local people can live in the communities in which they grew up and to maintain the health and vitality of Welsh as a thriving community language, including access to good-quality affordable housing.

3.5 As part of the wider approach they looked at possible changes to the planning system to support Local Authorities in managing the impact of second homes and short-term holiday lets in their areas. The consultation focussed on the planning aspects with proposed changes to the development management system and National Planning Policy.

3.6 The purpose of this report is to draw Members' attention to the changes and their effect on the Local Planning Authority (LPA) in Bridgend. The changes came into force on 20 October 2022.

3.7 The legislation (two Statutory Instruments) and the covering letter (including the reworded paragraphs in PPW11) by Julie James MS are attached as **Appendix 1** to this report.

#### **4. The Use Classes Order and the General Permitted Development Order and the current situation**

4.1 Planning permission is required to carry out development. The definition of 'development' includes making a material change of use.

4.2 The Town and Country Planning (Use Classes) Order 1987 (UCO), as amended, puts uses of land and buildings into various categories known as 'Use Classes'. Changes of use within a specific Use Class do not constitute development and so do not require planning permission.

4.3 The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) permits certain specified changes of use between the specified Use Classes. Permitted development is development that can be carried out without the need to apply for planning permission as it is already granted by the GPDO. Article 4 of the GPDO enables a direction to be given where it is expedient to do so to remove permitted development. Therefore, the planning permission which the GPDO grants for a class of development may be withdrawn in a particular area by an Article 4 direction made by the Local Planning Authority or by the Welsh Ministers.

4.4 In Wales, Class C of the UCO previously covered residential use with Class C3 covering 'Dwellinghouses' and Class C4 covering small Houses in Multiple Occupation (HMOs) of between 3 and 6 occupiers. Class C3 Dwellinghouses is formed of three parts:

- C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b) up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household to allow for those groupings that do not fall within the C4 HMO definition to be provided for e.g. a small religious community may fall into this category as could a homeowner who is living with a lodger.

- 4.5 Changing between the different uses of a dwellinghouse, for example by a family or by a single person, provided they fell within the above description, did not require planning permission. When two uses fell within the same Use Class, permission was not required to change between them. For a change of use to one outside of that Use Class, planning permission would only be required if there was deemed to be a 'material change of use'.
- 4.6 Use as a short-term holiday let was not specifically referred to within the UCO. Under previous planning legislation, planning permission may have been required for a change of use of a dwelling house to use as a short-term holiday let however, this depended on whether the Local Planning Authority considered there had been a material change of use in Planning terms. There is no published definition of what constitutes a material change of use from primary or secondary home to a short-term holiday let. Whether a material change of use had occurred and planning permission was required, was a matter of fact and degree for the relevant Planning Authority to consider on a case-by-case basis. Considerations that may have been material included increased occupancy of the property, frequency of changes of occupants, impact on local amenity and on direct neighbours and local housing need.
- 4.7 Use as a second home was generally considered to be captured as part of Use Class C3 which included use as a dwellinghouse whether or not as a sole or main residence. The change of use of a property from a main residence to a secondary residence was unlikely to be 'development' and therefore, previously, was very unlikely to require planning permission.
- 4.8 National Planning policy, set out in Planning Policy Wales (PPW), already allowed Local Planning Authorities to develop local policies in their Local Development Plans (LDPs) to meet the challenges and particular circumstances evident in their areas, where they had the supporting evidence. This could have included policies to meet specific local housing needs for market housing provided there was clear and robust evidence to support the approach taken however, this aspect of national planning policy was not widely used by Local Planning Authorities.

## **5. A Summary of the Changes**

- 5.1 The Welsh Government (WG) has amended the Town and Country Planning (Use Classes) Order 1987 (the UCO) to create new Use Classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6) and amended the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) to allow permitted changes between the new Use Classes C3, C5 and C6.
- 5.2 Complementary changes are also being made to Section 4.2 of Planning Policy Wales (PPW) to make it explicit that, where relevant, the prevalence of second homes and short-term lets in a local area must be taken into account when considering housing requirements and policy approaches in Local Development Plans (LDPs).
- 5.3 The amendments to PPW make it clear that where a Local Planning Authority introduces an Article 4 Direction, it should reinforce its actions by requiring conditions to be placed on all new dwellings restricting their use to Class C3 where such a condition would meet the relevant tests. Local Authorities should also allocate sites in LDPs restricted to C3 use, including local market housing, in areas where they are seeking to manage second homes and short-term lets.
- 5.4 The new Article 4 places all aspects of making Directions within the remit of a Local Planning Authority in order to expedite their confirmation and potentially encouraging their

use where evidence demonstrates localised intervention is necessary. It will be for each Local Planning Authority to decide, based on local circumstances, whether they wish to pursue the possible introduction of an Article 4 Direction to remove the permitted development rights for changes between the new Use Classes.

- 5.5 Any such Article 4 Direction will need to be supported by robust local evidence highlighting the impact of second homes and short-term lets on specific communities as part of a co-ordinated response which applies all available interventions to an area and will need to evidence effective community consultation.
- 5.6 In addition, the UCO is being amended to provide greater control over the siting of betting shops. Betting shops/bookmakers/turf accountants have been removed from Use Class A2 (Financial and Professional Services) and are now specified as a unique use (i.e. sui generis). Consequential amendments have also been made to the GPDO to permit changes of use from use as a betting shop that previously applied whilst the use fell within Use Class A2.
- 5.7 Due to the nature and location of Bridgend County Borough, there are no specific localised issues such as an obvious prevalence of second homes and short-term lets and currently, there is no requirement for a local policy approach to support the viability of communities or any need to introduce a cap or ceiling on the number of second homes or short-term lets. However, particularly with the future redevelopment of Porthcawl Waterfront, there could be a case to limit the number of units being purchased as second homes or as investments for short term lets/Airbnbs. Again, any restriction will have to be based on sound evidence and need taking into account all material considerations.

## **6. Effect Upon Policy Framework and Procedure Rules**

- 6.1 The amended Statutory Instruments will be implemented by the Local Planning Authority.

## **7. Equality Act 2010 Implications**

- 7.1 None

## **8. Well-being of Future Generations (Wales) Act 2015 Implications**

- 8.1 None

## **9. Financial implications**

- 9.1 None

## **10. Recommendation**

- (1) That Members note the content of this report, the changes to the two Statutory Instruments (Appendix 1) and the WG Consultation Document.

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**  
9 February 2023

**Contact officer:** Rhodri Davies  
Development and Building Control Manager

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**Address:** Planning and Development Services  
Communities Directorate  
Civic Offices  
Angel Street  
Bridgend  
CF31 4WB

**Background documents:**

Appendix 1 The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022  
The Town and Country Planning (General Permitted Development etc.) (Amendment)  
(Wales) Order 2022  
Julie James MS, Minister for Climate Change – Covering Letter dated 28 September 2022



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OFFERYNNAU STATUDOL  
CYMRU

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WELSH STATUTORY  
INSTRUMENTS

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**2022 Rhif 994 (Cy. 211)**

**2022 No. 994 (W. 211)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2022

The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2022

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987 (O.S. 1987/764) ("y Gorchymyn Dosbarthiadau Defnydd").

Mae'r Gorchymyn Dosbarthiadau Defnydd yn pennu dosbarthiadau defnydd adeiladau neu dir arall at ddibenion adran 55(2)(f) o Ddeddf Cynllunio Gwlad a Thref 1990. Mae adran 55(2)(f) yn darparu nad datblygiad yw newid defnydd pan fo'r defnydd blaenorol a'r defnydd newydd o fewn yr un dosbarth. Nid oes angen caniatâd cynllunio ar newidiadau defnydd nad ydynt i'w hystyried fel eu bod yn cynnwys datblygiad.

Mae erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd yn rhestru defnyddiau sydd wedi eu heithrio o'r dosbarthiadau defnydd a nodir yn yr Atodlen i'r Gorchymyn hwnnw. Mae erthygl 2(2) yn diwygio erthygl 3(6) o'r Gorchymyn Dosbarthiadau Defnydd er mwyn cynnwys swyddfeydd betio ar y rhestr honno. Mae erthygl 2(3) yn hepgor swyddfeydd betio o ddsbarth defnydd A2.

Mae erthygl 2(4)(c) yn cyfyngu dosbarth defnydd C3 i ddefnyddio tŷ annedd fel unig breswylfa neu brif breswylfa a feddiannir am fwy na 183 o ddiwrnodau mewn blwyddyn galendr.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) ("the Use Classes Order").

The Use Classes Order specifies classes of use of buildings or other land for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990. Section 55(2)(f) provides that a change of use is not development where the former use and the new use are both within the same class. Changes of use which are not to be taken to involve development do not require planning permission.

Article 3(6) of the Use Classes Order lists uses which are excluded from the classes of use set out in the Schedule to that Order. Article 2(2) amends Article 3(6) of the Use Classes Order to include betting offices in that list. Article 2(3) removes betting offices from use class A2.

Article 2(4)(c) limits use class C3 to use of a dwellinghouse as a sole or main residence and occupied for more than 183 days in a calendar year.

Mae erthygl 2(4)(e) yn cyflwyno dosbarth defnydd newydd C5 sy'n cwmpasu defnyddio tŷ annedd heblaw am fel unig breswylfa neu brif breswylfa a feddiannir am 183 o ddiwrnodau neu lai mewn blwyddyn galendr.

Mae erthygl 2(4)(f) yn cyflwyno dosbarth defnydd newydd C6 sy'n cwmpasu defnyddio tŷ annedd at ddibenion gosod byrdymor masnachol am ddim hwy nag 31 o ddiwrnodau ar gyfer pob cyfnod meddiannu.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Is adran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

Article 2(4)(e) introduces a new use class C5 which covers use of a dwellinghouse other than as a sole or main residence and occupied for 183 days or fewer in a calendar year.

Article 2(4)(f) introduces a new use class C6 which covers use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Planning Division of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

**2022 Rhif 994 (Cy. 211)**

**2022 No. 994 (W. 211)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Dosbarthiadau Defnydd)  
(Diwygio) (Cymru) 2022

The Town and Country Planning  
(Use Classes) (Amendment)  
(Wales) Order 2022

*Gwnaed* 26 Medi 2022  
*Yn dod i rym* 20 Hydref 2022

*Made* 26 September 2022  
*Coming into force* 20 October 2022

Mae Gweinidogion Cymru, drwy arfer eu pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 55(2)(f) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1), ac sy'n arferadwy bellach ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of their powers conferred on the Secretary of State by sections 55(2)(f) and 333(7) of the Town and Country Planning Act 1990(1) and now exercisable by them(2), make the following Order.

**Enwi, cychwyn a chymhwys**

1.—(1) Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) (Diwygio) (Cymru) 2022 a daw i rym ar 20 Hydref 2022.

(2) Mae'r Gorchymyn hwn yn gymwys o ran Cymru.

**Title, commencement and application**

1.—(1) The title of this Order is the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022 and it comes into force on 20 October 2022.

(2) This Order applies in relation to Wales.

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(1) 1990 p. 8.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 55 ac adran 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo: gweler y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p. 8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi, ac mae'r swyddogaethau hynny yn swyddogaethau perthnasol fel y'u diffinnir ym mharagraff 30(2).

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(1) 1990 c. 8.

(2) The functions of the Secretary of State under section 55 and section 333(7) of the Town and Country Planning Act 1990 (c. 8) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): see the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant functions as defined in paragraph 30(2).

## **Diwygio Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987**

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Dosbarthiadau Defnydd) 1987(1) wedi ei ddiwygio fel a ganlyn.

(2) Ar ôl erthygl 3(6)(j) mewnosoder—

“(k) as a betting office.”

(3) Yn Rhan A o'r Atodlen, ym mharagraff (c) o Ddosbarth A2 (gwasanaethau ariannol a phroffesiynol) hepgorer—

“(including use as a betting office)”.

(4) Yn Rhan C o'r Atodlen—

(a) yn Nosbarth C2, yn lle “class C3 (dwelling houses)” rhodder “Class C3. Dwellinghouses, used as sole or main residences”;

(b) ym mhennawd Dosbarth C3, yn lle “Dwellinghouses”, rhodder “Dwellinghouses, used as sole or main residences”;

(c) yn Nosbarth C3 yn lle “(whether or not as a sole or main residence)” rhodder “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) yn “Interpretation of Class C3”—

(i) ar ôl “C3” hepgorer “(a)”;

(ii) ar ôl “Housing Act 2004.” mewnosoder—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person's occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) ar ôl Dosbarth C4 mewnosoder—

### **“Class C5. Dwellinghouses, used otherwise than as sole or main residences**

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer by—

(a) a single person or by people to be regarded as forming a single household,

(b) not more than six residents living together as a single household where care is provided for residents, or

## **Amendment of the Town and Country Planning (Use Classes) Order 1987**

2.—(1) The Town and Country Planning (Use Classes) Order 1987(1) is amended as follows.

(2) After article 3(6)(j) insert—

“(k) as a betting office.”

(3) In Part A of the Schedule, in paragraph (c) of Class A2 (financial and professional services) omit—

“(including use as a betting office)”.

(4) In Part C of the Schedule—

(a) in Class C2, for “class C3 (dwelling houses)” substitute “Class C3. Dwellinghouses, used as sole or main residences”;

(b) in the heading of Class C3, for “Dwellinghouses”, substitute “Dwellinghouses, used as sole or main residences”;

(c) in Class C3 for “(whether or not as a sole or main residence)” substitute “, as a sole or main residence and occupied for more than 183 days in a calendar year”;

(d) in “Interpretation of Class C3”—

(i) after “C3” omit “(a)”;

(ii) after “Housing Act 2004.” insert—

“In the calculation of the 183 days, any time spent by single households in accommodation provided in connection with a person's occupation, such as oil rigs or barracks, contributes to the 183 days.”

(e) after Class C4 insert—

### **“Class C5. Dwellinghouses, used otherwise than as sole or main residences**

Use as a dwellinghouse, otherwise than as a sole or main residence and occupied for 183 days or fewer by—

(a) a single person or by people to be regarded as forming a single household,

(b) not more than six residents living together as a single household where care is provided for residents, or

(1) O.S. 1987/764 a ddiwygiwyd gan O.S 2011/988 ac O.S. 2016/28 (Cy. 10). Nid yw'r diwygiadau eraill yn berthnasol i'r Gorchymyn hwn.

(1) S.I. 1987/764 amended by S.I 2011/988 and S.I. 2016/28 (W. 10). Other amendments are not relevant to this Order.

- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

#### **Interpretation of Class C5**

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) ar ôl Dosbarth C5 mewnosoder—

#### **“Class C6. Short-term lets**

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

#### **Interpretation of Class C5**

For the purposes of Class C5 “single household” is to be construed in accordance with section 258 of the Housing Act 2004.”

- (f) after Class C5 insert—

#### **“Class C6. Short-term lets**

Use of a dwellinghouse for commercial short-term letting not longer than 31 days for each period of occupation.”

*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
26 Medi 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd Deddfau Senedd y Brenin

Minister for Climate Change, one of the Welsh  
Ministers  
26 September 2022

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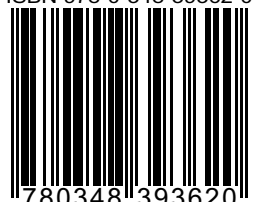




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CYMRU

WELSH STATUTORY  
INSTRUMENTS

**2022 Rhif 997 (Cy. 213)**

**2022 No. 997 (W. 213)**

**CYNLLUNIO GWLAD A  
THREF, CYMRU**

**TOWN AND COUNTRY  
PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Datblygu Cyffredinol a  
Ganiateir etc.) (Diwygio) (Cymru)  
2022

The Town and Country Planning  
(General Permitted Development  
etc.) (Amendment) (Wales) Order  
2022

**NODYN ESBONIADOL**

*(Nid yw'r nodyn hwn yn rhan o'r Gorchymyn)*

Mae'r Gorchymyn hwn yn diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995 (O.S. 1995/418) ("Gorchymyn 1995"). Mae erthygl 3 o Orchymyn 1995, ac Atodlen 2 iddo, yn rhoi hawliau datblygu a ganiateir mewn cysylltiad â datblygu penodol. Pan roddir hawliau o'r fath, nid yw'n ofynnol gwneud cais am ganiatâd cynllunio.

Mae erthygl 4 o Orchymyn 1995 yn caniatáu i awdurdodau cynllunio lleol a Gweinidogion Cymru gyfarwyddo na fydd unrhyw ddatblygu a ganiateir, na datblygu penodol a ganiateir, o dan erthygl 3 o Orchymyn 1995 yn gymwys mewn perthynas ag ardal a bennir. Mae erthygl 2(2) o'r Gorchymyn hwn yn diwygio erthygl 4 o Orchymyn 1995.

Mae erthyglau 2(2)(b) a (d) yn hepgor erthyglau 4(2) a (5).

Mae erthygl 2(2)(e) yn mewnosod erthygl (5A) sy'n cyflwyno Atodlen newydd 2A. Mae Atodlen 2A yn amlinellu gweithdrefnau newydd y mae rhaid eu dilyn wrth wneud, amrywio neu dynnu'n ôl unrhyw gyfarwyddyd a wneir o dan erthygl 4(1). Mae Atodlen 2A hefyd yn cyflwyno dau fath o gyfarwyddyd: cyfarwyddyd a gaiff effaith ar unwaith a chyfarwyddyd na chaiff effaith ar unwaith.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) ("the 1995 Order"). Article 3 of, and Schedule 2 to the 1995 Order confer permitted development rights in respect of certain development. Where such rights are conferred, no application for planning permission is required.

Article 4 of the 1995 Order permits local planning authorities and the Welsh Ministers to direct that any or particular development permitted under article 3 of the 1995 Order is not to apply in relation to a specified area. Article 2(2) of this Order amends article 4 of the 1995 Order.

Articles 2(2)(b) and (d) omit articles 4(2) and (5).

Article 2(2)(e) inserts article (5A) which introduces a new Schedule 2A. Schedule 2A sets out new procedures which must be followed in making, varying or withdrawing any direction that is made under article 4(1). In addition, Schedule 2A introduces two types of direction: a direction with immediate effect and a direction without immediate effect.

Mae erthygl 2(3) yn hepgor erthyglau 5 a 6 o Orchymyn 1995.

Mae erthygl 2(5) yn diwygio Rhan 3 (newid defnydd) o Atodlen 2 i Orchymyn 1995 drwy fewnosod dau ddsbarth newydd, sef Dosbarth I a Dosbarth J.

Mae Dosbarth I yn cyflwyno nifer o hawliau datblygu a ganiateir newydd ar gyfer achosion diderfyn o newid defnydd, gan gynnwys defnydd cymysg, rhwng Dosbarth Defnydd C3 (Tai Annedd, a ddefnyddir fel unig breswylfeydd neu brif breswylfeydd); Dosbarth Defnydd C5 (Tai Annedd, a ddefnyddir heblaw am fel unig breswylfeydd neu brif breswylfeydd) a Dosbarth Defnydd C6 (Llety byrdymor). Mae'r datblygu a ganiateir yn ddarostyngedig i gyfyngiadau.

Mae Dosbarth J yn cyflwyno nifer o hawliau datblygu a ganiateir newydd o ddefnydd fel swyddfa fetio i ddefnydd o fewn Dosbarth A1 (siopau); neu Ddosbarth A2 (gwasanaethau ariannol a phroffesiynol); neu ddefnydd cymysg fel naill ai Ddosbarth A1 neu Ddosbarth A2, yn ogystal â fflat unigol. Mae Dosbarth J hefyd yn caniatáu newid defnydd o ddefnydd cymysg fel swyddfa fetio a fflat unigol i ddefnydd o fewn Dosbarth A1 neu Ddosbarth A2, neu ddefnydd cymysg fel naill ai Ddosbarth A1 neu Ddosbarth A2, yn ogystal â fflat unigol, ac i ddefnydd fel swyddfa fetio. Mae'r datblygu a ganiateir yn ddarostyngedig i gyfyngiadau.

Mae erthygl 3(2) yn diwygio Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2014 (O.S. 2014/2693 (Cy. 268)) ("Rheoliadau 2014") drwy ychwanegu dosbarth datblygu newydd at y rhestr o hawliau datblygu a ganiateir y mae digolledu yn sgil tynnu'r hawl yn ôl yn gyfyngedig ar ei gyfer mewn ffyrdd amrywiol yn Rheoliadau 2014. Mae'r hawliau newydd yn Nosbarth I yn caniatáu newid defnydd amrywiol, fel y'i mewnosodwyd yn Rhan 3 o Atodlen 2 i Orchymyn 1995 gan erthygl 2(5) o'r Gorchymyn hwn.

Effaith ymarferol Rheoliadau 2014 yw, pan gaiff hawliau datblygu a ganiateir a nodir yn rheoliad 2 eu tynnu'n ôl drwy ddyroddi cyfarwyddyd o dan erthygl 4 o Orchymyn 1995, nad yw digolledu yn daladwy ond mewn perthynas â cheisiadau a wnaed o fewn 12 mis yn dechrau ar y dyddiad y cafodd y cyfarwyddyd effaith.

Article 2(3) omits articles 5 and 6 of the 1995 Order.

Article 2(5) amends Part 3 (changes of use) of Schedule 2 to the 1995 Order by inserting two new classes, Class I and Class J.

Class I introduces a number of new permitted development rights for unlimited changes of use, including mixed uses, between use Class C3 (Dwellinghouses, used as sole or main residences); use Class C5 (Dwellinghouses, used otherwise than as sole or main residences) and use Class C6 (Short-term lets). The permitted development is subject to limitations.

Class J introduces a number of new permitted development rights from use as a betting office to use within Class A1(shops); or Class A2 (financial and professional services); or mixed use of either Class A1 or Class A2, plus a single flat. Class J also permits a change of use from a mixed use as a betting office and a single flat to use within Class A1 or Class A2, or a mixed use of either Class A1 or Class A2, plus a single flat, and to use as a betting office. The permitted development is subject to limitations.

Article 3(2) amends the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014 (S.I. 2014/2693 (W. 268)) ("the 2014 Regulations") by adding a new class of development into the list of permitted development rights for which compensation on withdrawal of the right is limited in various ways provided in the 2014 Regulations. The new rights in Class I permit various changes of use, as inserted into Part 3 of Schedule 2 to the 1995 Order by article 2(5) of this Order.

The practical effect of the 2014 Regulations is that when permitted development rights identified in regulation 2 are withdrawn by issuing a direction under article 4 of the 1995 Order, compensation is only payable in respect of applications made within 12 months beginning on the date the direction took effect.

Mae'r materion a ragnodir yn rheoliadau 3 a 4 o Reoliadau 2014 yn ymwneud â chaniatâd cynllunio a roddir gan orchymyn datblygu ac yn darparu mecanwaith i'r hawliau datblygu a ganiateir a nodir yn rheoliad 2 gael eu tynnu'n ôl heb fod digolledu yn daladwy, cyhyd â bod y gweithdrefnau rhagnodedig yn cael eu dilyn o ran y dull tynnu'n ôl, y dull o gyhoeddi'r tynnu'n ôl a'r cyfnod hiraf o hysbysiad y caniateir ei roi mewn perthynas â'r tynnu'n ôl. Mae rheoliad 5 yn gwneud darpariaeth debyg o ran tynnu'n ôl hawliau datblygu a ganiateir a roddir gan orchymyn datblygu lleol.

Mae erthyglau 3(3) a (4) yn gwneud mân ddiwygiadau canlyniadol i Reoliadau 2014.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Gorchymyn hwn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol mewn perthynas â'r Gorchymyn hwn. Gellir cael copi oddi wrth: Yr Isadran Gynllunio, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ ac mae wedi ei gyhoeddi ar [www.llyw.cymru](http://www.llyw.cymru).

The matters prescribed in regulations 3 and 4 of the 2014 Regulations relate to planning permission granted by development order and provide a mechanism for the permitted development rights identified in regulation 2 to be withdrawn without compensation being payable, provided the prescribed procedures are followed as to the manner of withdrawal, the manner of publishing the withdrawal and the maximum period of notice that may be given in respect of withdrawal. Regulation 5 makes similar provision regarding withdrawal of permitted development rights granted by a local development order.

Articles 3(3) and (4) make minor consequential amendments to the 2014 Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared in relation to this Order. A copy may be obtained from the Planning Division of the Welsh Government at Cathays Park, Cardiff, CF10 3NQ and is published on [www.gov.wales](http://www.gov.wales).

2022 Rhif 997 (Cy. 213)

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**CYNLLUNIO GWLAD A  
THREF, CYMRU**

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PLANNING, WALES**

Gorchymyn Cynllunio Gwlad a  
Thref (Datblygu Cyffredinol a  
Ganiateir etc.) (Diwygio) (Cymru)  
2022

The Town and Country Planning  
(General Permitted Development  
etc.) (Amendment) (Wales) Order  
2022

*Gwnaed* 26 Medi 2022  
*Gosodwyd gerbron Senedd*  
*Cymru* 28 Medi 2022  
*Yn dod i rym* 20 Hydref 2022

*Made* 26 September 2022  
*Laid before Senedd Cymru* 28 September 2022  
*Coming into force* 20 October 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 59, 60(1) a (3), 61(1), 74, 108(2A)(a), (3C), (5) a (6) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990(1) ac sydd bellach yn arferadwy ganddynt hwy(2), yn gwneud y Gorchymyn a ganlyn.

The Welsh Ministers, in exercise of the powers conferred by sections 59, 60(1) and (3), 61(1), 74, 108(2A)(a), (3C), (5) and (6) and 333(7) of the Town and Country Planning Act 1990(1) and now exercisable by them(2) make the following Order.

- (1) 1990 p. 8. Mewnosodwyd adran 59(4) gan adran 55 o Ddeddf Cynllunio (Cymru) 2015 (dccc 4), a pharagraff 5 o Atodlen 7 iddi. Adrannau 108 (2A)(a), (3C), (5) a (6) fel y'u diwygiwyd gan O.S. 2012/210 (Cy. 36). Nid yw'r diwygiadau eraill yn berthnasol i'r Gorchymyn hwn.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adrannau 59, 60(1) a (3), 61(1), 74, 108(2A)(a), (3C), (5) a (6) a 333(7) o Ddeddf Cynllunio Gwlad a Thref 1990 (p. 8), i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo: *gweler* y cofnod yn Atodlen 1 ar gyfer Deddf Cynllunio Gwlad a Thref 1990 (p. 8) fel y'i hamnewidiwyd gan erthygl 4 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 2000 (O.S. 2000/253) ac Atodlen 3 iddo. Trosglwyddwyd y swyddogaethau i Weinidogion Cymru yn rhinwedd adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32), a pharagraffau 30 a 32 o Atodlen 11 iddi, ac mae'r swyddogaethau hynny yn swyddogaethau perthnasol y Cynulliad fel y'u diffinir yn mharagraff 30(2).

- (1) 1990 c. 8. Section 59(4) was inserted by section 55 of, and paragraph 5 of Schedule 7 to, the Planning (Wales) Act 2015 (anaw 4). Sections 108 (2A)(a), (3C), (5) and (6) as amended by S.I. 2012/210 (W. 36). Other amendments are not relevant to this Order.
- (2) The functions of the Secretary of State under sections 59, 60(1) and (3), 61(1), 74, 108(2A)(a), (3C), (5) and (6) and 333(7) of the Town and Country Planning Act 1990 (c. 8) were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672): *see* the entry in Schedule 1 for the Town and Country Planning Act 1990 (c. 8) as substituted by article 4 of, and Schedule 3 to, the National Assembly for Wales (Transfer of Functions) Order 2000 (S.I. 2000/253). The functions were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32), the functions being relevant Assembly functions as defined in paragraph 30(2).

## Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir etc.) (Diwygio) (Cymru) 2022 a daw i rym ar 20 Hydref 2022.

## Diwygio Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995

2.—(1) Mae Gorchymyn Cynllunio Gwlad a Thref (Datblygu Cyffredinol a Ganiateir) 1995(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn erthygl 4—

- (a) ym mharagraff (1)—
  - (i) yn lle “Secretary of State” rhodder “Welsh Ministers”;
  - (ii) yn lle “is satisfied” rhodder “are satisfied”;
  - (iii) hepgorer “he or”;
- (b) hepgorer paragraff (2);
- (c) ym mharagraffau (3) a (3A), ar ôl “paragraph (1)” hepgorer “or (2)”;
- (d) hepgorer paragraff (5);
- (e) ar ôl paragraff (5) mewnosoder—

“(5A) The procedures which must be followed in making, varying or withdrawing any direction made under paragraph (1), are set out in Schedule 2A.”
- (f) ym mharagraff (6)—
  - (i) yn lle “articles 5 and 6” rhodder “Schedule 2A”;
  - (ii) hepgorer ““relevant location” means a highway, waterway or open space”.

(3) Hpgorer erthyglau 5 a 6.

(4) Ar ôl Atodlen 2, mewnosoder—

## Title and commencement

1. The title of this Order is the Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022 and it comes into force on 20 October 2022.

## Amendment of the Town and Country (General Permitted Development) Order 1995

2.—(1) The Town and Country Planning (General Permitted Development) Order 1995(1) is amended as follows.

(2) For article 4—

- (a) in paragraph (1)—
  - (i) for “Secretary of State” substitute “Welsh Ministers”;
  - (ii) for “is satisfied” substitute “are satisfied”;
  - (iii) omit “he or”;
- (b) omit paragraph (2);
- (c) in paragraphs (3) and (3A), after “paragraph (1)” omit “or (2)”;
- (d) omit paragraph (5);
- (e) after paragraph (5) insert—

“(5A) The procedures which must be followed in making, varying or withdrawing any direction made under paragraph (1), are set out in Schedule 2A.”
- (f) in paragraph (6)—
  - (i) for “articles 5 and 6” substitute “Schedule 2A”;
  - (ii) omit ““relevant location” means a highway, waterway or open space”.

(3) Omit articles 5 and 6.

(4) After Schedule 2, insert—

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(1) O.S. 1995/418.

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(1) S.I. 1995/418.

Procedures for Article 4  
directions

**Procedure for article 4(1) directions without  
immediate effect**

1.—(1) Unless paragraph 2 applies, notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority—

- (a) by local advertisement;
- (b) by site display for a period of not less than 6 weeks—
  - (i) at no fewer than 2 locations within the area to which the direction relates, or
  - (ii) if the direction is made under article 4(1)(b), on the site of the particular development to which the direction relates; and
- (c) by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates, but this is subject to sub-paragraph (2).

(2) The local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1)(c), if they consider that—

- (a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person, or
- (b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable, but this is subject to sub-paragraph (3).

(3) Sub-paragraph (2) does not apply where the owner or occupier is a statutory undertaker or the Crown.

(4) The notice referred to in sub-paragraph (1) must—

- (a) include a description of the development and the area or site to which it relates,
- (b) include a statement of the effect of the direction,

Procedures for Article 4  
directions

**Procedure for article 4(1) directions without  
immediate effect**

1.—(1) Unless paragraph 2 applies, notice of any direction made under article 4(1) of this Order must, as soon as practicable after the direction has been made, be given by the local planning authority—

- (a) by local advertisement;
- (b) by site display for a period of not less than 6 weeks—
  - (i) at no fewer than 2 locations within the area to which the direction relates, or
  - (ii) if the direction is made under article 4(1)(b), on the site of the particular development to which the direction relates; and
- (c) by serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates, but this is subject to sub-paragraph (2).

(2) The local planning authority need not serve notice on an owner or occupier in accordance with sub-paragraph (1)(c), if they consider that—

- (a) individual service on that owner or occupier is impracticable because it is difficult to identify or locate that person, or
- (b) the number of owners or occupiers within the area to which the direction relates makes individual service impracticable, but this is subject to sub-paragraph (3).

(3) Sub-paragraph (2) does not apply where the owner or occupier is a statutory undertaker or the Crown.

(4) The notice referred to in sub-paragraph (1) must—

- (a) include a description of the development and the area or site to which it relates,
- (b) include a statement of the effect of the direction,

- (c) specify that the direction is made under article 4(1),
- (d) name a place where a copy of the direction, and a copy of a map defining the area or site to which it relates, may be seen during normal working hours,
- (e) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority, and
- (f) specify the date on which it is proposed that the direction will take effect, which must be at least 28 days but no longer than 2 years after the date specified under paragraph (e).

(5) Where a notice given by site display is, without any fault or intention of the local planning authority, removed, obscured, or defaced before the end of the period specified under sub-paragraph (4)(e), the authority is treated as having complied with that paragraph if they have taken reasonable steps for the protection of the notice, including, if need be, its replacement.

(6) The local planning authority must send a copy of the direction and the notice under sub-paragraph (1), and a copy of a map defining the area or site to which it relates, to the Welsh Ministers on the same day that notice of the direction is first published or displayed in accordance with sub-paragraph (1).

(7) The direction takes effect on the date specified in accordance with sub-paragraph 4(f) but only if it is confirmed by the local planning authority in accordance with sub-paragraphs (8) and (9).

(8) In deciding whether to confirm a direction made under article 4(1) the local planning authority must take into account any representations received during the period specified under sub-paragraph 4(e).

(9) The local planning authority must not confirm a direction until after the later of—

- (a) a period of at least 28 days beginning with the latest day any notice relating to the direction was served or published, or
- (b) such longer period as may be specified by the Welsh Ministers following the notification of the direction by the local planning authority to the Welsh Ministers.

- (c) specify that the direction is made under article 4(1),
- (d) name a place where a copy of the direction, and a copy of a map defining the area or site to which it relates, may be seen during normal working hours,
- (e) specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the local planning authority, and
- (f) specify the date on which it is proposed that the direction will take effect, which must be at least 28 days but no longer than 2 years after the date specified under paragraph (e).

(5) Where a notice given by site display is, without any fault or intention of the local planning authority, removed, obscured, or defaced before the end of the period specified under sub-paragraph (4)(e), the authority is treated as having complied with that paragraph if they have taken reasonable steps for the protection of the notice, including, if need be, its replacement.

(6) The local planning authority must send a copy of the direction and the notice under sub-paragraph (1), and a copy of a map defining the area or site to which it relates, to the Welsh Ministers on the same day that notice of the direction is first published or displayed in accordance with sub-paragraph (1).

(7) The direction takes effect on the date specified in accordance with sub-paragraph 4(f) but only if it is confirmed by the local planning authority in accordance with sub-paragraphs (8) and (9).

(8) In deciding whether to confirm a direction made under article 4(1) the local planning authority must take into account any representations received during the period specified under sub-paragraph 4(e).

(9) The local planning authority must not confirm a direction until after the later of—

- (a) a period of at least 28 days beginning with the latest day any notice relating to the direction was served or published, or
- (b) such longer period as may be specified by the Welsh Ministers following the notification of the direction by the local planning authority to the Welsh Ministers.



(10) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of confirmation and the date on which the direction takes effect, in accordance with sub-paragraph (11), and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(11) Notice under sub-paragraph 10(a) must be given in the manner described in sub-paragraphs (1) and (4)(a) to (c); and sub-paragraphs (2) and (3) apply for this purpose as they apply for the purpose of sub-paragraph (1)(c).

(12) A local planning authority may, by making a subsequent direction, withdraw any direction made by them under article 4(1).

(13) The Welsh Ministers may make a direction withdrawing or varying any direction under article 4(1) made by a local planning authority or by the Welsh Ministers, at any time before or after its confirmation.

(14) Sub-paragraphs (1) to (11) apply in relation to any direction made under sub-paragraph (12) by a local planning authority unless the direction it is withdrawing is a direction to which paragraph 2 applied.

(15) Paragraphs 2(2) and (4) to (7) apply in relation to any direction made by a local planning authority under sub-paragraph (12) withdrawing a direction to which paragraph 2 applied.

(16) The Welsh Ministers must notify the local planning authority as soon as practicable after making a direction under article 4(1) or sub-paragraph (13).

(17) Sub-paragraphs (1) to (3) and (4)(a) to (c) apply to any direction made under sub-paragraph (13) by the Welsh Ministers.

(18) A direction made under sub-paragraph (13) by the Welsh Ministers takes effect —

- (a) on the date on which the notice is served under sub-paragraph (1)(c) on the occupier, or if there is no occupier, on the owner; or
- (b) if sub-paragraph (2) applies, on the date on which the notice was first advertised or displayed in accordance with sub-paragraph (1).

(10) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of confirmation and the date on which the direction takes effect, in accordance with sub-paragraph (11), and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(11) Notice under sub-paragraph 10(a) must be given in the manner described in sub-paragraphs (1) and (4)(a) to (c); and sub-paragraphs (2) and (3) apply for this purpose as they apply for the purpose of sub-paragraph (1)(c).

(12) A local planning authority may, by making a subsequent direction, withdraw any direction made by them under article 4(1).

(13) The Welsh Ministers may make a direction withdrawing or varying any direction under article 4(1) made by a local planning authority or by the Welsh Ministers, at any time before or after its confirmation.

(14) Sub-paragraphs (1) to (11) apply in relation to any direction made under sub-paragraph (12) by a local planning authority unless the direction it is withdrawing is a direction to which paragraph 2 applied.

(15) Paragraphs 2(2) and (4) to (7) apply in relation to any direction made by a local planning authority under sub-paragraph (12) withdrawing a direction to which paragraph 2 applied.

(16) The Welsh Ministers must notify the local planning authority as soon as practicable after making a direction under article 4(1) or sub-paragraph (13).

(17) Sub-paragraphs (1) to (3) and (4)(a) to (c) apply to any direction made under sub-paragraph (13) by the Welsh Ministers.

(18) A direction made under sub-paragraph (13) by the Welsh Ministers takes effect —

- (a) on the date on which the notice is served under sub-paragraph (1)(c) on the occupier, or if there is no occupier, on the owner; or
- (b) if sub-paragraph (2) applies, on the date on which the notice was first advertised or displayed in accordance with sub-paragraph (1).

**Procedure for article 4(1) directions with immediate effect**

- 2.—(1) This paragraph applies where—
- (a) a direction relating only to development permitted by any of—
    - (i) Part 1 (development within the curtilage of a dwellinghouse);
    - (ii) Part 2 (minor operations);
    - (iii) Part 3 (changes of use), excluding development permitted by paragraphs (b)(i) and (c)(i) of Class I;
    - (iv) Part 4 (temporary buildings and uses);
    - (v) Part 31 (demolition of buildings);of Schedule 2 has been made by the local planning authority or the Welsh Ministers under article 4(1) and the planning authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; or
  - (b) a direction within the whole or part of any conservation area has been made by the local planning authority or the Welsh Ministers under article 4(1) which the planning authority considers should have immediate effect and the development to which the direction relates is described in sub-paragraph (3).
- (2) Paragraphs 1(1) to (3), (4)(a) to (e), (5), and (8) and (9) apply in relation to a direction to which this paragraph applies; and the planning authority must notify the Welsh Ministers of the direction on the same day that notice is given under paragraph 1(1).
- (3) The development referred to in sub-paragraph (1)(b) is development described in—
- (a) Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;
  - (b) Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;

**Procedure for article 4(1) directions with immediate effect**

- 2.—(1) This paragraph applies where—
- (a) a direction relating only to development permitted by any of—
    - (i) Part 1 (development within the curtilage of a dwellinghouse);
    - (ii) Part 2 (minor operations);
    - (iii) Part 3 (changes of use), excluding development permitted by paragraphs (b)(i) and (c)(i) of Class I;
    - (iv) Part 4 (temporary buildings and uses);
    - (v) Part 31 (demolition of buildings);of Schedule 2 has been made by the local planning authority or the Welsh Ministers under article 4(1) and the planning authority consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area; or
  - (b) a direction within the whole or part of any conservation area has been made by the local planning authority or the Welsh Ministers under article 4(1) which the planning authority considers should have immediate effect and the development to which the direction relates is described in sub-paragraph (3).
- (2) Paragraphs 1(1) to (3), (4)(a) to (e), (5), and (8) and (9) apply in relation to a direction to which this paragraph applies; and the planning authority must notify the Welsh Ministers of the direction on the same day that notice is given under paragraph 1(1).
- (3) The development referred to in sub-paragraph (1)(b) is development described in—
- (a) Class A of Part 1 of Schedule 2, consisting of the enlargement, improvement or other alteration of a dwellinghouse, where any part of the enlargement, improvement or alteration would front a relevant location;
  - (b) Class C of Part 1 of that Schedule, where the alteration would be to a roof slope which fronts a relevant location;

- (c) Class D of Part 1 of that Schedule, where the external door in question fronts a relevant location;
  - (d) Class E of Part 1 of that Schedule, where the building or enclosure, raised platform, swimming or other pool to be provided would front a relevant location, or where the part of the building or enclosure maintained, improved or altered would front a relevant location;
  - (e) Class F of Part 1 of that Schedule, where the hard surface would front a relevant location;
  - (f) Class H of Part 1 of that Schedule, where the part of the building or other structure on which the antenna is to be installed, altered or replaced fronts a relevant location;
  - (g) Part 1 of that Schedule, consisting of the installation, alteration or removal of a chimney on a dwellinghouse or on a building within the curtilage of a dwellinghouse;
  - (h) Class A of Part 2 of that Schedule, where the gate, fence, wall or other means of enclosure would be within the curtilage of a dwellinghouse and would front a relevant location;
  - (i) Class C of Part 2 of that Schedule, consisting of the painting of the exterior of any part, which fronts a relevant location, of—
    - (i) a dwellinghouse; or
    - (ii) any building or enclosure within the curtilage of a dwellinghouse;
  - (j) Class B of Part 31 of that Schedule, where the gate, fence, wall or other means of enclosure is within the curtilage of a dwellinghouse and fronts a relevant location.
- (4) The direction takes effect —
- (a) on the date on which the notice is served under paragraph 1(1)(c) on the occupier of that part of the land or, if there is no occupier, on the owner; or
  - (b) if paragraph 1(2) applies, on the date on which the notice is first published or displayed in accordance with paragraph 1(1).

(5) A direction to which this paragraph applies expires at the end of 6 months beginning with the day on which it takes effect, unless it is confirmed by the local planning authority in accordance with paragraphs 1(8) and (9), before the end of that period.

(6) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of their confirmation; and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(7) Notice under sub-paragraph (6)(a) must be given in the manner described in paragraphs 1(1) and 4(a) to (c); and paragraphs 1(2) and (3) apply for this purpose as they apply for the purpose of paragraph 1(1)(c).

(8) In this paragraph, “relevant location” means a highway, waterway or open space.”

(5) Yn Rhan 3 o Atodlen 2 (newid defnydd), ar ôl Dosbarth H mewnosoder—

#### “Class I

##### **I. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use falling within Class C3 (dwellinghouses, used as sole or main residences) of the Schedule to the Use Classes Order —
  - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;

(5) A direction to which this paragraph applies expires at the end of 6 months beginning with the day on which it takes effect, unless it is confirmed by the local planning authority in accordance with paragraphs 1(8) and (9), before the end of that period.

(6) The local planning authority must, as soon as practicable after a direction has been confirmed—

- (a) give notice of their confirmation; and
- (b) send a copy of the direction as confirmed to the Welsh Ministers.

(7) Notice under sub-paragraph (6)(a) must be given in the manner described in paragraphs 1(1) and 4(a) to (c); and paragraphs 1(2) and (3) apply for this purpose as they apply for the purpose of paragraph 1(1)(c).

(8) In this paragraph, “relevant location” means a highway, waterway or open space.”

(5) In Part 3 of Schedule 2 (changes of use), after Class H insert—

#### “Class I

##### **I. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use falling within Class C3 (dwellinghouses, used as sole or main residences) of the Schedule to the Use Classes Order —
  - (i) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (ii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iii) to a mixed use combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed use combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;



- (ii) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (iii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed used combining use as a dwellinghouse within Class C5 (dwellinghouses, used otherwise than as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule;
- (e) from a mixed use combining uses falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) and Class C6 (short-term lets) of the Schedule to the Use Classes Order—
- (i) to a use falling within Class C3 (dwellinghouses, used as sole or main residences) of that Schedule;
  - (ii) to a use falling within Class C5 (dwellinghouses, used otherwise than as sole or main residences) of that Schedule;
  - (iii) to a use falling within Class C6 (short-term lets) of that Schedule;
  - (iv) to a mixed used combining use as a dwellinghouse within Class C3 (dwellinghouses, used as sole or main residences) with a use falling within Class C6 (short-term lets) of that Schedule.

**I.1 Development not permitted**

Development is not permitted by Class I if it would result in the use as two or more separate dwellinghouses falling within Class C3 (dwellinghouses, used as sole or main residences), Class C5 (dwellinghouses, used otherwise than as sole or main residences) or Class C6 (short-term lets) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse.

**Class J**

**J. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use as a betting office—

**I.1 Development not permitted**

Development is not permitted by Class I if it would result in the use as two or more separate dwellinghouses falling within Class C3 (dwellinghouses, used as sole or main residences), Class C5 (dwellinghouses, used otherwise than as sole or main residences) or Class C6 (short-term lets) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse.

**Class J**

**J. Permitted development**

Development consisting of a change of use of a building—

- (a) from a use as a betting office—

- (i) to a use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order;
  - (ii) to a mixed use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat;
  - (iii) to a use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
  - (iv) to a mixed use for any purpose falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as a single flat;
  - (v) to mixed use as a betting office and as a single flat;
- (b) from a mixed use as a betting office and as a single flat—
- (i) to a use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order;
  - (ii) to a mixed use for any purpose falling within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat;
  - (iii) to a use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
  - (iv) to a mixed use for any purpose falling within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as a single flat;
  - (v) to a use as a betting office.

**J1. Conditions**

Development permitted by Class J is subject to the following conditions—

- (a) some or all of the parts of the building used for any purposes within Class A1, Class A2 or as a betting office, as the case may be, of the Schedule to the Use Classes Order must be situated on a floor below the part of the building used as a single flat;

**J1. Conditions**

Development permitted by Class J is subject to the following conditions—

- (a) some or all of the parts of the building used for any purposes within Class A1, Class A2 or as a betting office, as the case may be, of the Schedule to the Use Classes Order must be situated on a floor below the part of the building used as a single flat;

- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall must not be used in whole or in part as the single flat;
- (c) the single flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
  - (i) by a single person or by people living together as a family;
  - (ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

## J2. Interpretation of Class J

For the purposes of Class J—

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.”

### Diwygio Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2014

3.—(1) Mae Rheoliadau Cynllunio Gwlad a Thref (Digolledu) (Cymru) (Rhif 2) 2014(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 (datblygiad rhagnodedig – caniatâd cynllunio a roddwyd drwy orchymyn datblygu), ar ôl (a) mewnosoder—

“(aa) datblygiad a ganiateir gan Ddosbarth I o Ran 3 o Atodlen 2 (newid defnydd penodol).”

(3) Ym mharagraff (a) o reoliad 3 (dull rhagnodedig o dynnu’n ôl ganiatâd cynllunio a roddwyd drwy orchymyn datblygu), yn lle “erthyglau 4, 5 a (fel y bo’n briodol) 6” rhodder “erthygl 4”.

(4) Ym mharagraff (2)(a) o reoliad 4 (hysbysiad o’r tynnu’n ôl – y dull cyhoeddi a’r cyfnod rhagnodedig ar gyfer gorchymynion datblygu) yn lle “yn erthyglau 5 a (fel y bo’n briodol) 6 o” rhodder “ym mharagraffau 1(1) i (5) o Atodlen 2A i”.

(1) O.S. 2014/2693 (Cy. 70).

- (b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall must not be used in whole or in part as the single flat;
- (c) the single flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—
  - (i) by a single person or by people living together as a family;
  - (ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

## J2. Interpretation of Class J

For the purposes of Class J—

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.”

### Amendment of the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014

3.—(1) The Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014(1) are amended as follows.

(2) In regulation 2 (prescribed development – planning permission granted by development order), after (a) insert—

“(aa) development permitted by Class I of Part 3 of Schedule 2 (certain changes of use).”

(3) In paragraph (a) of regulation 3 (prescribed manner for withdrawing planning permission granted by development order), for “articles 4, 5 and (as appropriate) 6” substitute “article 4”.

(4) In paragraph (2)(a) of regulation 4 (notice of the withdrawal - prescribed manner of publication and period for development orders) for “articles 5 and (as appropriate) 6 of” substitute “paragraphs 1(1) to (5) of Schedule 2A to”.

(1) S.I. 2014/2693 (W. 70).



*Julie James*

Y Gweinidog Newid Hinsawdd, un o Weinidogion  
Cymru  
26 Medi 2022

Minister for Climate Change, one of the Welsh  
Ministers  
26 September 2022

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Argraffwyd a chyhoeddwyd yn y DU gan Y Llyfrfa Cyf dan awdurdod a  
goruchwyliaeth Jeff James, Rheolwr Llyfrfa Ei Fawrhydi ac Argraffydd  
Deddfau Senedd y Brenin

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Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

To:

Heads of Planning  
Local Planning Authorities in Wales

28 September 2022

Dear Colleague,

On 4 July the First Minister and the leader of Plaid Cymru announced a package of measures to tackle the issue of second homes and short-term lets in Wales. This included a land use planning element - the introduction of three new use classes to give local planning authorities the ability to control the number of second homes and short-term lets in an area. These changes to planning legislation were consulted upon from [November 2021 to February 2022](#) and have now been agreed as follows:

- The Town and Country Planning (Use Classes) Order 1987 (the UCO) is being amended to create new use classes for 'Dwellinghouses, used as sole or main residences' (Class C3), 'Dwellinghouses, used otherwise than as sole or main residences' (Class C5) and 'Short-term Lets' (Class C6);
- The Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) is being amended to allow permitted changes between the new use classes, C3, C5 and C6. These permitted development rights can be dis-applied within a specific area by an Article 4 Direction made by a local planning authority on the basis of robust local evidence.

As set out in the consultation, complementary changes are also being made to section 4.2 of *Planning Policy Wales* (PPW). These policy changes make it explicit that, where relevant, the prevalence of second homes and short-term lets in a local area must be taken into account when considering housing requirements and policy approaches in Local Development Plans (LDPs). The amendments to PPW make it clear that where a local planning authority introduces an Article 4 Direction, it should reinforce its actions by requiring conditions to be placed on all new dwellings restricting their use to Class C3 where such a condition would meet the relevant tests. Local authorities should also allocate sites in LDPs restricted to C3 use, including local market housing, in areas where they are seeking to manage second homes and short-term lets. A copy of the amendments to section 4.2 of PPW is attached and these changes will be incorporated into the next edition which is expected to be published during 2023.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

To facilitate and assist you with making Article 4 Directions, the GPDO is also being amended to include a new Article 4 which simplifies the process. The current requirement to secure the Welsh Ministers' approval for the introduction of an Article 4 Direction is being removed. Instead, the new Article 4 places all aspects of making Directions within the remit of a local planning authority in order to expedite their confirmation and potentially encouraging their use where evidence demonstrates localised intervention is necessary. The new Article 4 replaces the former directions known as Article 4(1) and Article 4(2) directions with two types of direction - an expedited direction known as a 'direction with immediate effect' and 'directions without immediate effect'. These changes formed part of the 'Permitted Development' consultation which took place between [16 November 2021 and 15 February 2022](#).

When an Article 4 Direction is made there are circumstances under which compensation may be payable by the local planning authority under the provisions of Section 108 of the Town and Country Planning Act 1990. To mitigate claims for compensation, all the new permitted development rights relating to second homes and short-term lets have been added to the prescribed list in the Town and Country Planning (Compensation) (Wales) (No. 2) Regulations 2014. A 12 month notice period is needed ahead of the implementation of an Article 4 Direction if compensation is not to be paid.

It will be for each local planning authority to decide, based on local circumstances, whether they wish to pursue the possible introduction of an Article 4 Direction to remove the permitted development rights for changes between the new use classes. Any such Article 4 Direction will need to be supported by robust local evidence highlighting the impact of second homes and short-term lets on specific communities as part of a co-ordinated response which applies all available interventions to an area and will need to evidence effective community consultation.

The UCO is also being amended to provide greater control over the siting of betting shops. Use as a betting shop has been removed from use class A2 (Financial and Professional Services) and is specified as a unique use (i.e. sui generis). Consequential amendments have also been made to the GPDO to permit changes of use from use as a betting shop that previously applied whilst the use fell within use class A2.

The two Statutory Instruments are:

- The Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2022; and
- The Town and Country Planning (General Permitted Development etc.) (Amendment) (Wales) Order 2022.

The Statutory Instruments come into force on 20 October.

Further details about the changes to the UCO and the GPDO will be available in due course in a 'Frequently Asked Questions' document.

Yours sincerely,



Julie James MS  
Minister for Climate Change

## Changes to Planning Policy Wales (PPW) section 4.2, 'Housing' regarding: affordability and the impact of second homes and short-term lets

New text – in red

### Housing Requirement

4.2.5 Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period. Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities. Localised issues, such as the prevalence of second homes and short-term lets, must also be considered when developing the requirement for market and affordable homes within a particular area and whether the evidence justifies a local policy approach to support the viability of communities. This could, for example, include introducing a cap or ceiling on the number of second homes or short-term lets.

....

4.2.9 Planning authorities, in partnership with the community, including the private sector, must develop policies to meet the challenges and particular circumstances evident in their areas. If these policies need to diverge from national policies in order to meet specific local housing needs for market housing, which normally would have no occupancy restriction, planning authorities must provide clear and robust evidence to support the approach taken. The justification might be in terms of, for example, land supply, environmental or social impacts, including the prevalence of second homes and short-term lets either individually or in combination. Evidence could be obtained from local studies such as those deriving from the local well-being plans or from studies forming part of the evidence base for the development plan, particularly the Local Housing Market Assessment. Such evidence should highlight any impact of second homes and short-term lets on specific communities. The sustainability appraisal, including the Strategic Environmental Assessment (SEA), would be part of the evidence base providing justification for a departure from national policy.

#### **New Paragraph (immediately after 4.2.9):**

Where robust local evidence has identified impacts on the community arising from the prevalence of second homes and short-term lets, planning authorities may consider co-ordinated local planning approaches. This may include specifically identifying sites in development plans for new homes which are limited in use to sole or main residences or local market housing (see paragraph 4.2.9) and/or the introduction of area specific Article 4 Directions which may require a planning application for a change of use of a sole or main residence to a second home or short-term let. For the specific area to which such an Article 4 direction applies, restrictions by condition or obligation should be placed on all new homes limiting their use to sole or main residences. Further guidance on the use of Article 4 directions, planning conditions and obligations is provided in the Development Management Manual.

...

## **Affordable Housing**

4.2.27 It is important that authorities have an appreciation of the demand for different types of affordable housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments. To support policies and decisions on planning applications, planning authorities should refer to their LHMA to help determine the need for affordable housing, including any evidence of localised affordability issues such as the impact of second homes and short-term lets.

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## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO DEVELOPMENT CONTROL COMMITTEE

9 FEBRUARY 2023

#### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

##### ROYAL TOWN PLANNING INSTITUTE – THE BIG CONVERSATION

### 1. Purpose of Report

- 1.1 The purpose of this report is to inform Members of the Development Control Committee on recent research carried out by the Wales branch of the Royal town Planning Institute (RTPI Cymru) on the wellbeing of the planning profession in Wales. The research titled the Big Conversation, was carried out in response to a request by the Minister for Climate Change to understand the well-being of planners in Wales operating under challenging circumstances. In 2022 RTPI Cymru explored the issues, impacts, causes and potential solutions to support the profession deliver the planning system.
- 1.2 The research set out to better understand the pressures being faced by planners and undertake a 'health check' of the profession in Wales. It is widely known that LPAs in Wales have had significant reductions in the budgets to support their work, along with reduced resources to other public services. The research comprised of a RTPI Cymru member survey and round table discussions in order to understand better where the pressures are and how this is affecting those working in the system. The research was directed to planners in all sectors and also considered examples of good practice to address issues and possible action and solutions which could assist in relieving pressures.

### 2. Connection to Corporate Well-being Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-
- 2.2 **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.

### 3. Background

- 3.1 The RTPI champions the power of planning in creating prosperous places and vibrant communities. There are over 27,000 members in the private, public, academic and voluntary sectors and over 1,300 members in Wales. Using expertise and research, the RTPI seeks to bring evidence and thought leadership to shape planning policies and thinking by putting the profession at the heart of society's big debates. The RTPI sets the standards of planning education and professional behaviour for members.
- 3.2 In the Big Conversation report, RTPI Cymru recognises that fully addressing the shortfall in investment and budgets for planning at the current time is not straightforward and there is a need to consider wider additional solutions. As previously identified by Audit Wales and Senedd Cymru's Public Accounts Committee the workload of LPAs has increased alongside significant budget cuts.

- 3.3 For the planning system in Wales to fulfil its statutory duties and deliver quality placemaking there is a critical need for more investment. LPA departments are significantly underfunded, and research shows that planning services are suffering most severely of all local government services due to budget cuts.
- 3.4 In 2019, Audit Wales published a report on a national review of the planning system in Wales. The review focused on all key functions of LPAs - planning policy, development control, and building management. Overall, the review highlighted a planning system that was struggling to deliver against the ambitions of the Planning (Wales) Act 2015 and to implement national policy. Specifically in terms of development management, the review found that capacity was stretched, planning authorities were struggling to deliver key functions, and there was limited progress on improving resilience.
- 3.5 Senedd Cymru / Welsh Parliament's Public Accounts Committee published its report into The Effectiveness of Local Planning Authorities in Wales in June 2020. The report stated:
- “Our overall conclusion is that Planning is critical but at present it is not able to deliver the aspirations of the Planning, Environment and Well-being of Future Generations Acts because of reductions in resources.”*
- 3.6 The Committee reached the same conclusions as the Auditor General for Wales and the issue that planning services are not adequately resourced to undertake their important role. This is a critical issue and has increased in importance in the response needed to address the economic and place-based inequalities caused and highlighted by the pandemic.

#### **4. The Big Conversation Research Findings**

- 4.1 The Big Conversation report identifies that Planning as a professional function plays a crucial role in delivering a wide range of valuable outcomes for example, addressing the climate and biodiversity emergencies, economic development and supporting communities across Wales. It is widely recognised that Local Planning Authorities (LPAs), along with the wider public sector, are struggling to meet expectations and unlock the value planning has to offer with the current investment. The Big Conversation is focused on the well-being of those working in and delivering the planning system. However, it is not a review of the planning system or its policies but does reflect on changes which could support the well-being issues identified and explore ways to alleviate pressures.
- 4.2 A total of 209 responses were received with 23% of respondents in the private sector, 63% in Local Planning Authorities, 9% in other public sector, 3% 'other' (mainly third sector) and 2% not working. The geographic spread of responses is in line with the general population. i.e. 18% all-Wales, 11% Mid Wales, 20% North Wales, 37% South East Wales, 14% South West Wales).
- 4.3 The Big Conversation found high levels of planners being overstretched in their work and this was having an impact on their well-being. 61% of all respondents reported being overstretched at least several times a week, 74% of LPA officers felt overstretched; a staggering 21% of all respondents felt they were overstretched all of the time.
- 4.4 The need for planning to become more resilient as a profession was also identified, in particular, the resilience of planning officers in relation to handling difficult situations and managing high expectations. Whilst the Big Conversation identified weaknesses, it is also important to point out that the research revealed planning services continue to be delivered and planners take pride in their role and they value what they are delivering.



- 4.5 A wide variety of operational issues were identified as the reason for the increase in workload including staff resources and recruitment difficulties linked to pay and rewards. The expectations of developers, their agents, the public and politicians as well as the broadening of planning and process requirements were seen as key factors. Availability of other specialist officers including ecologists, highways and drainage officers, was also identified as having an impact on workload. Staff resource issues of Welsh Government and Natural Resources Wales (NRW) were also raised as impacting on the delivery of services. There was also a suggestion that the private sector was under pressure and this was resulting in poorer quality designs and applications, further impacting on the workload of LPAs. A lack of investment in digital resources to support planning delivery and a move to hybrid and remote working were also raised as factors.
- 4.6 More worryingly, the research identified alarming levels of abuse, partly encouraged through social media, reported by those working in planning, as well as intimidation, raising safety issues. The increasing levels of formal and informal complaints is also having an impact on workload and time resource.
- 4.7 A range of solutions were proposed which centred around increasing public sector resources to support planning and improving the understanding of planning to support engagement and appreciation by others of the role. This included providing better information for the public, but also targeting senior officials in local authorities, politicians and other public sector bodies. Exploring opportunities to grow the profession and encourage new entrants, as well as providing skills training across the profession were also suggested. Investment in digital planning is an area which was identified as needing addressing.
- 4.8 Although the report makes it clear the Big Conversation was not intended to be a review of the planning system, there were some suggestions for amendments to the operation of the system to alleviate pressures. Regional planning was suggested as a way of sharing evidence gathering and pooling specialist resources and sharing good practice was an area raised as a way to provide sources of learning and development for individuals and organisations.
- 4.9 The report of the Big Conversation will be provided to Welsh Government and is appended below or via the following link <https://www.rtpi.org.uk/media/13648/big-conversation-report-final.pdf> The RTPi will also respond to some of the issues through its own action plan.

## **5. Effect Upon Policy Framework and Procedure Rules**

- 5.1 The amended Statutory Instruments will be implemented by the Local Planning Authority.

## **6. Equality Act 2010 Implications**

- 6.1 None

## **7. Well-being of Future Generations (Wales) Act 2015 Implications**

- 7.1 None

## **8. Financial implications**

- 8.1 None

## 9. Recommendation

(1) That Members note the content of this report,

**Janine Nightingale**  
**CORPORATE DIRECTOR COMMUNITIES**  
9 February 2023

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### **Background documents:**

Appendix 1 the Big Conversation



**RTPI Cymru**  
Royal Town Planning Institute  
Sefydliad Cynllunio Trefol Brenhinol

**RTPI  
Research  
Paper**

**JANUARY  
2023**

# THE BIG CONVERSATION:

The well-being of planners and the impact  
on the planning system in Wales



**RTPI champions the power of planning in creating prosperous places and vibrant communities. We have over 27,000 members in the private, public, academic and voluntary sectors and over 1,300 members in Wales. Using our expertise and research we bring evidence and thought leadership to shape planning policies and thinking, putting the profession at the heart of society's big debates. We set the standards of planning education and professional behaviour that give our members, wherever they work in the world, a unique ability to meet complex economic, social environmental and cultural challenges.**

## **Acknowledgements**

**RTPI Cymru is grateful to everyone who engaged in the Big Conversation and shared their views and experiences.**

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# Executive Summary

Planning plays a crucial role in delivering a wide range of valuable outcomes – addressing the climate and biodiversity emergencies, economic development and supporting communities across Wales. However, it is widely recognised that Local Planning Authorities (LPAs), along with the wider public sector, are struggling to meet expectations and unlock the value planning has to offer with the current investment.

Responding to a request by Julie James MS, Minister for Climate Change, to understand the well-being of planners in Wales operating under challenging circumstances, RTPI Cymru has explored the issues, impacts, causes and potential solutions to support the profession deliver the planning system in Wales, through the Big Conversation. The Big Conversation aims to better understand the pressures being faced and undertake a health check of the profession in Wales; it provides a detailed evidence base on which to take action. It provides indicators of action which could be taken by a range of stakeholders.

The Big Conversation is focused on the well-being of those working in and delivering the planning system; it is not a review of the planning system or its policies but does reflect on changes which could support the well-being issues identified and explore ways to alleviate pressures.

RTPI Cymru recognises that fully addressing the shortfall in investment and budgets for planning at the current time is not straightforward and there is a need to consider wider additional solutions.

As previously identified by Audit Wales and Senedd Cymru's Public Accounts Committee the workload of LPAs has increased alongside significant budget cuts. The Big Conversation found high levels of planners being overstretched in their work and this was having an impact on their well-being. 61% of all respondents reported being overstretched at least several times a week, 74% of LPA officers felt overstretched; a staggering 21% of all respondents felt they were overstretched all of the time.

The need for planning to become more resilient as a profession was identified and particularly the resilience of planning officers in relation to handling difficult situations and high expectations.

Whilst the Big Conversation identified weaknesses, it is also clear that services continue to be delivered and planners take pride in their role and they value what they are delivering.

A wide variety of issues were identified as the reason for the increase in workload. Reoccurring themes include staff resources and recruitment difficulties linked to pay and rewards, the expectations of developers, their agents, the public and politicians, the broadening of planning and process requirements.

Availability of other specialist officers including ecologists, highways and drainage officers, was also identified as having an impact on workload. Staff resource issues of Welsh Government and Natural Resources Wales (NRW) were also raised as impacting on the delivery of services. There was also a suggestion that the private sector was under pressure and this was resulting in poorer quality designs and applications, further impacting on the workload of LPAs.

A lack of investment in digital resources to support planning delivery and a move to hybrid and remote working were also raised as factors.

There were alarming levels of abuse, partly encouraged through social media, reported by those working in planning, as well as intimidation, raising safety issues. The increasing levels of formal and informal complaints is having an impact on workload and time resource.

A range of solutions were proposed which are centred around increasing public sector resources to support planning, improving the understanding of planning to support engagement and appreciation by others of the role of planning. This included providing better information for the public, but also targeting senior officials in local authorities, politicians and other public sector bodies. Exploring opportunities to grow the profession and encourage new entrants, as well as providing skills training across the profession were also suggested. Investment in digital planning is an area which needs addressing. Although the Big Conversation was not a review of the planning system, there were some suggestions for amendments to the operation of the system to alleviate pressures. Regional planning was suggested as a way of sharing evidence gathering and pooling specialist resources. Finally, sharing good practice was an area raised which to provide a source of learning and development for individuals and organisations.

This report of the Big Conversation will be provide to Welsh Government for their response. The RTPI is also able to respond to some of the issues and provide support and we will be responding through our own action plan.



# 1. Introduction

Planning plays a crucial role in delivering a wide range of valuable outcomes – addressing the climate and biodiversity emergencies, economic development and supporting communities across Wales. However, it is widely recognised that Local Planning Authorities (LPAs), along with the wider public sector, are struggling to meet expectations and unlock the value planning has to offer with the current investment.

Responding to a request by Julie James MS, Minister for Climate Change, to understand the well-being of planners in Wales operating under challenging circumstances, RTPI Cymru has explored the issues, impacts, causes and potential solutions to support the profession deliver the planning system in Wales, through the Big Conversation. The Big Conversation aims to better understand the pressures being faced and undertake a health check of the profession in Wales; it provides a detailed evidence base on which to take action. It provides indicators of action which could be taken, not just by the RTPI, but also Welsh Government and other stakeholders.

RTPI Cymru recognises that fully addressing the shortfall in investment and budgets for planning at the current time is not straightforward and there is a need to consider wider additional solutions.

The Big Conversation is focused on the well-being of those working in and delivering the planning system; it is not a review of the planning system or its policies but does reflect on changes which could support the well-being issues identified and explore ways to alleviate pressures.

## 2. Methodology / What we did

The principal source for investigating the issues has been through a survey. The survey explores the experiences of working in the planning system today and was aimed at the whole profession.

The aim was to have a wide response across Wales, different sectors and parts of the profession, and also those that are not RTPI members. It was promoted to all RTPI members in Wales via e-mail and in our e-bulletins. Targeted e-mails were also sent to PEDW, Welsh Government, planning consultancies, and POSW (Planning Officers Society for Wales) to encourage engagement.

The survey was supplemented by roundtables and discussions with planners across Wales, including Young Planners Cymru.

The survey, which was available in Welsh and English, ran from the beginning of August until the 9<sup>th</sup> September. We had a very good response to the survey and incredibly valuable information has been shared.

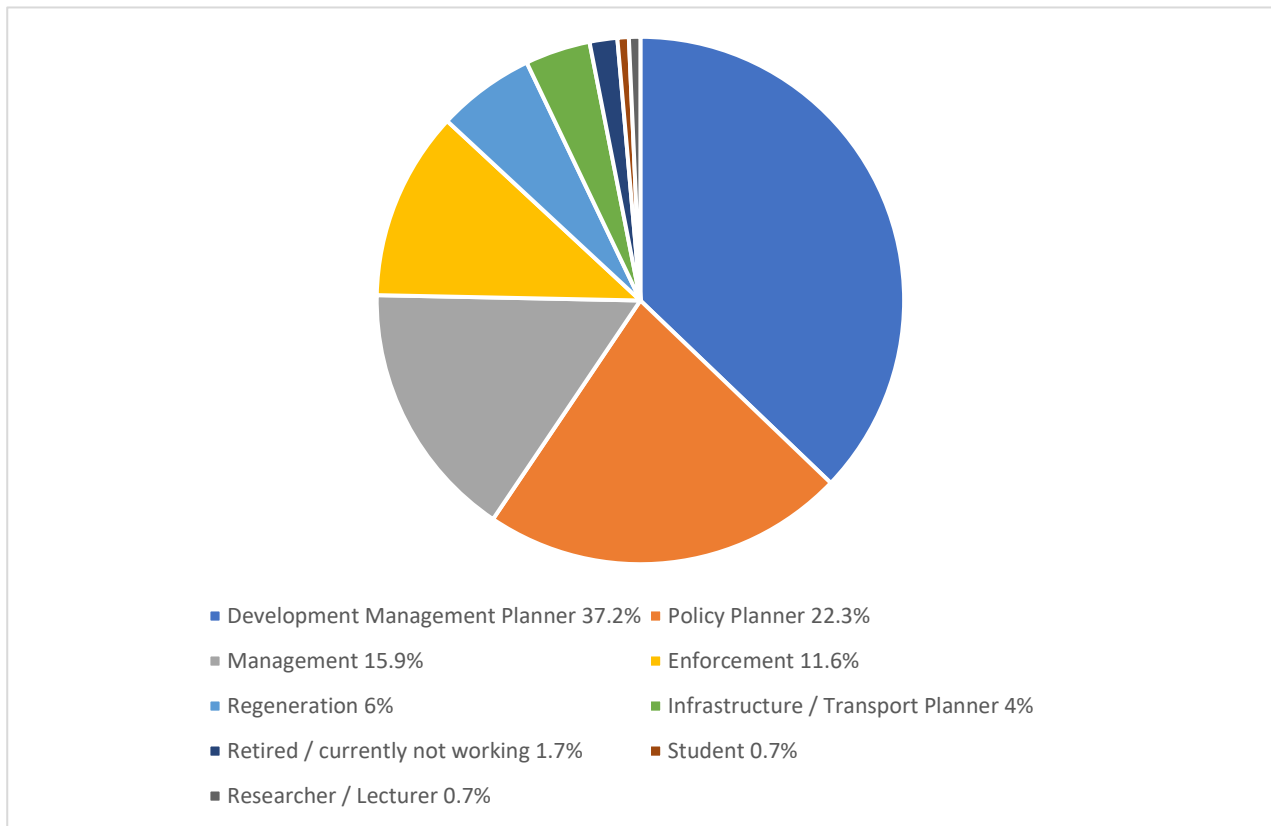
The response rate can be summarised as follows:

- Total of 209 responses (7 in Welsh)
- The average time taken to respond was around 40 minutes, demonstrating the effort responders put into their responses
- 18% of respondents were not RTPI members (reaching beyond the RTPI membership)



- 15% of our members in Wales have responded – this is a high rate compared to other surveys we have run and other similar surveys
- This rises to 21%, if you take out those members not currently working such as students and retired members (it is less relevant for them).
- 23% of respondents are in the private sector, 63% in Local Planning Authorities, 9% in other public sector, 3% 'other' (mainly third sector) and 2% not working, which reflects the RTPI membership.
- The geographic spread of responses is in line with the general population. (18% all-Wales, 11% Mid Wales, 20% North Wales, 37% South East Wales, 14% South West Wales).

In terms of roles, the spread of respondents was as follows:



The response rate gives us confidence that the survey results are reliable and representative.

We also note a meeting of the Executive Board of Wrexham County Borough Council held on 8<sup>th</sup> March 2022, discussed a Planning Performance Review<sup>1</sup> undertaken by the Planning Advisory Service (PAS) with support from the Welsh Local Government Association (WLGA). This report was commissioned in response to concerns raised by Elected Members and some local residents regarding the Council's performance in the area of planning. We have reflected on the key findings of this report where it provides evidence for the Big Conversation also.

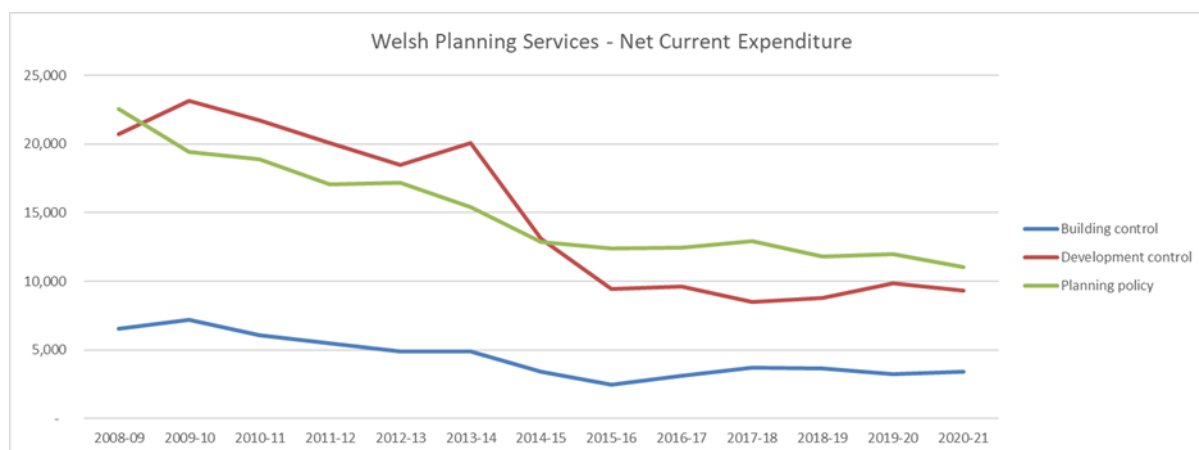
<sup>1</sup> <https://moderngov.wrexham.gov.uk/documents/s24598/Item%2011.pdf?LLL=0>

### 3. Background

For the planning system in Wales to fulfil its statutory duties and deliver quality placemaking there is a critical need for more investment. LPA departments are significantly underfunded, and research shows that planning services are suffering most severely of all local government services due to budget cuts.

In 2019, Audit Wales published a report on a national review of the planning system in Wales. The review focused on all key functions of LPAs - planning policy, development control, and building management. Overall, the review highlighted a planning system that was struggling to deliver against the ambitions of the Planning (Wales) Act 2015 and to implement national policy. Specifically in terms of development management, the review found that capacity was stretched, planning authorities were struggling to deliver key functions, and there was limited progress on improving resilience.

Analysis by Audit Wales<sup>2</sup> shows that “all planning services – policy, development and building control – have, since 2008-09, seen significant cuts in expenditure with budgets having fallen by 50% in real terms, considering inflation. Net expenditure has fallen from £45 million in 2008-09 to £22.8 million in 2017-18. The biggest cut has been to development control budgets where spend has reduced by 59%.”



Senedd Cymru / Welsh Parliament's Public Accounts Committee published its report into The Effectiveness of Local Planning Authorities in Wales<sup>3</sup> in June 2020. The report stated:

**“Our overall conclusion is that Planning is critical but at present it is not able to deliver the aspirations of the Planning, Environment and Well-being of Future Generations Acts because of reductions in resources.”**

The Committee reached the same conclusions as the Auditor General for Wales and the issue that planning services are not adequately resourced to undertake their important role. This is a critical issue and has increased in importance in the response needed to address the economic and

<sup>2</sup> [https://audit.wales/sites/default/files/planning-services-2019-full-report-english\\_5.pdf](https://audit.wales/sites/default/files/planning-services-2019-full-report-english_5.pdf)

<sup>3</sup> <https://business.senedd.wales/documents/s102542/Committee%20Report%20-%20Effectiveness%20of%20Local%20Planning%20Authorities%20in%20Wales%20June%202020%20PDF%201196KB.pdf>

place-based inequalities caused and highlighted by the pandemic. The lockdown situation has also drawn wider attention to the positive value of our local areas and communities, lower levels of pollution and the benefits of walking and cycling. Planning can help retain and embed these benefits.

RTPI Cymru welcomed the Committee's attention to the need to raise the status of and recognising the central importance of planning to the well-being of future generations.

## 3.1 Recent RTPI research outside Wales

### 3.1.1 Scotland

RTPI Scotland its published analysis<sup>4</sup> of resourcing in the Scottish planning service in 2022. This reflects the position that planning authorities' budgets have diminished in real terms by 38% since 2009. The key findings are:

- The planning service is the one of the most severely affected of all local government services in terms of budgets with a reduction of 38% since 2010;
- A quarter of planning department staff have been cut since 2009;
- Planning application fees do not cover the costs of processing planning applications;
- The new Planning Act has introduced 49 unfunded duties to local authorities which could cost between £12.1m and £59.1m over ten years to implement;
- It is estimated that over the next 10 to 15 years the planning sector will have demand for an additional 680 - 730 entrants into the sector; and
- The planning workforce has both demographic and succession challenges in the short, medium and long term.

### 3.1.2 Enforcement in England

In England, at the request of the UK Government's Department of Levelling Up, Housing and Communities the RTPI published research<sup>5</sup> in 2022, with the aim of attaining a clearer understanding of what is happening on the ground with planning enforcement.

The research highlighted a crisis in planning enforcement with unmanageable workloads and insufficient staff, leading to an inability to meet public demand.

## 3.2 Opportunities and Challenges

We asked what the greatest opportunities and challenges were for the profession and planners in Wales, we have summarised these below to help set the context for the Big Conversation.

### 6.1 Opportunities

Planning in Wales has the opportunity to create positive and proactive change and to encourage better quality design and more environmentally conscious construction.

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<sup>4</sup> [www.rtpi.org.uk/research/2022/december/resourcing-the-planning-service-key-trends-and-findings-2022/](http://www.rtpi.org.uk/research/2022/december/resourcing-the-planning-service-key-trends-and-findings-2022/)

<sup>5</sup> [www.rtpi.org.uk/research/2022/november/planning-enforcement-resourcing/](http://www.rtpi.org.uk/research/2022/november/planning-enforcement-resourcing/)

To become recognised as the leaders for promoting and delivery of the Well-being of Future Generations Act and raising the planning profile.

Welsh Government Ministers value the contribution planning makes to their agenda.

Having a new younger workforce will bring a new dynamic.

To deliver fantastic schemes, homes, communities, improve infrastructure, better communities, provide jobs.

## 6.2 Challenges

Under-resourced LPAs including the recruitment and retention of competent officers, making it attractive to young people and salaries.

Raising climate change / nature recovery to the top agenda in national and regional policy.

Raising the profile of the profession especially with local politicians and elected representatives who do not understand the planning system and do not seem to value it and the negative press.

Passing experience on to young colleagues.

Consistency of decision making and improving development.

Stakeholders too unaccountable for their actions and implications it has on the planning process.

Public perception of what the role is and this insufficient interest in people joining the profession and maintaining a career in planning.

The 'drifting of knowledgeable and experienced staff into the private sector'.

# 4. How is your well-being?

At the heart of the Minister's request for the Big Conversation was the well-being of those delivering the planning system.

**“To identify actions to protect and strengthen the profession to be able to carry out the vitally important work we ask of it.” Julie James MS, Minister for Climate Change**

Respondents shared with us their experiences and clearly set out the challenging environment they are operating in.

**“Last two years [during the pandemic] have been extremely challenging and have left their psychological scars.”**

The survey found high levels of planners being overstretched in their work and this was having an impact on their well-being. 61% of all respondents reported being overstretched at least several times a week, 74% of LPA officers felt overstretched; a staggering 21% of all respondents felt they were overstretched all of the time. Just 9% of respondents do not feel overstretched and a further 6% who whilst overstretched, liked it that way.

**“A combination of a reduction in staff, an increase in unnecessary correspondence, unnecessary workload / complexity in some simple processes.”**

**“I can’t really express how difficult planning is as a career at the moment. It used to be enjoyable and now it feels like walking through treacle (even for applications which should be simple), due to ridiculous decisions being made by local authorities (largely councillors, not officers) and Welsh Government.”**

In the current situation with the cost of living crisis etc. concern was raised which will not be exclusive to the planning profession:

**“The worry of paying for the bills and working is overbearing at times.”**

The need for planning to become more resilient as a profession was identified and particularly the resilience of planning officers in relation to handling difficult situations and high expectations.

## 5. Findings

The effects of the budget cuts and impact on those working in planning in Wales are multi-faceted, and we set out the principle ones raised in the Big Conversation here.

### 5.1 Workload

**“There is a desperate need for solutions to address workload issues.”**

The majority of respondents reported an increase in their workload and remit in the past two years. The survey reports to significant periods of time where most respondents are unable to carry out their work. The majority of LPA respondents (74%) feel overstretched several or more times a week. This is less of a case with those in other sectors, especially private consultancy respondents who mostly felt overstretched on an occasional basis. Predominantly respondents aged between 45 and 64 years’ experience being overstretched all the time, which is more than other age groups; this may be down to experience and more senior roles which have increased responsibilities or wider portfolios.

The data clearly shows those working in enforcement are most likely to feel overstretched all of the time (37.1%), followed by Development Management Planners (29.2%) then Management (27.1%).

North, South East and South West Wales respondents saw the highest number of those who are overstretched all the time. Whereas those in Mid Wales had a doubling of the percentage of respondents seeing an increase in the past six months. It is to be noted that all Regions across Wales are overstretched at least occasionally and often more frequently.

Across all sectors, it can be seen that there are significant periods where there is not enough time to carry out workloads. 20% of LPA respondents never have enough time and 50% have significant periods where there is not enough time.

There seems to be a common pattern that the workload has increased over the past two years for about 60% of the respondents. This points towards the pandemic and the recovery, on top of periods of austerity and public sector budget constraints.

There is also a clear lack of sufficient time for Welsh Government bodies to carry out their work. The capacity of the Planning Directorate of Welsh Government was highlighted as an issue, with a reduced number of staff and impacting on the ability to support the system in terms of policy updating and supporting the roll-out and implementation of planning. This is impacting on all others involved in delivering planning services.

**“Really, for private sector planners, the main issue ... is workload which is being compounded at the moment because there simply aren't enough planners. Recruitment is an absolute nightmare.”**

An issue raised across public sector respondents:

**“It is so frustrating to feel unable to deliver that [effective LPA] service. It's not what any of us want.”**

A wide variety of issues have been raised regarding the reason for the increase in workload. The reoccurring themes, are:

- Staff resources
- Operational issues
- Public expectation
- Broadening of planning
- Process requirements
- Politics

Across the majority of responses and discussions to the Big Conversation, there was an overarching need identified for a great deal more resources to address the issues.

**“The cuts over the past decade have had a detrimental effect on the sector”.**

**“Demands on the sector continue to increase, and public and developer expectations are very high”.**

**“There is little recognition for the enormous commitment conscientious officers give”.**

**“The sector is in very bad shape – this is not sustainable at all”.**

Many private sector respondents felt that resourcing LPAs would be a solution to their workload issues.

**“It has become increasingly difficult to speak to Local Authority planners and to get a useful response from them. This impacts on my work and how we in the private sector are viewed by clients as they don't believe us when we say that we can't get a response or have a conversation.”**

**“Better resourced and staffed local authorities, with a better customer facing culture, more communicative, accessible and constructive will reduce wasted time and stress for me and less despair and despondency among clients.”**

There were also many positive viewpoints, such as:

**“I work with a fantastic team so it would have to be a very interesting and well paid role for me to consider leaving.”**

The report for Wrexham Council<sup>6</sup> also highlighted the need for a review of staff resources:

**“Financial pressures over recent years have led to reductions in staffing levels in the normal establishment. Furthermore, in common with many authorities, Wrexham has experienced problems in recruiting and retaining staff, particularly suitably qualified planning officers. This has meant that staff have been working under significant pressure and where staff have changed roles to deal with peaks in workload, the problems have been exacerbated by a lack of continuity.”**

## 5.2 Workforce / Employment

The lack of staff resource was consistently raised by most respondents as a reason for an increase in workloads, compounded by the need to cover vacant posts and sick leave.

An important factor is to recognise the wider picture of ‘resources’ and the interlinked issues of budgets, skills, experience, salaries, training, and career progression opportunities in relation to recruitment.

### 5.2.1 Recruitment

Recruitment is a significant challenge across the board. Recruitment of talented people is challenging in Wales given the smaller pool of planners, there is a lot of competition and “*we are seeing a merry-go-round in both public and private sectors*” .... “*which creates an unsettled work environment*”.

**We are “carrying a number of vacancies and recruiting the right officers is proving very difficult”.**

There is also an identified need for more experienced and specialist staff.

Those with temporary contracts in their structure point to some flexibility but also the inability to renew temporary contracts would have a significant impact on delivery. There is also a risk that temporary employees could be lost if they were to look for permanent posts elsewhere.

Responses indicated that smaller planning teams, with less capacity to cover sickness and vacant posts etc. are finding themselves particularly stretched in terms of staffing and workload, with the added difficulties of recruiting in rural areas of Wales. There is also little scope for career progression in these instances.

The need for Welsh language as an essential requirement for post holders is an issue compounding recruitment of planners in a number of areas across Wales.

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<sup>6</sup> <https://moderngov.wrexham.gov.uk/documents/s24598/Item%2011.pdf?LLL=0>



### 5.2.2 Pay and Rewards

Salaries were regarded as not competitive enough to attract the right talent needed, and *“compared to other professions, ... particularly in Wales, which may be giving rise to issues of recruitment.”*

A particular issue was raised in relation to local government salaries which are assessed through a standardised Job Evaluation process. This restricts the opportunity to enhance salaries to make them competitive and attractive to potential candidates. There were several recent cases highlighted where no candidates applied for posts.

A problem specific to planning recognised by respondents across all sectors was that *“We deal with a lot of controversial things in planning.” In local government “There are officers who are project managers who don't deal with [controversial matters] and are paid a similar amount.”* It was considered that commitment and expertise are not fairly re-numerated. There appears to be little incentive for people to become Chartered and hold the benefits that come with a professional.

### 5.2.3 Career Changes

It appears that most people are looking to stay in their job or a planning role, however around 10% are looking to move out of planning. LPAs have the highest percentage of respondents looking to exit the planning sphere (15%), as well as the highest percentage of those who are looking for another job in planning (24%). However, it is to be noted that there is a strong majority amongst all sectors intending to stay in their current role (89.4%), which is positive.

Those in enforcement work were the majority looking to move outside of planning 14.3%, followed by development management, planning policy and regeneration.

### 5.2.4 Employer Support

There is acknowledgment from LPA respondents overall of support from employers (Somewhat - 65%), However, only a third of Development Management Planners and Enforcement Officers believe they have the right support. 64% of private consultancy respondents believe they have enough support.

All age groups experience relatively similar levels of support; although those in the 18-24 and 55–64 year-old groups reported the highest number indicating they do not receive the right support (21 and 25% respectively).

### 5.2.5 Training and development

Training was considered an issue for both the private and public sectors. One LPA respondent felt *“Inappropriate training – with not enough focus on design skills and [perhaps an] increase in agents who are not architecturally trained.”* Another respondent noted, *“I have no specialist training and would fail under cross examination at appeal.”*

Support for training and development has reduced and is impacted on time to attend and reduced budgets, including for travel if a face-to-face option, which gives other benefits than on-line training with the opportunity for wider exchange of experience and discussion.

Mentoring from senior members of staff was highlighted as a benefit, particularly for new members of teams. Informal advice and support from experienced colleagues was highlighted as a good way forward, however new working patterns and the volume of work makes it difficult to adopt a mentoring relationship between more and less experienced colleagues.



### 5.2.6 Wider Staff Resources

Although the need for additional qualified planners (at all levels) is critical, one of the biggest issues currently relates to 'supporting functions' and their own inability to source and retain staff, notably biodiversity and drainage. Like planning, these critical functions are similarly under-resourced and lack sufficient training pathways to ensure that LPAs can support the delivery of quality development quickly.

**“Priorities of disciplines that the planning service rely upon are not always responding to planning consultations.”**

One LPA respondent noted that when the new TAN15 comes into force, new duties will be difficult to assess without specialist input e.g. surface water drainage plans. Biodiversity / ecology and flooding / drainage were seen as the most difficult specialist issues needing resourcing. However, closely behind is Impact Assessment and viability.

The importance of adequate resources to support statutory consultees and other organisations and services that work closely with planning was also identified as needing to be addressed. The need for high quality, timely input from specialist and statutory consultees came out strongly and relates back to the issue of resources for planning and support services.

**“Performance relies on the speed of our consultees such as Highways and Ecology and these local authority departments are also struggling with resources and recruitment which means that they cannot respond quickly or in full and this impacts on LPA services both in terms of the ability to provide timely and informed decisions and the perception of the planning process by customers.”**

Contributions from Natural Resources Wales (NRW) were raised in particular, as well as other stakeholder / statutory consultees. Engagement from NRW was reported as poor, often rejecting paid for requests for advice or discussion, and significant inconsistencies between advice across Welsh regions.

The need for Cadw to offer a formal advice service during the determination of Listed Building consents applications and planning applications which may affect a heritage asset in the same way NRW provide advice to LPAs, was also raised.

Legal support for LPAs was raised as an issue:

**“Lack of appropriate legal support in planning ranging from planning obligations delivery to expert advice / guidance on legal matters / case law interpretation.”**

Other local government services were also highlighted as impacting on planning services indirectly. For example, the capacity of HR Departments to support recruitment exercises and one case noted the time delays caused by Welsh translation, indicating that the wider support system also needs resourcing. The issue of Welsh translation was raised specifically in relation to Local Development Plan (LDP) drafting: *“Welsh translation is now on our risk register for the delivery of the LDP within the necessary timescales.”*

**“The need to have every technical document which informs the evidence base translated into Welsh is having negative impacts on delivery and lead-in timescales, particularly with the need to front-load to get to Preferred Strategy. With the best will**

**in the world, there are only a finite number of Welsh translators who can handle technical planning documents and they are being pulled in a number of directions.”**

## 5.3 Understanding of Planning and its Services

Better understanding that planning is not just a 'tick box' exercise by those outside the profession is essential. It was suggested there needs to be acknowledgement that planning is a profession with necessarily high standards and an appreciation of the complexity of its processes. Understanding of the wider beneficial impacts of good planning would bring benefits to local authorities, businesses and communities.

### 5.3.1 Media

The impact of the UK Government's perceived lack of value of planning was raised by private and public sector responses; it was felt that planning was used as a “*political football*” and this is captured by the UK media and the messaging is then picked up by the public in Wales, even though the planning system is devolved and operates differently.

It was suggested that local media needed to be better informed on planning, as current reporting “*tends to stir up misconceptions*”. The problem “*is the constant undermining and criticism of the profession by media, politicians, celebrities on TV. etc at every opportunity*”.

A number of respondents highlighted the need for the RTPI to be more proactive with the media to support planners and “*speak out for us*”. It was suggested that other professions are more vocal than the RTPI on these issues.

**“We are a very insular profession often talking largely to ourselves. We need to be more vocal and take steps to spread the positive message. This message needs to be spread with both politicians and non-politicians.”** There is a “**big role for the RTPI who are noticeably quieter and less impactful than other similar professional bodies.**”

### 5.3.2 Corporate Public Sector Understanding

Particularly in LPA responses there was a need identified for wider appreciation and understanding of planning services by senior management in local authorities. “*There is no corporate awareness of the complexity of planning and the pressures which the sector and those who operate in this sector.*”

**“At the top level, there is sometimes a lack of understanding of just how difficult a work area planning is - there is a perception that lots of issues and negative feedback from outside the organisation means that the planning service is failing - but nothing could be further from the truth.”**

**“The pressure to be helpful and 'developer-friendly' inevitably leads to some compromises regarding professional ethics. Balanced views are not always presented to committee or within reports.”**

**“There is a lack of recognition across the wider organisation of what planning is, planning does and the benefits of good planning.”**

Planning services are often described as a barrier, a problem, or as an obstacle to be overcome.

**“This is disheartening, demotivating and whether intentional or not at times actively undermining. This wider recognition and support would make a huge day-to-day difference.”**

#### 5.3.4 Members and Politicians

Local politics was raised in relation to workload, indicating there was more political interest in minor policy areas. While it equally reads like good practice in supporting the planning process through democratic engagement; this constructive political engagement could be more efficiently embedded into the early stages.

There was a need identified for politicians to understand the complexity of the system and the impact they can have on timescales for developments.

Respect for officers by councillors was another issue raised by several respondents. This is not relevant to all Authorities, but some referred to *“appalling treatment from elected members”* and *“unreasonable and unrealistic demands of Councillors”* with *“Officers frequently reduced to tears”*. Some referenced the loss of staff *“mainly and largely due to the parochial and appalling treatment of members and the inertia of monitoring officers”*.

Consideration of ways to improve the working relationship between members and officers would be helpful, but resources are so stretched that good practice may be difficult to embed and put into practice. Controversial Local Development Plan (LDP) consultations or applications were put forward as an example where this would be beneficial. It was asked if more controversial consultations and development would be better managed and communicated to the public with more staff and / or with a better working relationship with Members.

The report for Wrexham Council<sup>7</sup> identified that behaviours at Planning Committee “are in the most part appropriate but there is a general acceptance that relationships between some Councillors and officers have deteriorated.”

#### 5.3.4 Public expectation

The public’s expectation of planners and the system is considered by many respondents (mainly LPA respondents) to have risen and attitudes changed towards planners. The expectation from the public is that planners should / must respond immediately.

**“The main negative is the relentless complaints and criticism from the public - often vitriolic and personal. ‘Thank you’ from senior management and Councillors helps, but ultimately the current situation with the public makes it a thankless task and pretty depressing.”**

**“People’s expectations to respond immediately to emails and the volume of emails is unsustainable and prevents me from getting any work done.”**

#### 5.3.5 Developers and Other Built Environment Professionals

There was a clear message of need for other professions to see the bigger picture to achieve better outcomes for competing consenting regimes. Planning is frequently, and not always fairly, blamed for holding projects up or for being bureaucratic.

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<sup>7</sup> <https://moderngov.wrexham.gov.uk/documents/s24598/Item%2011.pdf?LLL=0>

Developer expectations of when applications should be determined is a regular source of pressure. Expectations need to be managed but it is not uncommon for developers to approach line managers / senior officer / politicians to influence the timescales.

Some identified there was a need for clients to be advised their expectations and timescales are not always reasonable, and they are not the only client, and it is important to provide all the information required as early as possible in the process.

## 5.4 Delivering Planning Services

The Big Conversation is not intended as a review of the planning system or policy, but is concerned with finding opportunities for relieving pressures and enabling the system to work more efficiently and effectively to deliver outcomes and support those delivering the system.

**“We believe that Welsh Government’s planning policy is far superior to that in England, but there is a need for policy to move up a gear quickly in terms of responding to the climate and biological emergency.”**

Comments on resources are closely linked with operational issues, such as ways of working and roles. Many of the operational issues are interlinked, impacting on each other and other areas. For the purposes of this ‘operational issues’ include planning administration, communication, ways of working, digital planning and IT i.e. the issues which impact on the day to day running of the service or business.

LDP drafting, adoption and decision making within LPAs is considered to be slow, however one respondent noted that:

**“A high approval rating and appeal-winning are not necessarily evidence of commitment to improve the environment for all”.**

An over-reliance on external consultants to undertake regulation work was highlighted as not always the most cost-effective approach and the money may be better invested on developing staff resources.

Some referred to too much reliance on specific individuals within the team to plan, manage and deliver, which can be beyond their responsibilities *“This causes anxiety and resentment.”*

Time availability is an important point to consider. *“Time to think about casework, to negotiate better outcomes and work together to deliver best practice”* were echoed across a number of respondents.

**“...for staff, it's about having discussions about caseloads, understanding priorities and having reasonable targets to achieve rather than staff feeling overwhelmed and keeping that to themselves. Ways of working, increasing staff, technology etc. can help but not having enough time is about time and work management.”**

### 5.4.1 Development Management

A small few felt there were little or no issues / gaps in LDP or National planning policy affecting the development management process.

**“There are some gaps, but generally it is okay. Would prefer resources put into day to day running of system rather than tinker further.”**

Areas of need identified were more in relation to understanding and applying policy.

Where issues or gaps were raised, there was a re-occurring environmental theme. Although the topic areas were largely environmental, these were broad and varied in themselves, ranging from phosphates to sustainability appraisal. These specialist issues were highlighted as difficult to address for public sector bodies, including LPAs, and also the private sector.

Equally, viability also came up throughout the responses.

**“Viability assessments via the District Valuer delay applications for months ... We need a fundamental review.”**

**“Developers only have a short-term view of viability and do not have a full appreciation of whole life costing. Designs are therefore often biased towards lowest construction costs, which often means much higher whole life costs. This leads to a direct conflict when measuring LDP decisions against the Well-being of Future Generations Act.”**

**“Better powers to meet the requirements of the Environment (Wales) Act. Stakeholders are simply proposing bat boxes as part of any new development as a way to 'enhance' the development biodiversity; whereas more powers need to be conferred on tree, hedge, habitat planting and connectivity so as to enhance the sites naturally through actual habitat implementation and / or bolstering / connecting existing, rather than 'unnaturally' (man-made bat box, which can be nothing but 'box-ticking' when there is no habitat for the bats to use).”**

The Section 6 duty to enhance biodiversity has been raised as not being supported by planners. Although this was also linked to the lack of availability of specialist ecology input. Typically costs of implementation will be argued in terms of viability.

*There is a “general lack of ecological expertise and understanding of the Resilient Wales Goal in the Well-being of Future Generations Act. Mitigation to development is not monitored and generally doesn't happen to result in a net loss of biodiversity. There is no integration or consideration of nature-based solutions. Even when SuDS are implemented, the planting has little ecological value as consultants lack the skills / willingness to adapt planting regimes. Many opportunities to incorporate biodiversity by design are missed as those in the third sector that can advise are not consulted.”*

The issues of flooding, drainage and phosphates were also repeatedly raised by both public and private sectors and the impact this is having in progressing development designs, applications and evidence gathering.

**“Sustainability appraisal is a typical and consistent item not covered enough in terms of training / outcomes and skills. This tool is key to delivery against wellbeing goals and quite often outsourced / not integrated into plan and evidence like flood risk and climate change does influence plan development.”**

This was echoed by:

**“Sustainability - it’s become so complex and there aren’t the tools to make assessments.”**

Some agents feel unable to respond to requests for information, and the time involved, by LPA officers, to justify items for neighbour amenity.

In summary, the topics **most** raised as having an impact on resources are:

Water based topics	Natural Environment topics
<ul style="list-style-type: none"> <li>• SABs and SuDS, in particular SAB process issues. Some referred to <i>“excruciatingly difficult to progress in line with planning timescales.”</i></li> <li>• Phosphates and nutrient neutrality;</li> <li>• Uncertainty around TAN15 and placemaking;</li> <li>• Green infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>• Ecology – There appears to be capacity issues in relation to ecology. <i>“We haven’t managed to employ an Ecology Officer for months.”</i></li> <li>• Trees – planting, aftercare and on-going maintenance;</li> <li>• Landscape specialists, visual impact, and cultural heritage, Loss of best and most versatile land</li> </ul>
Broader topics	
<ul style="list-style-type: none"> <li>• Viability</li> <li>• Impact assessment (equality, Welsh Language Assessments);</li> <li>• Minerals;</li> <li>• Quality of design skills – <i>“generally poor on applications”</i></li> <li>• Renewables;</li> </ul>	<ul style="list-style-type: none"> <li>• Net zero;</li> <li>• Transport and highways – still very much focused on car-based solutions;</li> <li>• Conservation heritage;</li> <li>• One planet development;</li> <li>• Understanding infrastructure and service capacity.</li> </ul>

There was a difference of opinion between some sectors, illustrated by these quotations:

**“Achieving a high quality of design in a protected landscape - agents submit the cheapest form of design possible, which is harmful to the landscape quality. Negotiating redesign to bring up the quality of the scheme is incredibly time consuming. My job does not allow me this time”** versus **“onerous councils who drag feet”**.

A respondent noted:

**“Developers are rarely open book and this can result in severe grind for major applications (and more minor applications in our case), as it is often central to proper consideration of development impacts and mitigation.”**

The quality of applications submitted was raised a number of times,

**“An obvious solution is to increase local government staff / resources, but also the standard of planning applications is generally low – which makes our job more difficult.”**



One respondent felt it was an issue of more training,

**“many applications could be improved on in design terms but Development Management are on the backfoot once an application is registered and feel they cannot go back to improve on design standards.”**

Quality and standards were raised as a factor in increasing workloads. The lower quality of schemes being submitted including drawings, design, and agents not front-loading applications lead to lots of inaccuracies and negotiating on the design within the application process.

Better understanding of the LPA process and what is required at each stage and to process applications was suggested. It was noted *“the private sector are busy, but application quality is suffering because of this”*; a message that resonates with other comments throughout the survey.

**“The problem is more that LDPs are far too detailed to the extent that development management is becoming a box ticking exercise. Officers (and Inspectors) are losing the skills / do not have confidence to take a more balanced approach to decision making.”**

## Administration

Operational and smarter working was discussed throughout the survey responses, including the role of planning administrators and technicians.

A common theme was the amount of administration being carried out by qualified planners. This was raised by both the public and private sectors. Administrative staff can be a more efficient way of undertaking the background checks, managing applications through the system and sending out communications etc. It is important to recognise that planning teams are set up differently across Wales, some with large administration teams, others with smaller or no administration teams.

The survey highlighted that the deletion of administrative posts has placed more pressure on officers and technical staff and this may be part of the cause of the increase in workload for planning officers. Many respondents felt this has risen significantly.

## Minerals and Waste Specialisms

It is important to also recognise the issues impacting on minerals and waste planners, one respondent commented,

**“There has been an increase in DNS (Developments of National Significance) and NSIP (Nationally Significant Infrastructure Projects) / DCO (Development Consent Order) projects which we are increasingly dealing with .... Also, the demand for aggregate minerals have increased with a number of sites needing large extensions which is resulting on additional demands on the small service.”**

## Timescales

Greater consistency and timeliness was an issue raised by private sector respondents, as a way of better supporting them. *“Planning departments do not work to planning timescales,”* whereas statutory undertakers and other public services plan through different processes and different timescales, for example water companies work on five years.

Welsh Government's annual capital projects were raised as influencing workloads. The timetable for implementing capital programmes and grant awards often do not take account of the design and planning timescales and frequently planning processes are put under pressure to meet tight timetables and are blamed if not met.

#### 5.4.2 Policy

There is common trend amongst all sectors that a majority of respondents believe there are changes needed to be made to the LDP process to bring forward efficiencies. In particular, there seems to be a lack of sufficient access to external specialist support.

In relation to the LDP process, one private sector respondent commented,

**“As private planners we are often asked to contribute [to LDP process], and we do. The LDP is a larger document which takes months / years to prepare and then the public / consultants / groups are asked to comment. It takes a long time to read, familiarise / absorb / think about and comment on. Could maybe general policies be separated from maps to break down the consultation process and develop policies and maps in tandem? [The] Public are generally interested in what is proposed in their area i.e. the maps. Please note all this contribution by private planners is at our cost!”**

Another perspective given was:

**“There have been major challenges in moving LDP review forward at my authority. Delays have been caused by the Covid pandemic (we had to review the whole plan evidence base and make changes to some parts of it, as well as preparing a Covid impact assessment), the NRW phosphates guidance (a really difficult issue to address, one we are still working on and that will take a long time to resolve), the revision to TAN 15 (again, requiring a lot more work, although the reasons for the revision are understood), the need to also work with other authorities on a regional basis on SDPs, linked to the establishment of the CJCs. We also have the possibility of more guidance on phosphates / nitrates / nutrients in general in prospect for the marine elements of SACs.”**

Evidence gathering is considered time consuming and asked if it could be better supported with digital planning and possibly more support research staff, or better data sharing with other services. One respondent explained that communities often want more information at the early stages and that information is not necessarily available; it takes time to engage and explain this.

#### 5.4.3 Regional Planning

**“Space to get on with the SDP [is needed] - you cannot mandate collaboration. We were making great progress until Welsh Government mandated everything and required CJCs (but without thinking through the tax and funding and governance arrangements - more unintended consequences). Now we've ground to a halt.”**

#### Joint working

It was suggested there is a need to increase working in partnership with other local authority departments, particularly in regard to specialist advice re highways / ecology / conservation.



**“Sharing knowledge / experiences is good and is achieved in the forums that we have set up.”**

One respondent clarified,

**“It’s not so much the lack of expertise which is evident but access to that expertise in a timely manner to support the development sector” “Staff are stretched too thinly which requires expertise to be bought in for policy development.”**

Other specialist policy areas listed in responses are set out below:

<ul style="list-style-type: none"> <li>• Housing need - more consistent and clear forecasts</li> <li>• Population forecasts and analysis</li> <li>• Welsh language and culture</li> <li>• <i>“Resources in Lead Local Flood Authorities have dropped significantly in recent years, with removal of ring-fenced funding”</i></li> <li>• Place making</li> <li>• Strategic and site viability assessments. Viability and keeping this up to date through the LDP process was considered a challenge</li> <li>• Gypsy and Travellers</li> <li>• Phosphates, including the need for baseline data sets, which are not available</li> </ul>	<ul style="list-style-type: none"> <li>• Minerals viability</li> <li>• Heritage and conservation</li> <li>• Trees, including arboriculture and urban forestry</li> <li>• SuDS</li> <li>• Energy policy</li> <li>• The role of smaller scale agriculture in reducing carbon emissions</li> <li>• Water/Electricity capacity</li> <li>• Welsh language</li> <li>• Climate change and net zero</li> <li>• Carbon emissions and efficiency</li> <li>• Health impact</li> <li>• Transport</li> </ul>
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**“Front loading the policy process is great in theory but impossible to achieve without significant resources up front. The time taken to progress means that studies need updating all the time which is hugely frustrating and adds to the overall cost. Policy teams generally aren't set up for this sort of working. It would be better to have flexible resources to have a large team available for the initial evidence gathering stage and then reduce to a core team for the remainder of the process. We have also had significant issues with site proposers unwilling to invest in viability assessments, surveys and masterplans prior to any form of certainty as previously provided by the Deposit Plan.”**

There was private sector frustration around general LDP issues, suggesting that *“confidence in LDPs is an all-time low.” “LDPs are often poorly drafted with inconsistent use of key decision-making policy tests. Welsh Government and PEDW need to take a lead on ensuring consistency.”*

#### **5.4.4 Rural planning issues**

There is a general feeling that much recent policy has been designed for urban settings, but the context in rural areas is different where public transport is limited, viability is lower, and building

firms are smaller. The ability to deliver the ambitions of Future Wales and Planning Policy Wales is more challenging in rural areas, for example housing sites of fewer than ten homes (considered large by local standards).

Rural planning teams also struggle with more requirements to deliver a sound plan, such as Health Impact Assessments (HIAs), Local Housing Market Assessments (LHMAs), Landscape assessments, Seascape capacity, Green Infrastructure Assessments (GIAs) etc. It was considered that:

**“much of this documentation is overkill for the type of settlements we are trying to support and deliver housing for demonstrating a distinct lack of rural proofing and simply creating more work for consultants as a small team of less than a handful of planners simply can’t deliver this work and don’t have the specialisms to do so - even if we had a budget we are unable to recruit”.**

In specific reference to rivers, it was highlighted

**“solutions are being sought at a catchment level, but there is not necessarily consistency over solutions and cross-border approaches. A nation-wide approach bringing in the rural land-use sector would be extremely helpful.”**

## 5.5 Role and Purpose of Planning

Respondents noted not only a rise in public expectation, but also in Government / political ambition and additional areas of work that planning, and planners must cover. These were seen by some as ‘extra’, going beyond planning, rather than part of a progressive and proactive planning system. This was framed in the wider issue of diminishing resources and capacity:

**“There has been a need for the policy planners to get involved in lots of other work areas - decarbonisation, climate change adaptation, energy planning, etc. It is great to be a part of this, but it brings immense workload pressures.”**

**“The problem is that the LDP / national policy actually covers too many issues, some of which arguably fall outside of the scope of planning. It seems that planning has become a catchall to address all of society's ills, adding more and more considerations in the determination of planning applications. This ‘mission creep’ dilutes the value of planning as a discipline and further burdens officers in dealing with applications.”**

Several subject areas were listed as being an add-on to planning, or a subject that was increasing planners’ workload. These included:

- Climate change (recognising the climate and nature crisis)
- Biodiversity
- Sustainability
- Well-being
- Active travel
- Increase number of assessments

- Phosphates
- Flooding
- Farming and food enterprises
- Covid-19 (impact at the time and ongoing issues)

**“We need to look at how complex and multi-faceted the planning system has become. Individual aspects of the planning process are all in and of themselves important but collectively have moved us a long way from the core idea of 'land-use management'.”**

A need to further strengthen the plan-led approach was raised:

**“Stronger in implementing the plan-led approach ... Housing in unsustainable locations and out of town retail are two common examples that will be permitted every week across the county.”**

## 5.6 Digital Working

Responses highlighted a significant shortfall in the digital support for facilitating planning in LPAs. Many comments referred to a *“bodged”* set up or *“not fit for purpose”*. *“IT systems are slow, over complicated and some basic functions cannot be done easily.”* A significant amount of time is spent doing manual intervention on IT systems<sup>8</sup>.

The report<sup>9</sup> on Wexham’s service reported:

**“The current back office software is outdated and lacks the functionality of a modern system, this leads to significant inefficiencies in the process and makes workflow management difficult.”**

Issues around file sizes able to be accommodated on IT platforms were reported as a common problem.

A shortfall in both LPA and Welsh Government websites was also highlighted. This links with the need identified for better information for the public and non-planners to have better and easier access to information to understand planning policy and processes.

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<sup>8</sup> The most common services referred to in the responses included:

- Idox – process driven software that underpins the management of planning & building control, environmental health and licensing procedures.
- Uniform – a platform with a range of core modules and related applications which provides case management software.
- Web APAS – search engine for planning complaints, pre applications and applications etc.
- Acolaid – an integrated suite of spatially enabled land and property solutions for local authorities and used by over 70 UK authorities.
- Lle – serves as a hub for data and information covering a wide spectrum of topics, but primarily around the environment.

<sup>9</sup> <https://modern.gov.wrexham.gov.uk/documents/s24598/Item%2011.pdf?LLL=0>

Provision of online shared data were highlighted as a weakness.

**“Mapping available to LPAs such as ecological mapping / hot spots not publicly available. This can delay the identification of issues. Better access may smooth process / save resources for all. Clear route finding to the information also. Easily done through a website which is regularly updated.”**

An example of a good resource was suggested as: [SSSI detail \(naturalengland.org.uk\)  
https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=UK11081](https://designatedsites.naturalengland.org.uk/SiteDetail.aspx?SiteCode=UK11081)

It was reported that platforms e.g. MS Teams have brought benefits and improved communications. Some reported that whilst virtual planning committees had some benefits, they were also very stressful to run.

One respondent usefully framed the need for improved digital planning as part of a wider picture of keeping up with change:

**“I would say digital stability, as trying to keep up to date with constantly changing systems is a big challenge. Constant change is also a feature of the legislative and policy context in Wales - there is a lot happening and it is sometimes difficult to keep on top of it all.”**

## 5.7 Hybrid / remote working

A cumulation of factors including technological advances and a desire to reduce commuting, accelerated by the pandemic, has led to a shift to working from home. Welsh Government are encouraging a policy of remote working where workers can choose their place of work – their central workplace, their home, or a workspace close to their home: *“We now want to work with organisations to support a long-term shift to more people working remotely.”*<sup>10</sup> This shift to a hybrid approach is being explored globally and will take time to find the new balance.

From the Big Conversation responses, it is clear that morale is affected both ways, it all depends on the individual. The responses were clear that the preference to work in the office or from home is very personal, and this is also true of managers which influence the experience of teams.

The majority of respondents reported working from home at least on an occasional basis, through to mainly working from home. The reasons for this were principally based on personal choice to meet own preferences and needs, such as care responsibilities or to overcome long commutes.

There were mixed views as to the productivity and work benefits of working from home / working from the office. However, there was a widespread view that not having teams regularly in the office was detrimental to new colleagues, particularly those starting out in their career. *“The greatest disadvantage of home-working is the genuine loss of opportunity for less experienced staff to benefit from knowledge transfer from more experienced colleagues.”*

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<sup>10</sup> [www.gov.wales/remote-working-policy](http://www.gov.wales/remote-working-policy)

**“I worry that the future generation of planners will not be able to develop the same knowledge and skills as their predecessors who learned through osmosis in an office environment.”**

One private consultancy member noted the difficulties of *“mentoring someone properly from a distance to help them learn on the job, especially when it comes to site visits and more complicated schemes.”* One trainee respondent shared their ‘fear’ of lone site visits in a rural area because there were not enough staff resource to enable someone to accompany them.

The survey data implies working from home / hybrid working does not have a direct correlation with the frequency of being overstretched. Neither does the data support the assumption that working from home would mean less support available – in fact respondents working from the office seem to have less of the right support (25% of those working from the office), this may be because of the working practice of managers and colleagues; however, the majority were positive about the support they received.

An issue raised linked to not working at the office is the availability of officers (internal and external) and a knock on to communications. This was also reported as a benefit to working away from the office, giving the opportunity to work with minimal distractions. Some reported issues associated with being able to have responses to quick questions or soundings when people are working from home, and what could have been a short five minute informal chat, instead resulted in increased e-mail traffic and responses taking far longer and becoming formalised.

Silo working was reported as more prevalent than ever before, even in the same teams.

**“If you're alone at home a small easy question for a colleague can become a really big deal. Dealing with the nasty calls or emails is also more challenging because you're on your own when you're at home. Best practice is picked up when you hear general chatter, a quick question can take hours/days to resolve as you try and book availability with the person that can help (used to be a walk across the office). Paperless is all well and good but it means hours on end of staring at screens instead of being able to review paper copies, look at plans properly.”**

**“WFH has damaged my mental health, made me feel divorced from colleagues and divorced from the community we are supposed to serve. Work is much less efficient, less wholesome, less dynamic, less fun and less rounded than before. 'Meetings' are tiresome, less enjoyable and much less gets taken from them. Some people are very overworked, some people doing very little. The WFH agenda has also exacerbated inequality and set back the climate change agenda (impact on public transport and heating / lighting 50 individual homes rather than 1 large office room). It has made me go from generally enjoying my job to at best tolerating, at worst hating it.”** Although others felt they had **“made a huge reduction to [their] carbon footprint.”**

**“Work is much more isolating, especially for young planners without having the advantage of an office environment.”**

**“There is a greater chance of being misunderstood or missing important information when working from home.”**

**“Looking for a new job because with WFH the planning profession feels divorced from the communities we serve and public sector planning is now much less dynamic and enjoyable than before.”**

While others have seen more positive outcomes:

**“Further encouraging hybrid working - this has been seen to improve staff morale, productivity and reduced sickness levels.”**

One respondent highlighted a desire to return to the office, but this was going to be difficult because there had been a reconfiguration of the employer’s estate leading to a reduction in the availability of desks to accommodate everyone.

Further in-depth analysis would be needed to draw reliable conclusions on ways of working impact on delivery and it may be some time before post-pandemic patterns of working settle down, in order to provide a definitive evaluation. However, there is a clear need to support those new into a position or in the early stages of their career and put in place regular team support.

## 5.8 Public Engagement

**“Customers are far more abrasive, disgruntled and aggressive since the pandemic.”**

This drew out a considerable number of issues resulting in time spent dealing with negative engagement and wasted resource. A key factor underpinning this is a lack of public understanding of the scope and role of the planning system and is linked to the public’s expectation. This was also reported as an issue with others working in the built environment. Community groups may lack the capacity to deal with the complexities of planning. There is a clear need to invest in improving messaging and access to clear and tailored information.

**“Officers’ reports are too long and detailed because of a fear of Judicial Review. Serial objectors are given too much weight, especially for issues that are not relevant to planning. Some legislation e.g. the Advert regulations are too complex.”**

There was clear evidence that LPAs and government bodies experience a considerable amount of abuse or negative incidents: 48.8% reporting occasional incidents and 16% regularly. Welsh Government respondents have also clearly experienced such abuse and incidents (30%).

As expected, because of their role, those in enforcement endure the most amount of abuse with 23.5% reporting regular incidents, followed by management (reporting 17% regular incidents). Moreover, 40% across all sectors experience abuse or negative incidents occasionally. Only around 10-15% of respondents never experience abuse or negative incidents.

One respondent succinctly said what is felt by many planners: *“Planning always attracts criticism”*, whether for approving or not approving a scheme or similarly for what is included or not included in a plan.

48% of all respondents see abuse or experience negative incidents occasionally or more. Both men and women reported experiencing the same level of abuse and negative incidents – potentially proving that abuse / negative incidents are sector / role inflicted. About half of all ages experience abuse occasionally but 19% of 35-54 experience abuse regularly. North Wales respondents reported the most regular abuse (21.4%) followed by South West Wales (13.3%).



This negative impact has been exacerbated by working from home, with no immediate support available from colleagues to diffuse negative experiences.

Serious concern has been raised by incidents where officers have been physically intimidated. A number of situations have been drawn to our attention where officers have been followed and intimidated. One even reported they had been approached by the Police, who had recommended security cameras and panic buttons.

Whilst it is accepted LPAs should provide a good service, there is a severe lack of resourcing, which leads to weaknesses in delivery (varying across LPAs and between services), and this leads to complaints, which in turn take further resource away from delivery and a spiral is set in motion. Some LPA officers said they regularly spent 50% of their time dealing with complaints of varying forms, diverting them away from service delivery. It was felt *“there is a general lack of understanding of how under resourced LPAs are.”*

**“It is not a case of just not doing the cases when you physically don’t have enough time in the week to do the work, it is being bombarded by hostile and aggressive phone calls and emails from people in the queue - they don’t know they’re in the queue, and they don’t understand you as an individual officer have 1.5 people’s workloads you are expected to deliver, and they are the third person who has called to abuse you today. They expect you are sitting around ‘twiddling your thumbs’ not processing their application because you are a public sector lazy employee.”**

#### 5.8.1 Pre-application Community Consultation

The Pre-application Community Consultation (PACC) process was intended to provide a process to promote good practice and ease the planning process. However, responses highlighted it as an area which should be reviewed to provide a more meaningful engagement mechanism for communities which could result in improved developments and a smoother application and help overcome community disenfranchisement.

The process

**“is well-intentioned but of little value in practice. Good advice is offered in the 2017 Best Practice Guidance<sup>11</sup> but in our experience little or nothing more than the minimal statutory requirement is met by developers.”**

**“We have found that PACCs late in the process have done little more than forewarn us of a coming application to which we are likely to make similar representations. We doubt whether any stakeholder in the process sees significant value in the minimal statutory requirement.”**

#### 5.8.2 Social Media

Social media was highlighted as an excellent tool to raise awareness, however it added a further complexity for planners. It was suggested that social media is now the only way to engage with the public. There is good practice on using social media to engage with the public on plans and individual schemes and more awareness and learning from this practice should be shared.

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<sup>11</sup> <https://gov.wales/planning-major-developments-guidance-pre-application-consultation>

The survey reported the negative impact of social media, with 58% of respondents saying social media had, at least somewhat, had an effect on their well-being. Many regarded social media to have given the public the ability to express their opinions without any recourse (insults and abuse) which impacts planners' wellbeing. It was reported that it creates an environment for misinformation and for negative campaigners to skew discussions.

**“The workload has increased massively as well as having fewer staff. We have a bigger and more complex caseload than ever, with more objections, FOIs, complaints and Member enquiries than ever to consider and respond to (due to social media).”**

## 6. Suggested Solutions

The survey invited respondents to put forward solutions to issues raised and these are set out here. Inclusion here does not necessarily indicate agreement or ability to implement by the RTPi or Welsh Government.

### 6.1 Public Sector Resources

The need for more resources for planning was raised by most respondents as the main solution to workload issues. The term resources will have different meanings for different respondents, some provided a detailed explanation on this while others just referred to the need for resources. For the purpose of this summary, 'resources' are taken to include staffing (recruitment and retention), training, funding, salaries, time to carry out the job properly, IT and digital planning.

One respondent proposed a:

**“consensus statement with a range of organisations, unions, LPAs, third party / regulatory bodies on how far short resources are across the industry ... making it clear that Brexit, Covid and huge new environmental requirements have tipped the balance for a service already hampered by generational under funding.”**

#### 6.1.1 Fees

There was a clear call to review planning application fees and the ring fencing of LPA budgets to deliver services, to accept with any increase of fees the service needs to visibly improve.

**“Applicants pay fees to have their applications dealt with efficiently, not to fund all other Council departments. DM departments are critically under resourced as a consequence of application fees being funnelled to other services.”**

There is a *“need to look at full cost recovery. The planning application fee for a single dwelling for example is a fraction of the cost of the overall project.”*

#### 6.1.2 Local Planning Authorities

**“Assisting LPAs would help the private sector directly.”**

More staff / resource-funding / capacity was the main suggestion set out by respondents across the board. This includes funding to adequately staff planning teams, recognising the desperate



need for graduates, experienced planners and specialist planners and the need for these to be accessible. The survey results suggest that since the pandemic LPA officers appear less visible and accessible to those trying to engage with planning. However, the survey also suggests that LPA officers are struggling to cope with constant emails and sometimes difficult applicants. This is a desperate situation which requires attention before worsening.

Linked to this, is the call from LPAs for more respect for the role and the decisions, both from the public and also support internally within LAs. More corporate support was called for in this regard.

The role of planning administration was raised in relation to this question and the opportunity for more support for planners on validation etc.

Smarter working through the process was suggested to support the private sector. One respondent suggested team approaches to big applications and accessible / contactable LPA officers, was repeatedly raised.

### 6.1.3 Other supporting specialisms and Statutory Consultees

Resources for statutory consultees and other services was also repeatedly raised, in particular the need for more highways officers and ecologists, and more resources for Welsh Government, NRW and PEDW. Improved and more timely responses were called for from statutory consultees and better advice and communication with Welsh Government.

Better communication should be championed with the aim of improving relationships across all stakeholders was suggested.

A need to examine the role of specialist bodies was recommended, including the Design Commission for Wales (DCfW), NRW, and Planning Aid Wales. With a view to understanding and exploring the role they can play in supporting LPAs at key stages and if they can be resourced in a way that allows greater support at key stages to individual LPAs.

Healthcare needs are outside the scope of the LPA and rely solely on third party information being readily available in order to assess need. It was suggested local health boards need to allocate resources for this engagement.

Access to specialist and experienced staff was identified as a need:

**“Consultees being contactable and willing and able to attend in-person meetings, organise a round table discussion to discuss difficult issues; avoid default statements.”**

## 6.2 Professional collaboration / communications

A private member offered a solution to workload issues in the form of better communication between sectors:

**“...I believe that improved and better communication between agents and planners is extremely beneficial to both. I am aware that planning authorities can be very defensive about forums but explaining the planning legislative context for example as to why things are asked for, what is new, etc. I always think is worthwhile and helps avoid conflict. It should also be a way to receive feedback - both ways. ... The**

**'them and us' attitude of some planning authorities have displayed during the pandemic period has done nothing to assist the planning process and break down barriers."**

A collaborative proactive approach with developers / private sector and a better understanding of both 'sides' was raised, with suggestions including: developers better engaging with pre-app, better integration with the third sector, shared services across Wales (in particular environmental services) and sharing of best practice.

Better collaboration and working together was called for, including communication, expectation, constructive comments from LPA that help identify solutions etc. which will help improve quality in the process, was raised as an important issue. A need was identified for better engagement between stakeholders early in the application process.

**"More collaboration between private consultants for clearer voices on issues - the public sector has a voice through POSW."**

Improved contact with Welsh Government was raised. One respondent asked about the relationship between Welsh Government and the private sector, and if they have access to Welsh Government notifications, as LPAs do.

**"Build in planning at the early stages of any land-use focused work. Endless examples of planning being considered at the last minute and inevitably posing questions it is too late to answer. Planning is then a problem."**

### 6.3 Growing our own

Some pointed to working collaboratively with Cardiff University to encourage placement and graduate applications.

The introduction of trainee a scheme could pay dividends in future in terms of succession. Mentoring of staff was also suggested as a helpful way of investing in staff.

Creating a career graded post was something one LPA planning manager was hoping to be able to pursue as a possible future solution to recruitment. More and better career opportunities / development to make positions more attractive could help with the retention of staff, which is an issue being raised throughout the survey.

One respondent questioned whether planning related subjects are still attractive to students. A lack of appropriate applicants / candidates when recruiting reflects the need for close working with universities and the education sector, RTPI etc.

Another respondent felt apprenticeships or graduate funding could support the planning system, asking *"Why is the apprenticeship route in England not available in Wales? We urgently need extra staff. Can Welsh Government look at supporting funding for graduates to undertake planning masters?"*

The creation of *"nationwide placement schemes for all planning positions, part funded in order to allow opportunity, experience ... etc."* was another solution put forward to increase capacity in the future.

## 6.4 Training

The need for training was repeatedly raised as a solution, including the regular provision of training for LPA Members as well as officers, along with shared learning across Wales. One respondent felt that training was needed, rather than being 'self taught'. Established regional and national working groups could help to support or develop this solution further.

A suggestion for management training was made, alongside more resources, to help managers support their staff in managing their workload and time more effectively moving forward.

Training was also raised for statutory consultees and private sector consultancy / agents (to drive up application quality) and elected members.

There was a strong environmental theme to the training needs identified across responses, for example HRA was one of many matters raised in relation to training.

## 6.5 Public Engagement

Support / awareness for the profession - constantly being bashed in local media as corrupt or worse when in effect (particularly locally) the decisions they are most cross about are made at committee level.

The effectiveness of the PACC requirements should be reviewed with the aim of ensuring earlier community consultation, and the involvement of the Design Commission for Wales, in many major development proposals. The 2017 guidance on Adding Value remains a sound basis for progress but it was suggested that a statutory means of enforcing it is needed. This would enable the opportunity to harness any relevant expertise in the community without undermining the LPA role.

There was an identified need to create some form of accountability to manage social media. Best practice on managing abuse is needed and to be upheld by employers.

**“All planning officers by default should be given training in how to negotiate aggressive confrontation, unhappy customers, how to de-escalate aggressive telephone calls, as this is as much a part of the job requirement as the interpretation of legislation / processing of applications etc.”**

## 6.6 Politicians and Planning Committees

There were some detailed suggestions for addressing the operation of planning committees, including introducing a minimum of 12 members on Planning Committee; rules for no Councillor in Wales to sit for more than two consecutive terms. It was also suggested that support is required for politicians to make decisions at the CJC level.

The need for training and support for members was raised to help Members understand complex issues relating to LDP and development proposals.

## 6.7 Digital Planning

Consistent IT solutions were suggested as a solution to workload issues, which could allow for better joint working or joint evidence base in the future.

An overarching message was the need for “*digital stability*” to overcome the time and resultant challenges associated with constantly changing systems. There were many suggestions for potential digital solutions. However, the overarching need is to identify a route map and have investment across Wales in a new digital approach.

One respondent called for “*funding support to update policy IT systems (1995 access database currently used to deliver LDP).*”

## 6.8 Changes to Planning System

We are clear the Big Conversation is not a review of the planning system, except where it could offer a positive outcome to address the well-being of those working in it. Many broad solutions to workload were put forward in relation to regulations affecting the implementation of the planning system and policy of specific subject areas, and these are summarised below:

- TAN15 Drainage Statement being made a planning validation requirement;
- Take some things away from planning and into building regulations;
- Simplify policy, there is too much focus on impact assessments;
- Make processing applications simpler;
- More specialised expertise involved in updating legislation, TANs and Policies etc.

Some respondents felt that the 8 / 13 week target deadlines were out of date and needed reviewing and a suggestion to remove the planning application refund provisions. This could build in realistic performance management and incentives, as well as help to manage expectations. A move to a focus on outcomes, not timescales was called for.

There are plans<sup>12</sup> to bring forward a Planning Consolidation Bill which will assist in being clear of the planning law in Wales, which is currently spread over a number of different Acts. However in the short time it was suggested that an up to date version of the Town and Country Planning (General Permitted Development) Order be made available to overcome the time needed to clarify some of the less common uses more easily and present the various changes in a consolidated format.

A review of S106 Agreements and Community Infrastructure Levy (CIL) to address the significant delay and time resources was called for. This included the need for training and funding for officers with expertise in viability to be embedded in planning teams. This is an issue that erodes CIL/S106 contributions and thus should be given more attention. A national approach should be undertaken to viability as a whole, ensuring it is flexible to allow for local circumstances. It was also suggested there was a need to remove the pooling of contributions.

While there are some comments about specific stages in the process, for example:

**“Remove the Preferred Strategy Stage and revert to the Draft plan stage.” “Remove requirement for evidence base to be translated.”**

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<sup>12</sup> [www.gov.wales/the-future-of-welsh-law-accessibility-programme-2021-to-2026-html](http://www.gov.wales/the-future-of-welsh-law-accessibility-programme-2021-to-2026-html)

One respondent suggested better programme management of LDPs; others called for the removal of the 'drop dead date'. The Candidate sites process was raised as time consuming and impact assessments were also highlighted, with respondents finding them onerous.

There were a significant range of answers to whether there were policy development issues which could be addressed by changes to national policy. Some stand out responses are listed below – although the range was exceptionally broad.

**“Although an overarching approach is needed, each area is different and has its own characteristics and issues, as well as its own political approach, so it isn't a one size fits all matter. In addition to this, areas should be different and not all uniform.”**

**“There needs to be more joined up thinking on certain issues - SuDS, planting, biodiversity, landscape, ecology etc can work cohesively to provide numerous solutions through individual actions.”**

Phosphates and drainage have made the system complex – *“The Planning system reflects political agenda (which itself is not a problem) but does not have the tools to implement - for example phosphates needs leadership not a vacuum / debate - everything just stalls.”* The SAB function should be brought under planning or more resource provided to allow them to deal with both statutory processes.

**“More guidance on how to approach SuDS through the planning process and more thought needed in terms of how planning and SAB integrate with each other.”**

## 6.9 Regional Working

Progressing smart regional working was repeatedly raised as a solution, with wide support for the establishment of SDPs. Alongside this was a suggestion for a reduction of the burden of the evidence base of LDPs and SDPs, which currently tend to have small teams and limited specialisms which often means there is no other option than to outsource. However, others added caution to regional working and commissioning which helps but does not necessarily make the process any quicker because managing consultants is a time consuming process. It was suggested that resources could be maximised by pursuing SDPs and prepare LDP 'lite'.

**“Where a piece of work is outsourced due to a lack of resourcing rather than technical need you lose that internal skill and knowledge base.”**

A regional environmental advice service was suggested, as was joint services for other specialist services such as conservation and minerals. This could provide more staff, in particular specialist officers, creating more capacity and capability in the system.

**“Better resourcing in specialist areas is a solution, but there are known recruitment issues for people with the right skills.”**

**“The approach currently taken is to work collaboratively with other Local Planning Authorities in the region, also with key organisations such as Welsh Government, NRW and Dŵr Cymru Welsh Water. Where budgets allow, we use external commissions to get the expert inputs we need on specialist topics, but budgets will only stretch so far.”**

## 6.10 Sharing Good Practice

Despite the focus in this report on the difficulties of delivering the planning system principally because of shortfalls in resources, it is clear that there is good work taking place and the planning system is functioning. One respondent highlighted the need to:

**“shout about the good things too and ensure positive examples and best practice are shared as widely as possible.”**

# 7. What next?

The findings from the Big Conversation will be provided to the Minister for Climate Change, in response to her request in June 2022.

We appreciate that the issues raised are not solely for Welsh Government to respond to. We will be sharing the findings more widely and encourage others to respond to the clear evidence from this work.

The RTPI will publish its own action plan to respond to the issues raised by the Big Conversation for Wales. We also recognise that many of the issues raised are experienced across the UK and Ireland and are not unique to Wales and so we will consider this in our response to this valuable evidence.





**RTPI Cymru**  
Royal Town Planning Institute  
Sefydliad Cynllunio Trefol Brenhinol

## For more information about RTPI Cymru's policy work

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## **TRAINING LOG**

*All training sessions will be held in the Council Chamber but can also be accessed remotely via Microsoft Teams.*

<b><u>Subject</u></b>	<b><u>Date</u></b>
Content and format of committee reports	9 February 2023
Building in Conservation Areas	2023
Enforcement (via Planning Aid Wales)	
PEDW Briefing for Members	
Public Rights of Way / Bridleways	
Tree Policy - Green infrastructure	
Wellbeing and Future Generations Act Commissioner	

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

### **BACKGROUND PAPERS**

None

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