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Bridgend County Borough Council



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Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

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let us know if your language choice is Welsh.*



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

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147 / 643694

Gofynnwch am / Ask for: Michael Pitman

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Friday, 21 February 2020

Dear Councillor,

**DEVELOPMENT CONTROL COMMITTEE**

A meeting of the Development Control Committee will be held in the Council Chamber, Civic Offices Angel Street Bridgend CF31 4WB on **Thursday, 27 February 2020 at 14:00.**

**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 08/04/2020 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 - 10  
To receive for approval the minutes of the 16/01/2020
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 11 - 14  
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 accommodated.

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- 7. P/19/911/RLX - Land At Moor Lane, Porthcawl 15 - 34
- 8. P/19/810/FUL - Housing Development Off All Saints Way, Penyfai 35 - 44
- 9. P/19/895/RLX - Ocean Farm, Off David Street, Blaengarw 45 - 54
- 10. Appeals 55 - 66
- 11. Training Log 67 - 68
- 12. Urgent Items  
 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.

Yours faithfully

**K Watson**

Chief Officer, Legal, HR & Regulatory Services

Councillors:

JPD Blundell  
 NA Burnett  
 RJ Collins  
 SK Dendy  
 DK Edwards  
 RM Granville

Councillors

MJ Kearn  
 DRW Lewis  
 JE Lewis  
 DG Owen  
 JC Radcliffe  
 JC Spanswick

Councillors

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

## DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 16 JANUARY 2020

### MINUTES OF A MEETING OF THE DEVELOPMENT CONTROL COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 16 JANUARY 2020 AT 14:00

#### Present

Councillor G Thomas – Chairperson

JPD Blundell  
DRW Lewis  
MC Voisey

DK Edwards  
JC Radcliffe  
CA Webster

RM Granville  
JC Spanswick  
AJ Williams

MJ Kearns  
RME Stirman

#### Apologies for Absence

NA Burnett, RJ Collins, JE Lewis and KJ Watts

#### Officers:

Rhodri Davies	Development & Building Control Manager
Gareth Denning	Policy Team Leader
Craig Flower	Planning Support Team Leader
Claire Hamm	Conservation and Design Team Leader
Rod Jones	Senior Lawyer
Richard Matthams	Development Planning - Team Leader
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Andrew Rees	Democratic Services Manager
Kevin Stephens	Democratic Services Assistant
Leigh Tuck	Senior Development Control Officer

#### 343. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Councillor JC Spanswick declared a personal interest in agenda item 8 – P/19/531/FUL as a member of Brackla Community Council but takes no part in the consideration of planning applications.

#### 344. SITE VISITS

RESOLVED: That a date of Wednesday 26 February 2020 be confirmed for proposed site inspections arising at the meeting, or identified in advance of the next Committee by the Chairperson.

#### 345. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Development Control Committee of 5 December 2019, be approved as a true and accurate record.

#### 346. PUBLIC SPEAKERS

There were no public speakers.

#### 347. AMENDMENT SHEET

**DEVELOPMENT CONTROL COMMITTEE - THURSDAY, 16 JANUARY 2020**

RESOLVED: 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.

348. DEVELOPMENT CONTROL COMMITTEE GUIDANCE

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

349. P/19/531/FUL - THE WHITE HOUSE, BRIARY WAY, BRACKLA, CF31 2PT

RESOLVED: (1) That the following application be granted, subject to the Conditions contained in the report of the Group Manager, Planning and Development Services.

Proposal

Retention of two storey extension with dormer addition, erection of a single storey extension and associated internal works.

(2) That the Group Manager Planning and Development Services write to the Welsh Government requesting a change in planning legislation in relation to the provision of amenity space at care homes.

350. APPEALS

RESOLVED: (1) That the Appeals received since the last Committee meeting, as outlined in the report of the Group Manager, Planning and Development Services, be noted.

Code No:

Subject of Appeal:

A/19/3240278 (1881) Retention of steel container (used for a food delivery business) for a temporary period West Winds, Priory Oak, Bridgend

A/19/3241246 (1882) Timber self-contained holiday let unit land adjacent to Penylan Farm, Aberkenfig

Not started by the Planning Inspectorate (1883) Property in state of disrepair 2 Ewenny Road, Bridgend

(2) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following appeal has been dismissed and the enforcement notice is upheld

Code No

Subject of Appeal

A/19/3235650 (1868) Unauthorised works 4 Hendre Avenue, Ogmere Vale

(3) That it be noted that the Inspector appointed by the Welsh Ministers to determine the following appeal has been Dismissed:-

Code No                      Subject of Appeal

A/19/3237153 (1872) Outline application for up to 24 dwellings and associated works land off Tondu Road, Bridgend

351. PROPOSED ARTICLE 4 DIRECTION FOR NANTYMOEL CONSERVATION AREA (DESIGNATED 10 AUGUST 1973)

The Team Leader Conservation & Design, Regeneration Projects & Built Environment reported that an Emergency Article 4 (2) Direction had been made in relation to Nantymoel Conservation Area to address an imminent threat to the character and appearance of the Conservation Area and identified the immediate additional controls over permitted development within the Conservation Area by the serving of an Article 4(2) Direction and outlined the next stages in the process.

She informed the Committee that officers had been alerted to unauthorised works relating to the demolition of a front boundary wall of an unlisted property within the Nantymoel Conservation Area which is now the subject of an application for Conservation Area Consent and Planning consent. She stated that whilst these works were classed as unauthorised as the boundary wall fronting the highway was in excess of 1m in height, many of the existing stone boundary walls that contribute to the character of the area are below a metre in height and their alteration or demolition could therefore be classed as permitted development. Incremental changes such as these can have a negative effect on the character of the area and therefore, without controls being introduced, there is a real risk of the area becoming so materially affected that the value of the built heritage could be irretrievably lost.

The Team Leader Conservation & Design, Regeneration Projects & Built Environment reported that an Article 4(2) Direction has been made following the notification of unauthorised works, being the demolition of the section of boundary wall fronting the highway and subsequent boundary treatment, which have had a significant impact on the character and appearance of the area and which set an unfortunate precedent for other building owners to follow. She stated that due to the significant impact boundary treatments have on the special character of the area, it was essential that the Direction was made as soon as possible to cover the erection or demolition of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling-house fronting a highway or open space. Due to the imminent threat to the character of the area, an Article 4(2) Direction has been made and Notice has been given by publication in the local newspaper and the service of Notice on the owners and occupiers covered by the Direction. The Direction came into effect immediately after the Notice was served and published and owners/occupiers have been given the opportunity to make representations prior to Members receiving a further report prior to confirmation of the Direction. The Direction will expire after six months unless it has been confirmed by Members. A draft leaflet has been prepared and sent out to assist owners and occupiers to understand the implication of the Article 4 Direction.

RESOLVED:              That the Committee:

1. Noted that a Direction has been made under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights from those owners and occupiers of dwelling houses contained within the Nantymoel Conservation Area, under the terms set out in Appendix 2;

2. Agreed that Members receive a further report which will present any representations received as a result of serving the Article 4(2) Direction.

352. LOCAL DEVELOPMENT PLAN PREFERRED STRATEGY CONSULTATION REPORT

The Development Planning Manager reported on the Consultation Report on the Local Development Plan (LDP) Preferred Strategy for Council to consider and endorse.

He reported that Regulation 15 of the LDP Regulations requires the Council to publish its pre-deposit proposals (Preferred Strategy) for public inspection and consultation before determining the content of its LDP for Deposit. He stated that the statutory consultation period on the Preferred Strategy was held from 30 September 2019 to 8 November 2019 and a total of 70 formal representations were received. In preparation for the Deposit Stage of the LDP, the Council must draft an initial Consultation Report for publishing as soon as reasonably practicable after pre-deposit consultation under LDP Regulation 16A. He informed Council that a Consultation Report has been prepared, outlining how the Council has undertaken public participation and consultation on the Preferred Strategy itself. He stated that the Report identified the steps taken to publicise plan preparation, in accordance with the Community Involvement Scheme (CIS), before outlining the specific bodies engaged, summarising the main issues raised and identifying how the responses have been or will be addressed. The Report provided significant detail on how this key period of consultation will influence development of the Deposit LDP.

The Development Planning Manager reported that a number of consultation methods were utilised to ensure efficient and effective consultation and participation, in accordance with the CIS. He stated that the Consultation Report was not intended to be a comprehensive report on each comment received, rather a summary of the key issues raised in response to the specific questions on the consultation form. A significant number of representations were also site specific in focus, although the Report did not attempt to evaluate the comprehensive merits of candidate sites. He stated that all candidate sites would be evaluated as part of the Candidate Site Assessment Methodology, which is separate to the Preferred Strategy Consultation. He informed Council that the Consultation Report was structured around each consultation question, sets out the main corresponding points received and details the Council's subsequent responses. The Consultation Report provides a detailed thematic overview of the main comments submitted by representors.

**RESOLVED:** That Development Control Committee noted the content of the Public Consultation Report and that the Consultation Report will be presented for Council to consider and endorse on 22 January 2020.

353. DRAFT SUPPLEMENTARY PLANNING GUIDANCE – OUTDOOR RECREATION FACILITIES AND NEW HOUSING DEVELOPMENT

The Development Planning Team Leader sought approval to consult on a draft Outdoor Recreation Facilities and New Housing Development Supplementary Planning Guidance (SPG) document.

He reported that the Supplementary Planning Guidance (SPG) explains in detail the Council's approach to the provision of outdoor sport, children's playing space, allotments and public open space (including accessible natural green space) for all new housing developments and how LDP Policy COM11 will be implemented. The SPG encourages links between the provision of open space sought under Policy COM11 and its contribution to green infrastructure in Bridgend. Once adopted its contents will be taken

into account as a material consideration in the determination of relevant Planning applications.

The Development Planning Team Leader reported that the Council receives a high number of applications each year for new housing development, which creates a demand for the improvement of existing and the provision of new recreational facilities. To meet this demand Policy COM11 of the LDP requires the provision of a satisfactory level and standard of outdoor sport, children's playing space, allotments and public open space (including accessible natural green space) for all new housing developments.

**RESOLVED:** That the Committee:

1. approved Draft Supplementary Planning Guidance – Outdoor Recreation Facilities and New Housing Development (Appendix 1) as the basis for a public consultation period of 6 weeks;
2. authorised Officers to carry out the public consultation and to report the results of the public consultation back to a meeting of the Development Control Committee.

354. **DRAFT SUPPLEMENTARY PLANNING GUIDANCE – EDUCATIONAL FACILITIES & RESIDENTIAL DEVELOPMENT**

The Development Planning Team Leader sought approval to consult on a draft Educational Facilities and Residential Development Supplementary Planning Guidance (SPG) document.

He reported that in the interest of providing the children of the County Borough with the opportunity to thrive and prosper, the Council has a duty to ensure that good quality educational facilities are available creating the opportunity to learn. He informed the Committee that demand for housing in the County Borough is increasing, and a large number of homes are being constructed to serve this demand, resulting in existing educational facilities being placed under increasing pressure to accommodate the additional pupils that are being created through housing development. The Planning system needs to ensure that the necessary steps are taken to avoid facilities being detrimentally affected and that adequate provision is available to cater for the learning needs of the children and young people of Bridgend.

The Development Planning Team Leader reported that the existing Education SPG (SPG 16) was adopted in 2010 and whilst the guidance contained within this document has been successful in the negotiation of financial Planning obligations totalling in excess of £5m, the pupil yield formulas and cost guidance need updating. This will ensure that the level of obligations negotiated with developers reflect the actual cost of providing new educational facilities generated by the demands of new residential development. A new and revised SPG will ensure the Local Authority will be able to continue to provide for the learning needs of the children and young people of Bridgend. He informed the Committee that the draft guidance supplements Policies COM10 and SP14 of the adopted Bridgend Local Development Plan (LDP 2006-21) and critically, the SPG will provide updated policy guidance to be incorporated into the evidence base of the replacement LDP. Its purpose is to provide advice to developers on the circumstances in which the Council may seek contributions towards the provision of educational facilities for new residential developments.

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

1. approved Draft SPG 16 – Educational Facilities and Residential Development (Appendix 1) as the basis for a public consultation period of 6 weeks;

2. authorised Officers to carry out the public consultation and to report the results of the public consultation back to a meeting of the Development Control Committee.

355. DEVELOPMENT OF NATIONAL SIGNIFICANCE APPLICATION BY ENERGION LTD LAND NORTH OF FELINDRE ROAD, PENCOED LOCAL IMPACT REPORT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

The Development and Building Control Manager informed the Committee of a Local Impact Report that has been prepared by the Local Planning Authority (LPA) for a temporary (25 year) 40MW peaking gas development on land to the north of Felindre Road, Pencoed. The development is classed as a Development of National Significance (DNS) and it will include a standby power plant for when demand exceeds the available capacity of the Network.

He reported that the purpose of the DNS process is to ensure timely decisions are made on those planning applications that are of the greatest significance to Wales because of their potential benefits and impacts. Applications are submitted to the Planning Inspectorate Wales for consideration by an appointed Inspector. The appointed Inspector will then consider evidence from the applicant, the Local Planning Authority and other statutory consultees and interested parties. He informed the Committee that the LIR has been prepared to inform the Planning Inspectorate of the likely impact of the proposed development on the area. He stated that the report is a factual document and is based on local knowledge and evidence of local issues and there is also an opportunity for the LPA to comment on the DNS application.

The Development and Building Control Manager reported that proposed development can be viewed and the Planning Inspectorate has published all representations and the LIR to the Developments of National Significance website. He stated that the appointed Inspector will now consider the LIR and all representations received and will determine which procedure the examination of the application will follow by 10 January 2020. The applicant has until 10 January 2020 to make a request to vary the application and if a request is made and accepted, it will result in the examination of the application being suspended.

RESOLVED: That the Committee noted the content of the report and the LIR.

356. END OF YEAR REPORT - PLANNING PERFORMANCE 2019

The Development and Building Control Manager reported on an update of the performance of the Section during the calendar year 2019 when compared to 2018 and previous years. He informed the Committee that the end of year report provides more detailed and up to date figures for the service on issues such as Section 106 Contributions, Complaints and Building Control. He stated that the number of Planning applications determined in 2019 decreased from 920 in 2018 to 843 in 2019 and the number of major schemes determined has decreased from 23 to 17 in the same period. He summarised some of the key points arising from the collation of data for the report.

RESOLVED:

1. That the Committee noted the content of the report;
2. That a report be presented to the Development Control Committee at the end of the financial year on the amount of spend against S106 Agreements.



357. TRAINING LOG

The Group Manager Development and Planning Services reported on an updated training log.

RESOLVED: That the Committee noted the updated training log.

358. URGENT ITEMS

There were no urgent items.

The meeting closed at 15:52

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**DEVELOPMENT CONTROL COMMITTEE 27 FEBRUARY 2020**

**AMENDMENT SHEET**

**The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.**

<u>ITEM NO.</u>	<u>PAGE NO.</u>	<u>APPLICATION NO.</u>
5	11	P/19/911/RLX

A Full Committee Site Visit was undertaken on Wednesday 26 February 2020.

The Local Ward Member and the agent for the applicant attended the site visit.

A late representation has been received today from a local resident objecting to the development on the basis that hedgerows have/will be ripped up, the land has/will be scarified, the log cabins will be intrusive in the countryside and the extra units will have a detrimental impact on the existing poor state of the highway.

As the Service Yard has been curtailed slightly, Condition 13 should now read:-

13. Within six months of the date of this consent, an updated Traffic & Delivery Management Plan for the site shall be submitted to and agreed in writing by the Local Planning Authority. All guest arrivals and departures and servicing and delivery vehicles movements to the site shall be made in accordance with the agreed Traffic & Delivery Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

As a result, advisory note g. at the end of the recommendation should be changed to refer to condition 13 not 10 as follows:

- g. The Traffic and Delivery Management Plan required to address Condition 13 will need to contain sufficient information in respect of the following:-
  - (i) Guest arrival and departure arrangements (directions to the site and timing of those movements;
  - (ii) Guest arrival and departures of the adjacent Brodowel Caravan Park;
  - (iii) Proposed Delivery Schedules;
  - (iv) Proposed Delivery Vehicle/Service Vehicles sizes;
  - (v) Supporting swept path diagrams; and
  - (vi) The need to review the plan in the event that any of the above arrangements change or at the request of the Highway Authority.

In addition, the Highway Authority has requested an additional condition requiring details of signs warning of horse-riding in the highway (as well as the pedestrian warning signs as previously approved) at the start of Moor Lane off the A4229 and at the junction of Moor Lane near St. David's Well to the east leading back to Nottage and at the other end of Moor Lane adjacent to Parc Newydd caravan site to the west.

Therefore, an additional condition (25) should be added to the recommendation as follows:

25. Prior to the beneficial occupation of the holiday chalets, a scheme for the provision of gateway traffic signs warning of the presence of equestrians sharing the highway at the junction of Moor Lane with the A4229 and the junction of Moor Lane near St. David's Well to the east and at the junction of Moor Lane opposite Parc Newydd Farm Caravan Site to

the west, together with any necessary illumination, shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details prior to the development being brought into beneficial use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety.

Condition 22 of the recommendation is incorrect and should be superseded by this wording:

22. Site clearance works shall be taken in full accordance with:-

- The details relating to lighting design, method for vegetation clearance, knotweed protocol as approved under App. No. P/18/827/DOC dated 15th February, 2019.
- The pollution prevention measures which comprise a 5m wide buffer zone from the SINC along with a 2m x 1m clay bund as approved under App. No. P/19/307/DOC dated 31st May, 2019.

Reason: In the interests of biodiversity.

In addition, the following original condition should be included under the recommendation:

26. All site clearance works shall be undertaken in accordance with the methods and measures contained within the Mitigation Method Statement - Great Crested Newt prepared by Soltys Brewster Ecology (dated 28 October 2016).

Reason: In the interests of biodiversity.

**6                      31                      P/19/810/FUL**

A Panel Site Visit was undertaken on Wednesday 26 February, 2020.

The Local Ward Member (Cllr. A. Hussain) and agent for the development (Jacob Lawrence of Geraint John Planning Ltd) attended the panel site visit.

In addition, the penultimate sentence of the paragraph below Figure 5 on page 37 of the agenda should refer to appointments not commencing until 9am on Thursdays, Fridays, Saturdays and Mondays and 10am on Sundays and Bank Holidays, in line with condition 3 and not “until 10am” as stated in the report.

**JONATHAN PARSONS  
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES  
27 FEBRUARY 2020**

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**REFERENCE:** P/19/911/RLX

**APPLICANT:** Ward Jones (Bridgend) Ltd.  
c/o John Matthews Development Consultant,  
47 Anglesey House, Anglesey Way, Nottage CF36 3QP

**LOCATION:** Land at Moor Lane, Porthcawl CF36 3EJ

**PROPOSAL:** Vary conditions 1, 3, 8, 9, 10, 11, 12, 13, 14, 18, 19, 23 and 24 of P/19/115/RLX to facilitate an increased provision of timber chalet accommodation units from 56 to 80

**RECEIVED:** 06 December 2019

## **APPLICATION/SITE DESCRIPTION**

The application seeks to vary conditions 1, 3, 8, 9, 10, 11, 12, 13, 14, 18, 19, 23 and 24 of P/19/115/RLX to allow an increase in the number of timber chalet accommodation units on the site from 56 to 80. The original consent (P/16/497/FUL) related to the change of use of the land for the provision of high quality self-catering mobile wooden chalet tourist accommodation units and supporting facilities and that application was reported to DC Committee in April 2017.

The relevant conditions and proposed changes are as follows:

1. The consent hereby approved shall be limited to the siting of 56 timber chalet accommodation units, which shall be mobile, not fixed to the ground laid out in accordance with the 1:1250 scale Site Plan received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC and in accordance with the 1:100 scale plans of the 3 bed, 2 bed and smaller 2 bed timber units received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC together with the 1:200 scale plan of the Service Centre Building received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC.

The applicant seeks the following amendment to the condition:-

*The consent hereby approved shall be limited to the siting of **80** timber chalet accommodation units, which shall be mobile, not fixed to the ground laid out in accordance with the revised 1:1250 scale Site Plan received on 6<sup>th</sup> December 2019 and in accordance with the 1:100 scale plans of the 3 bed, 2 bed and smaller 2 bed timber units received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC together with the 1:200 scale plan of the Service Centre Building received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC.*

3. This consent permits the year round occupation of the timber chalet units but no unit shall be occupied as a person's or persons' place of residence nor shall any unit be occupied by the same person or persons for a period exceeding 42 days between April and September (inclusive) and 42 days between October and March (inclusive).

The applicant seeks the following amendment to the condition:-

*This consent permits the year round occupation of the timber chalet units but no unit shall be occupied as a person's or persons' place of residence nor shall any unit be occupied by the same person or persons for a period exceeding **28** days within any 12 month period.*

8. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Method Statement shall be adhered to throughout the site clearance and construction period. The Statement shall provide for:
- I. the routing of HGV construction traffic to/from the site in order to avoid the village of Nottage
  - II. specify the type and number of vehicles used during construction;
  - III. the parking of vehicles of site operatives and visitors;
  - IV. loading and unloading of plant and materials;
  - V. storage of plant and materials used in constructing the development;
  - VI. details of how and where the assembly of the wooden chalets will take place and the programming of such works;
  - VII. wheel washing facilities;
  - VIII. measures to control the emission of dust and dirt during construction;
  - IX. the provision of temporary traffic and pedestrian management along the agreed construction route

The applicant seeks the following amendment to the condition:-

*The development shall strictly accord with the Construction Method Statement as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February 2019.*

9. No development shall commence until a scheme for the provision of a direct pedestrian access to the adjacent public right of way on the eastern site boundary has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the approved development being brought into beneficial use and the access to the public right of way shall thereafter be maintained in perpetuity.

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the scheme for the provision of a direct pedestrian access to the adjacent public right of way on the eastern site boundary as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019 prior to the approved development being brought into beneficial use and the access to the public right of way shall thereafter be retained and maintained in perpetuity.*

10. No development shall commence until a scheme for the provision of traffic signs warning of the presence of pedestrians along Moor Lane to its termination at the A4229 and Pyle Road together with any necessary illumination has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the development being brought into beneficial use and shall thereafter be maintained in perpetuity

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the scheme for the provision of traffic signs warning of pedestrians along Moor Lane to its termination at the A4229 and Pyle Road together with necessary illumination as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019 prior to the development being brought into beneficial use and shall thereafter be retained and maintained in perpetuity.*



11. No development shall commence until a scheme for the provision of stepping off/refuge areas along Moor Lane from the site access to the A4229 and Pyle Road has been submitted to and agreed in writing by the Local Planning Authority. The stepping off/refuge areas shall thereafter be provided in accordance with the agreed scheme prior to the approved development being brought into beneficial use and shall thereafter be maintained in perpetuity

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the scheme for the provision of stepping off/refuge areas along Moor Lane from the site access to the A4229 and Pyle Road as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019 prior to the approved development being brought into beneficial use and shall thereafter be retained and maintained in perpetuity.*

12. No development shall commence until a scheme for the provision of tourist direction signs directing guests to the site has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the approved development being brought into beneficial use.

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the scheme for the provision of tourist direction signs directing guests to the site as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019 prior to the development being brought into beneficial use and shall thereafter be retained and maintained in perpetuity.*

13. No development shall commence until a Traffic & Delivery Management Plan for the site has been submitted to and agreed in writing by the Local Planning Authority. All guest arrivals and departures and servicing and delivery vehicles movements to the site shall be made in accordance with the agreed Traffic & Delivery Plan once the development is brought into beneficial use.

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the Traffic and Delivery Management Plan as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019. All guest arrivals and departures and servicing and delivery vehicle movements to the site shall be made in accordance with the agreed Traffic and Delivery Management Plan once the development is brought into beneficial use.*

14. No development shall commence until a scheme for the provision of off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the scheme for the provision of off-street parking spaces as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019. The parking areas shall be completed in permanent materials with*

*the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.*

18. No development shall take place until details of the siting and design of the wooden chalets within each of the plots and plans of the siting, design and layout of the proposed Service Centre Block (to include a reception/office, a shop, a cycle hire facility and storage areas), including samples or detailed specifications of the materials to be used in the construction of the external surfaces of the chalets and buildings hereby permitted and for any replacement units, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the details of the siting and design of the wooden chalets within each of the plots as shown on the 1:1250 scale Revised Site Plan dated 02/07/2019, and, the plans of the siting, design and layout of the proposed Service Centre Block (to include a reception/office, a shop, a cycle hire facility and storage areas), and for any replacement units as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019. Development shall be carried out in accordance with the agreed details.*

19. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the landscaping details as shown on Revised Site Plan – Proposed Tree Planting of Central Green & Proposed Tree Planting of Central Green – Table, and, the Landscaping Proposals plan as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019. The agreed landscaping works shall be carried out prior to the occupation of any part of the development in accordance with a programme agreed with the Local Planning Authority prior to the development commencing on site.*

23. No site clearance shall take place until further information has been submitted to and agreed in writing by the Local Planning Authority in respect of:-

- \*Appropriate pollution prevention to Moor Lane Pond SINC;
- \*Bat sensitive light design;
- \*Method Statement for vegetation clearance in respect of birds, reptiles and amphibians;
- \*Eradication strategy for Japanese Knotweed

The applicant seeks the following amendment to the condition:-

*Site clearance works shall be taken in full accordance with:*

- *The details relating to lighting design, method for vegetation clearance, knotweed protocol as approved under App. No. P/18/827/DOC dated 15<sup>th</sup> February, 2019.*

- *The pollution prevention measures which comprise a 5m wide buffer zone from the SINC along with a 2m x 1m clay bund as approved under App. No. P/19/307/DOC dated 31<sup>st</sup> May, 2019.*

24. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul sewage, road, roof and yard water will be dealt with, including future maintenance requirements has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use

The applicant seeks the following amendment to the condition:-

*The development shall be implemented in strict accordance with the Drainage Strategy Plan as approved under App. No. P/19/307/DOC.*

The following conditions are retained as per the latest consent (P/19/115/RLX):

2. The timber chalet units shall be used for holiday accommodation only and for no other purpose including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
4. An up to date register shall be kept at the holiday accommodation hereby permitted from first beneficial occupation of the holiday accommodation and the register shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their dates of arrival at and departure from the accommodation.
5. Within one month of any change of operator/ownership of either the site (or any part thereof) or of any individual chalet unit on the site, the Local Planning Authority shall be advised by the operator or the owners of any individual chalet in writing of such change including the name and home address of the new owner.
6. A statutory declaration shall be submitted by each or any owner of the site (or any part thereof) or of any individual unit on the site to the Local Planning Authority not later than 31<sup>st</sup> January annually in each successive year stating that the chalets have not been used for permanent residential accommodation.
7. The proposed convenience shop within the reception block shall be completed and open to guests prior to the first occupation of the site and shall be open each day the site is open to guests.
15. The proposed means of access shall be no less than 5.5m wide laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 43m in both directions and surfaced in permanent materials for a distance of no less than 10m before the development is brought into beneficial use and shall thereafter be retained as such in perpetuity.
16. 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.

17. Any entrance barrier/gates shall be set back not less than 12 metres from the nearside edge of carriageway.
20. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The landscape management plan shall be carried out as agreed.
21. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.
22. All site clearance works shall be undertaken in accordance with the methods and measures contained within the Mitigation Method Statement - Great Crested Newt prepared by Soltys Brewster Ecology (dated 28 October 2016).
25. Prior to the diversion of Footpath 12 along the eastern and northern boundaries of the site, a scheme for a catch ball fence a minimum of 3m in height shall be submitted to and agreed in writing with the Local Planning Authority. The agreed fencing shall thereafter be implemented prior to the diverted footpath being opened to public use and shall be retained and regularly maintained in perpetuity.



**Illustration 1: Aerial Photograph of the Application Site**

Members will recall that the application site is a roughly rectangular area of land on the northern side of Moor Lane adjoining the north eastern and eastern boundaries of the former Gas Holder Compound.

The site extends to approximately 3.8 hectares of land, which is currently rough grassland. Footpath 12 runs diagonally from a point in the south eastern corner of the site, adjacent to the access point onto Moor Lane, to the north eastern corner before continuing in a north easterly direction until it meets the A4229. The Grove Golf Course adjoins the northern and eastern site boundaries with agricultural land laying to the south.

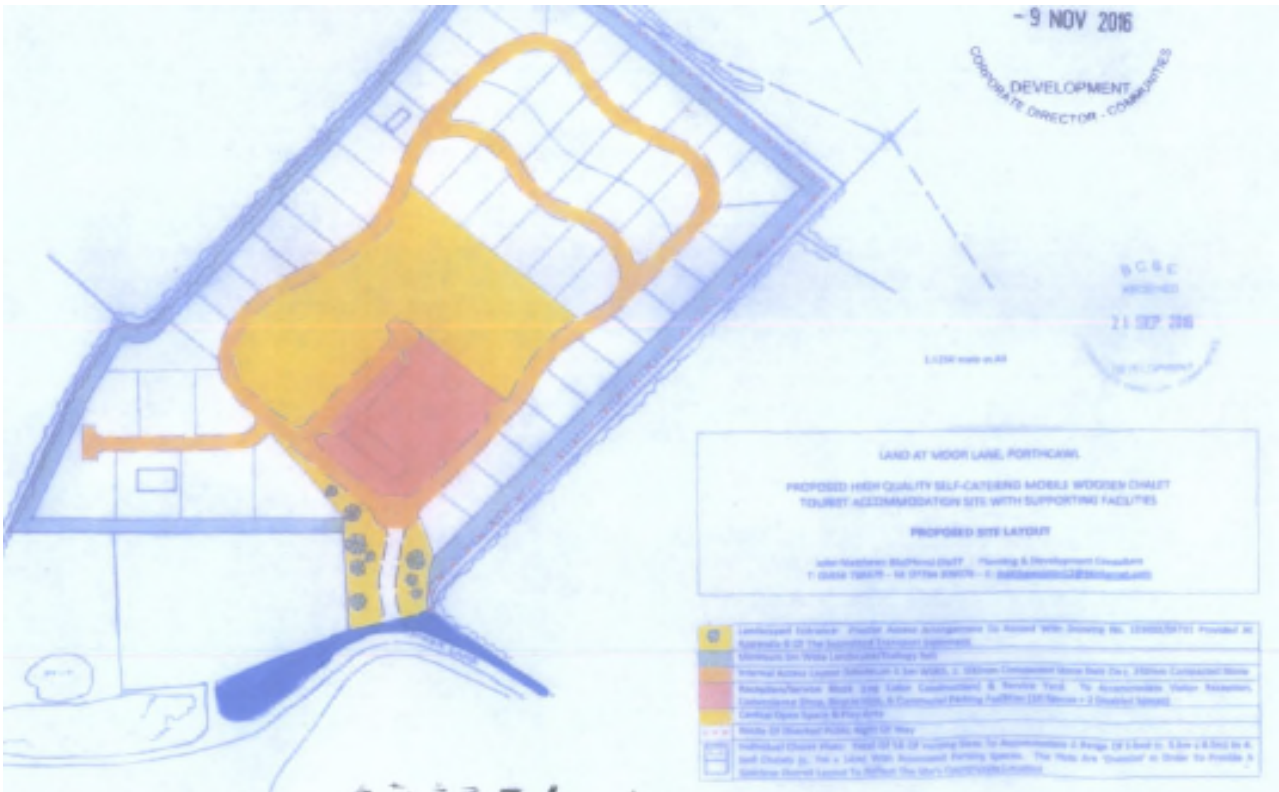


Illustration 2: Approved Plan under P/16/497/FUL

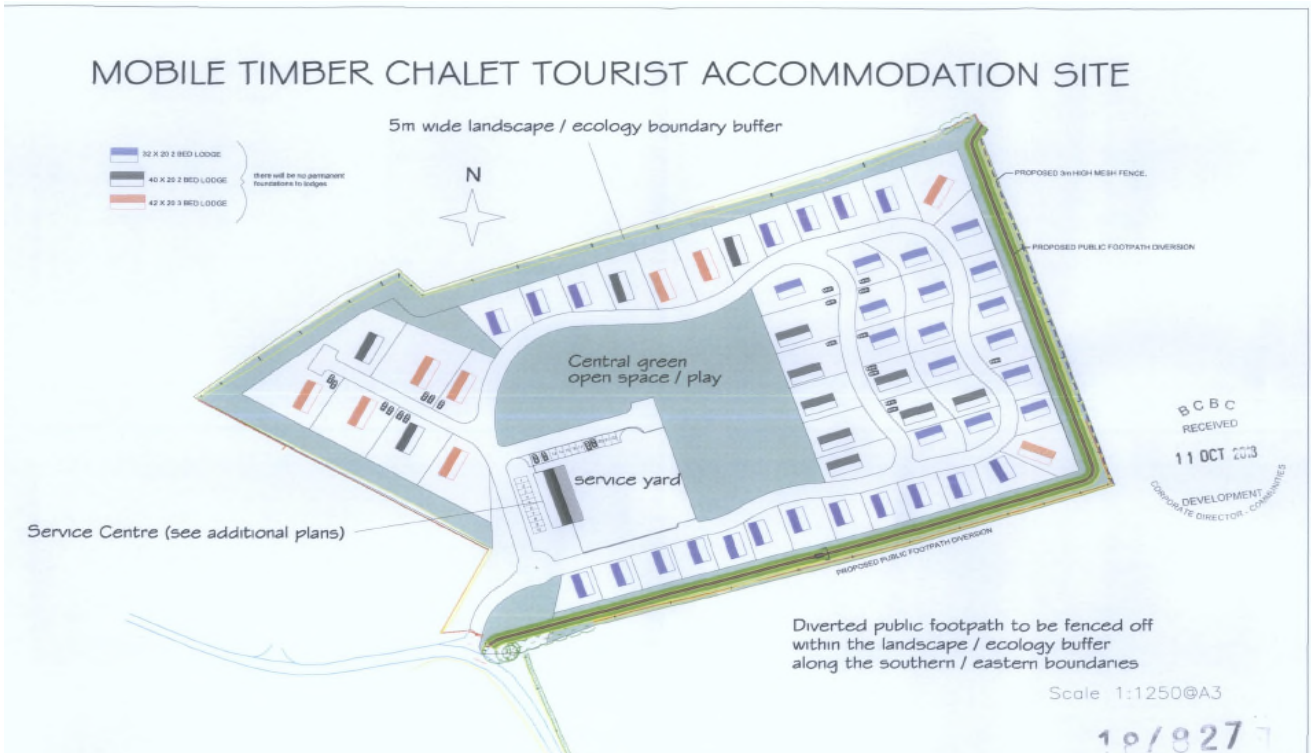
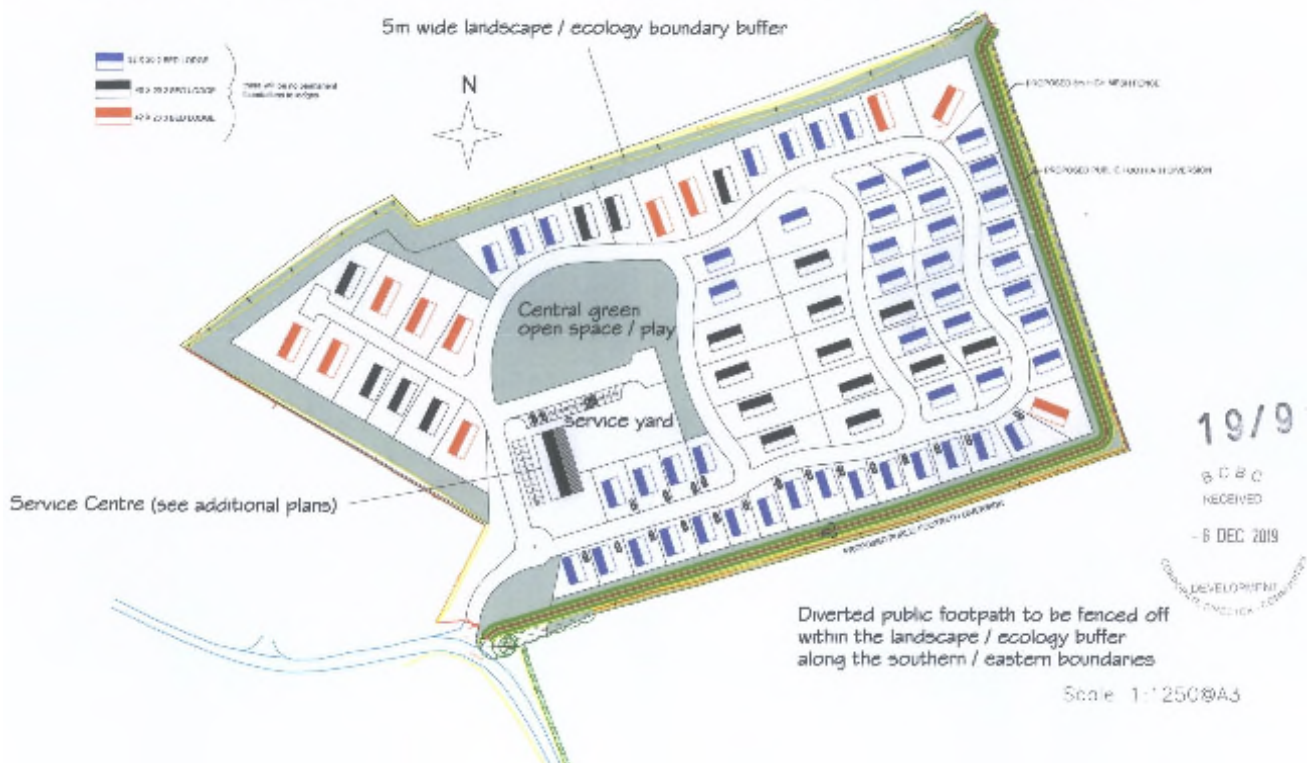


Illustration 3: Approved Plan under P/18/827/DOC

# MOBILE TIMBER CHALET TOURIST ACCOMMODATION SITE



**Illustration 4: Proposed Layout Plan**

## RELEVANT HISTORY

6782/350/2280/71 - Light industrial purposes & Council Yard - Approved with conds July, 1972

75/400 - Industrial Estate - Deemed Consent - October, 1975

75/1301 - Transport Depot - Deemed Consent - January, 1976

99/628 - 2 Light Industrial Units - Approved with conditions - 14/03/00

P/01/221/OUT - 10 residential units - Refused - 15/05/01 (Dismissed on Appeal 11/12/01)

P/02/186/FUL - Warehouse with integral office - Approved with conditions - September, 2002

P/07/896/FUL - Healthcare complex - Refused - 21/12/07

P/07/897/FUL - Office/Commercial Dev't (5 offices & 8 commercial units) – Refused - 21/12/07

P/08/116 - B2/B8 Unit with access road - Refused - 13/03/09

P/12/450/FUL - Fencing & entrance gates to site boundary & diversion of Footpath 12 - Approved with conditions - 19/10/12

P/13/573/FUL - Landscape Business (turf, soil & stone sorting & distribution) with 2 agricultural type sheds - Refused - 22/10/13

P/16/497/FUL - Change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation & supporting facilities – Approved with conditions - 13/04/17

P/17/554/RLX - Variation of condition 2 of P/16/497/FUL relating to occupancy of chalets – Approved with conditions – 16/03/18

P/18/827/DOC - Approval of details for conditions 8-15, 19, 20, 24, 25 and 26 of P/17/554/RLX – Details Agreed – 18/02/20

P/18/954/RLX - Vary condition 1 of P/17/554/RLX to amend the height of the chalet units from 3.05m to 5m – Approved with conditions – 16/03/18

P/19/307/DOC - Approval of details for conditions 23 & 24 of P/19/115/RLX – Details Agreed - 31/05/19

P/19/115/RLX - Removal of condition 12 and variation of condition 25 of P/18/954/RLX – Approved with conditions – 02/05/19

## **PUBLICITY**

This application has been advertised through the neighbour notifications and via a notice erected on site. The period allowed for response to consultations / publicity expired on 6 January 2020.

## **CONSULTATION RESPONSES**

**Highways Officer** – The applicant has provided a Transport Statement to accompany this application which seeks to quantify the vehicle movements resulting from the uplift in units. It should be noted that the trip generation patterns and volumes of traffic for a rental holiday chalet are significantly different to a privately owned chalet that would attract longer stays. The revised transport statement quantifies the traffic generated by an uplift in chalet numbers from 56 to 80. In addition the applicant has removed the previous request for a certain number of units to be privately owned and therefore all 80 chalets will be holiday lets with a restriction on length of stay. The new total of 80 chalets operating solely as holiday chalets will generate between 195 and 208 vehicle trips per day. Based on the worst-case baseline traffic flow on Moor Lane calculated by the Highway Authority of 769 two-way movements, the inclusion of the traffic generation from 80 units would equate to total two-way flows of 977 vehicles. This does not exceed the quiet lane threshold of 1,000 vehicle movements along Moor Lane.

It should be noted that the applicant's Transport Consultant calculated the baseline traffic movements along Moor Lane as 449 vehicle movements per day. However, the Highway Authority has sought to calculate the absolute worst case scenario and take a robust position whereby all traffic already using Moor Lane is travelling in the same direction and along the same section of Moor Lane in the peak hour. In addition, within that calculation it assumes that all other caravan and campsites which use Moor Lane are at full occupation on a bank holiday weekend.

Therefore, even with the above robust background traffic calculation and the traffic generated by the development, Moor Lane remains within the quiet lane threshold and it is considered not to materially affect the peak traffic hours of the local highway network.

It is noted that a number of conditions associated with the previous consent have now been discharged, therefore I would request that the LPA re-words those conditions to ensure the scheme is constructed as per the agreed plans. All other highway related conditions would remain the same and should be applied to this consent. I would advise that the observations of the Highway Authority are: -

No objection subject to of the imposition of all previous highway related conditions imposed on any previous consent.

**Dwr Cymru/Welsh Water** – No objection.

**Land Drainage** – Originally, the Land Drainage Officer was unable to agree to the suggested working for drainage condition and required a revised drainage strategy report to be provided and reviewed prior to agreeing to the addition of a new drainage condition. Additional details and calculations have been submitted and the Land Drainage Officer considers that the proposals are acceptable subject to a condition requiring the revised details to be submitted to and approved in writing prior to the commencement of development on site.

**Porthcawl Town Council** – Objection: Maintain original objection to conditions 1 and 9. Over-intensification. No works to commence until conditions 1 and 9 have been revised.

## **REPRESENTATIONS RECEIVED**

**Councillor Norah Clarke** – “I object most strongly to increasing the number of chalet units from 56 to 80 for the following reasons:-

1. In 2001 an application for 10 dwellings was refused by the Local Planning Authority on this particular site which then went to appeal & was refused by the inspector. One of the reasons for refusal by the inspector was the volume of traffic that would be generated by this number of dwellings. During the last 18 years volumes of traffic & reliance on the motor car has substantially increased.
2. Moor Lane is just that a lane. It's an unclassified road which is 1.6km in length between the classified roads known as West Road (to the west) and the A4229 Pyle Road (to the east) & is confined to a single width track along extensive sections of its length & is considered to be substandard in nature due to its constrained & narrow width (ranging between 3m & 5m) lack of segregated pedestrian footways, tortuous alignment, substandard forward visibility at numerous locations, national speed limit of 60mph & lack of adequate headroom clearance (limited to 9'6" or 2.89m) under the nearby rail bridge (cuckoo bridge) which is a listed structure & has restricted width.
3. Moor Lane is predominately used by walkers, dog walkers, horse riders, cyclists, caravans & vehicles with no footpaths.
4. Moor Lane has been supported, promoted & sponsored by Bridgend County Borough Council for the Nottage Circular Walk & Nottage & Sker Point Circular Walk.
5. The site lies in a remote countryside location which is not on a public bus route & will lead to substantial reliance on the private motor vehicle.

Taking into account all of the above I strongly object to this application on the grounds that an increase in the number of chalet units from 56 to 80 will inevitably add to the volume of traffic (i.e. private motor vehicles & delivery vehicles) along Moor Lane to & from the site which will be detrimental to road safety.

I would request a full site visit to the location also that the members of DC focus on the access route to the site i.e. Moor Lane along its length from all routes.

Also, if this application is given approval by the planning department I would wish to address DC committee.”

**Porthcawl Civic Trust Society** – Strongly object – This would increase the potential of 80 cars plus delivery vehicles accessing an egressing the site. Moor Lane is predominantly a single track lane with passing places without a pavement used by cars, caravans, walkers, cyclists and horse riders.

The addition of 80 chalets plus a shop will result in an increase in vehicular movements along the lane which in this Society's opinion will be detrimental to highway safety. Moor Lane is subject to the national speed limit.



The Traffic Management Plan suggested is totally impractical as merely erecting a sign for vehicles exiting the site to "please turn right" is not enforceable. If vehicles reach the site from a south eastern approach via Cuckoo Bridge, human nature and also satellite navigation systems will also choose the same route away from the site. The shortest and quickest route to Porthcawl Town and the M4 is to turn left when exiting the site.

The Highways Act requires local authorities to take reasonable steps to enhance the provision made for walkers and cyclists and to have regard to the needs of walkers and cyclists. In our opinion if this application is granted it will lead to an increased motor vehicular activity at unrestricted speeds along the lane which will not enhance the needs of walkers and cyclists as it will compromise their safety.

The site is in a remote location and not accessible by a range of different transport modes leading to a reliance on the use of private motor vehicles.

### **COMMENTS ON REPRESENTATIONS RECEIVED**

It is noted that concerns have been expressed about highway/pedestrian safety along Moor Lane, the increase in the number of chalets on this site from 56 to 80 and the subsequent increase in traffic along Moor Lane.

These concerns are addressed in the Appraisal Section of this report, however, it should be noted that the potential for the approved tourist chalets being sold to private investors and becoming second homes/longer term holiday accommodation has been removed, the ancillary facilities (shop etc.) have not increased in size or extent despite the increase in the number of units, the shorter term stays will result in a reduced number of vehicular movements to and from the site compared to the consented scheme and pedestrian refuges have been secured along Moor Lane under previous consents.

### **RELEVANT POLICIES**

Members will recall that in determining the original planning application (P/16/497/FUL), due regard was had to:-

#### National Policy

Planning Policy Wales (Paragraph 4.6.4) states that "The Countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against economic, social and recreational needs of local communities and visitors."

In addition, paragraph 11.3.1 states that "In determining planning applications for tourism developments, local planning authorities need to consider the impact of proposals on the environment and local community. They may seek to reduce the impact of development using arrangements for traffic and visitor management."

Since then, a new version of Planning Policy Wales has been adopted (PPW 10 December 2018) and paragraph 3.34 repeats the same advice in terms of the protection of the countryside.

#### Local Policy

The site is located outside of any settlement boundary as defined by Policy PLA1 of the Bridgend Local Development Plan (LDP) and is, therefore, located in the countryside where Policy ENV1 ensures that development is strictly controlled. ENV1 states that development may be acceptable where it is necessary for:-

1. Agriculture and/or forestry purposes;
2. The winning and working of minerals;
3. Appropriate rural enterprises where a countryside location is necessary for the development;
4. The implementation of an appropriate rural enterprise/farm diversification project;
5. Land reclamation purposes;
6. Transportation and/or utilities infrastructure;
7. The suitable conversion of, and limited extensions to, existing structurally sound rural buildings, where the development is modest in scale and clearly sub-ordinate to the original structure;
8. The direct replacement of an existing dwelling;
9. Outdoor recreational and sporting activities; or
10. The provision of gypsy traveller accommodation.

Where development is acceptable in principle, it should, where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

Having regard to national policy and the criteria set out above and the fact that principle of such a development has been established through the previous consent, the scheme can be considered as an appropriate rural enterprise in accord with criterion 3 of Policy ENV1.

Policy SP11 of the LDP also states that tourism development will be promoted at the strategically important resort of Porthcawl. Whilst the site is located approximately 300m outside the settlement boundary of Porthcawl, the town centre is located approximately 1.3 miles to the south providing adequate services and facilities for holiday makers.

Policy REG12 of the LDP states that new tourist facilities in the countryside will only be permitted where the activity is compatible with and complimentary to the countryside, the development is part of a rural enterprise scheme and the proposal is considered acceptable in principle. Due consideration was also given to the suitability of Moor Lane to serve the proposed development.

## **APPRAISAL**

The application is referred to Committee to consider the objections and concerns raised by the Ward Member, Porthcawl Town Council and Porthcawl Civic Trust Society and the call-in by the Local Ward Member in respect of the extent and number of chalets on this site and the subsequent impact on the adjoining highway(s).

This application seeks to vary a number of conditions attached to the most recent application and consent (P/19/115/RLX).

Since the original consent (P/16/497/FUL) for the change of use of the land for the provision of 56 high quality self-catering mobile wooden chalet tourist accommodation units and supporting facilities, the applicant(s) relaxed/removed various conditions relating to the occupancy of the chalets (P/17/554/RLX), the height of the chalet units (P/18/954/RLX) and the provision of a pedestrian refuge on the A4229 to the north (following the results of a Safety Audit) and the drainage of the site due to the lack of a public sewerage system in the vicinity of the site (P/19/115/RLX).

This application seeks to reverse the scope to sell these chalets to private investors by ensuring that they are rented out as holiday lets only (as per the original consent) and to restrict the length of stay to 28 days in any 12 month period (as per the original consent) but to

increase the number of units on the site from 56 to a maximum of 80 in order to ensure the viability of the development.

It has been clarified that the chalets will not be available for purchase by individuals and they will all remain in the site operator's ownership for letting as part of the business model for the site. The site operator will retain full control and responsibility for the registration of all holiday occupier visits.

On the basis of a Transport Assessment submitted with the original application, it was accepted that Moor Lane would constitute a "Quiet Lane" (not exceed 1000 per day) suitable for shared use by vehicles, pedestrians, cyclists and equestrians and therefore that it would be suitable to serve the development. This was on the basis that the total number of vehicle movements along Moor Lane including the holiday chalet site was calculated to be 909 using the originally supplied TRICS data. This figure was reached by agreeing that the proposed holiday chalet site would generate 140 vehicle trips per day in addition to the existing background traffic already using Moor Lane.

For the previous application to vary the length of occupancy of these units (P/17/554/RLX) a further TRICS analysis in which the whole site was unrestricted and privately owned was sought. The data was required to obtain a "worse case" scenario using vehicle movements from the busiest holiday month (August) and on a weekend. This would enable calculation of the potential increase in vehicle movements as a result of an unrestricted site. On the basis of that data, a trip rate of 3.441 trips per day per chalet was calculated which multiplied by the number of chalets (56) resulted in 193 vehicle movements per day potentially emanating from an unrestricted Moor Lane site.

When combined with the existing background traffic already using Moor Lane, a total of 962 vehicles per day could be generated on that basis. The overall total therefore remained within the 1000 vehicle threshold and would not so significantly increase movements as to be detrimental to highway safety.

The current application to vary the wording of the conditions has once again been accompanied by additional information to supplement the original Transport Assessment in order to quantify whether the number of vehicle movements expected from the holiday chalets would change due to the proposed increase in numbers and the proposal to revert back to 100% short term holiday lets.

The trip generation patterns and volumes of traffic for a rental holiday chalet are significantly different when compared to a privately owned chalet that would attract longer stays.

The traffic generated by chalets used as holiday lets is considerably less than chalets which are privately owned and occupied for longer durations. The Technical Note - Transport submitted with the application (and corroborated by the Highways Officer) states that short term holiday lets generate 1.3 trips per unit per day, as opposed to 3.441 trips per unit per day for a site with the potential for longer term stays as previously approved (42 days in any six month period).

Therefore, with a new total of 80 chalets operating solely as shorter term holiday chalets will generate between 195 and 208 vehicle trips per day compared to 193 trips per day for 56 units with longer periods of stay.

Based on the worst-case baseline traffic flow on Moor Lane, calculated by the Highway Authority, of 769 two-way movements, the inclusion of the traffic generation from 80 units would equate to total two-way flows of 977 vehicles. This, therefore, still does not exceed the quiet lane threshold of 1,000 vehicle movements along Moor Lane and compares favourably

with the 962 vehicles per day generated by 56 units (and background traffic) with longer periods of stay as previously approved.

For clarity, it should be noted that the applicant's Transport Consultant calculated the baseline traffic movements along Moor Lane as 449 vehicle movements per day, however, the Highway Authority has sought to calculate the absolute worst case scenario and take a robust position whereby all traffic already using Moor Lane is travelling in the same direction and along the same section of Moor Lane in the peak hour.

In addition, that calculation assumes that all other caravan and campsites which use Moor Lane are at full occupation on a bank holiday weekend.

However, even with the above robust background traffic calculation, the traffic generated by this development at Moor Lane remains within the quiet lane threshold and it is considered that it would not materially affect the peak traffic hours of the local highway network.

The Draft Framework Travel Management Plan submitted with the application includes sustainable transport initiatives and information to be provided to holiday makers and sustainable travel will be encouraged through the provision of travel information within a residents welcome pack. The travel information will demonstrate walking and cycling routes, show key local facilities and provide details of public transport. In addition, the site will provide a cycle hire facility to encourage cycling and an on-site shop to reduce the need to travel off-site. These measures will seek to minimise the level of vehicle trips on the network, wherever possible.

All other highway related conditions remain the same and will be re-applied to this consent and the Highways Officer has no objection to the proposals.

Given the unsustainable nature of the site with regard to access to local services, schools, health services and the wider transport network, any unfettered residential use would be unacceptable and maintaining the requirement for occupation to be for holiday purposes only is considered necessary from a highway safety viewpoint.

In planning terms, there was also a concern that relaxing the occupancy condition could result in longer stays at the site and would not provide the necessary high turnover of occupancy that is required to contribute to the local economy and meet the needs of the serviced accommodation demands. Now that the scheme has reverted back to 100% holiday lets for short term occupancy (maximum of 28 days in any 12 month period), it is considered that the benefits to the local economy will be maximised and any concerns that the site could eventually evolve into a 'second home' park have been addressed.

In terms of ecology/biodiversity, the original condition has been discharged recently (condition 23 under P/18/827/DOC) and the development will be conditioned so that it adheres to the details as approved.

## **CONCLUSION**

The amended conditions are considered to be acceptable in providing a purely tourism related development and are sufficient to control the maximum number of units on the site and the nature of the occupancy of the units on the site. In essence, whilst the number chalets on the site has increased from 56 to 80, the restriction of occupancy to 28 days per 12 month period will ensure that the nature of the use of the site will be tourism related and the subsequent number of trips generated from each chalet will be less than previously consented.

More specifically, the restricted occupancy does not give rise to any issues relating to highway safety, drainage or biodiversity.

## RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The consent hereby approved shall be limited to the siting of 80 timber chalet accommodation units, which shall be mobile, not fixed to the ground laid out in accordance with the revised 1:1250 scale Site Plan received on 6th December 2019 and in accordance with the 1:100 scale plans of the 3 bed, 2 bed and smaller 2 bed timber units received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC together with the 1:200 scale plan of the Service Centre Building received on 11th October, 2018 and submitted as part of the discharge of condition application P/18/827/DOC.

Reason: For the avoidance of doubt as to the extent of the development permitted and to protect the safety and free flow of traffic on the surrounding highway network

2. The timber chalet units shall be used for holiday accommodation only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

3. This consent permits the year round occupation of the timber chalet units but no unit shall be occupied as a person's or persons' place of residence nor shall any unit be occupied by the same person or persons for a period exceeding 28 days within any 12 month period.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

4. An up to date register shall be kept at the holiday accommodation hereby permitted from first beneficial occupation of the holiday accommodation and the register shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their dates of arrival at and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

5. Within one month of any change of operator/ownership of the site, the Local Planning Authority shall be advised by the operator in writing of such a change including the name and home address of the new owner.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

6. A statutory declaration shall be submitted by each or any owner of the site (or any part thereof) to the Local Planning Authority not later than 31 January annually in each

successive year stating that the timber chalets have not been used for permanent residential accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the chalets and to prevent the holiday accommodation being used as permanent residential accommodation.

7. The proposed convenience shop within the reception block shall be completed and open to guests prior to the first occupation of the site and shall be open each day the site is open to guests.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic

8. The development shall strictly accord with the Construction Method Statement as approved under App. No. P/18/827/DOC dated 15th February 2019.

Reason: In the interests of highway safety.

9. The development shall be implemented in accordance with the scheme for the provision of a direct pedestrian access to the adjacent public right of way on the eastern site boundary as approved under App. No. P/18/827/DOC dated 15th February, 2019 prior to the approved development being brought into beneficial use and the access to the public right of way shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of highway and pedestrian safety.

10. The development shall be implemented in accordance with the scheme for the provision of traffic signs warning of pedestrians along Moor Lane to its termination at the A4229 and Pyle Road together with necessary illumination as approved under App. No. P/18/827/DOC dated 15th February, 2019 prior to the development being brought into beneficial use and the traffic warning signs shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of highway safety

11. The development shall be implemented in accordance with the scheme for the provision of stepping off/refuge areas along Moor Lane from the site access to the A4229 and Pyle Road as approved under App. No. P/18/827/DOC dated 15th February, 2019 prior to the approved development being brought into beneficial use and the stepping off/refuge areas shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

12. The development shall be implemented in accordance with the scheme for the provision of tourist direction signs directing guests to the site as approved under App. No. P/18/827/DOC dated 15th February, 2019 prior to the development being brought into beneficial use and the tourist direction signs shall thereafter be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

13. The development shall be implemented in accordance with the Traffic and Delivery Management Plan as approved under App. No. P/18/827/DOC dated 15th February, 2019. All guest arrivals and departures and servicing and delivery vehicle movements to the site shall be made in accordance with the agreed Traffic and Delivery

Management Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

14. The development shall be implemented in accordance with the scheme for the provision of off-street parking spaces as approved under App. No. P/18/827/DOC dated 15th February, 2019. The parking areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

15. The proposed means of access shall be no less than 5.5m wide laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 43m in both directions and surfaced in permanent materials for a distance of no less than 10m before the development is brought into beneficial use and shall thereafter be retained as such in perpetuity.

Reason: In the interests of highway safety.

16. 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 interests of highway safety.

17. Any entrance barrier/gates shall be set back not less than 12 metres from the nearside edge of carriageway.

Reason: In the interests of highway safety.

18. The development shall be implemented in strict accordance with the details of the siting and design of the wooden chalets within each of the plots as shown on the 1:1250 scale Revised Site Plan dated 02/07/2019, and, the plans of the siting, design and layout of the proposed Service Centre Block (to include a reception/office, a shop, a cycle hire facility and storage areas) and for any replacement units as approved under App. No. P/18/827/DOC dated 15th February, 2019. Development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory and sympathetic form of development so as to enhance and protect the visual amenities of the area and in the interests of highway safety.

19. The development shall be implemented in accordance with the landscaping details as shown on Revised Site Plan – Proposed Tree Planting of Central Green & Proposed Tree Planting of Central Green – Table, and, the Landscaping Proposals plan as approved under App. No. P/18/827/DOC dated 15th February, 2019. The agreed landscaping works shall be carried out prior to the occupation of any part of the development in accordance with a programme agreed with the Local Planning Authority prior to the development commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

20. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The Landscape Management Plan shall be carried out as agreed.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

21. All hard and soft landscape works shall be carried out in accordance with the approved plans under condition 1. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

22. No site clearance shall take place until further information has been submitted to and agreed in writing by the Local Planning Authority in respect of:-

\*Appropriate pollution prevention to Moor Lane Pond SINC;

\*Bat sensitive light design;

\*Method Statement for vegetation clearance in respect of birds, reptiles and amphibians;

\*Eradication strategy for Japanese Knotweed.

Reason: In the interests of the protection of biodiversity and Moor Lane Pond SINC

23. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul sewage, road, roof and yard water will be dealt with, including future maintenance requirements has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that floor risk is not increased.

24. Prior to the diversion of Footpath 12 along the eastern and northern boundaries of the site, a scheme for a catch ball fence a minimum of 3m in height shall be submitted to and agreed in writing with the Local Planning Authority. The agreed fencing shall thereafter be implemented prior to the diverted footpath being opened to public use and shall be retained and regularly maintained in perpetuity.

Reason: In the interests of the safety and wellbeing of users of the diverted Public Rights of way.

25. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

a. The application can be recommended for approval because the development is considered to comply with Government and Council policy and will not adversely impact on privacy nor so significantly harms highway safety, visual amenities or the amenities of neighbouring properties as to warrant refusal of the scheme.

b. The site owner will require a Site Licence under the Caravan and Control of Development Act 1960.

c. Permission will be required to divert Footpath 12 Porthcawl.



- d. No surface water is allowed to discharge to the public highway.
- e. No land drainage run-off will be permitted to discharge, either directly or indirectly, into the public sewerage system.
- f. In order to satisfy the drainage condition the following supplementary information will be required:-
  - (i). Details of infiltration tests to confirm the acceptability of any proposed infiltration system;
  - (ii). Design calculations, storm period and intensity, the method employed to delay and control the surface water discharge from the site;
  - (iii). Details of measures to prevent any surface water discharge polluting any receiving ground water and/or surface water system;
  - (iv). Timetable for implementation;
  - (v). Maintenance and management plan for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- g. The Traffic and Delivery Management Plan required to address Condition 10 will need to contain sufficient information in respect of the following:-
  - (i). Guest arrival and departure arrangements (directions to the site and timing of those movements);
  - (ii). Guest arrival and departures of the adjacent Brodawel Caravan Park;
  - (iii). Proposed Delivery Schedules;
  - (iv). Proposed Delivery Vehicle/Service Vehicles sizes;
  - (v). Supporting swept path diagrams; and
  - (vi). The need to review the plan in the event that any of the above arrangements change or at the request of the Highway Authority.
- h. The Developer is reminded that consent under the Town and Country Planning Act 1990 conveys no approval under the Highways Act 1980 for works to be undertaken affecting any part of the public highway including verges and footways and that before any such works are commenced the developer must:
  - i) obtain the approval of Bridgend County Borough Council as Highway Authority to the details of any works to be undertaken affecting the public highway;
  - ii) indemnify the County Borough Council against any and all claims arising from such works;
  - iii) give not less than one calendar month's notice in writing of the date that the works are to be commenced to the Policy, Development and Transport Team Leader, Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend. Telephone No. (01656) 642541.

**JONATHAN PARSONS**  
**GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES**

**Background Papers**  
None

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**REFERENCE:** P/19/810/FUL

**APPLICANT:** Morganstone Ltd & Pennant Homes Ltd  
Morganstone House, Unit 3 Llys Aur, Llanelli, SA14 8LQ

**LOCATION:** Housing development off All Saints Way Penyfai CF31 4BT

**PROPOSAL:** Siting of a temporary one storey sales suite for the marketing of the residential development

**RECEIVED:** 31 October 2019

**SITE INSPECTED:** 8 January 2020

**EOT AGREED:** 2 March 2020

## APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the siting of a temporary, single storey sales suite on land off All Saints Way, Penyfai.

The sales suite is proposed to be located at the southern entrance to the site off Clos Smyrna in order to ensure the site can be safely accessed by members of staff and the public throughout the construction period. The exact location of the sales suite is identified on the plan below in orange:

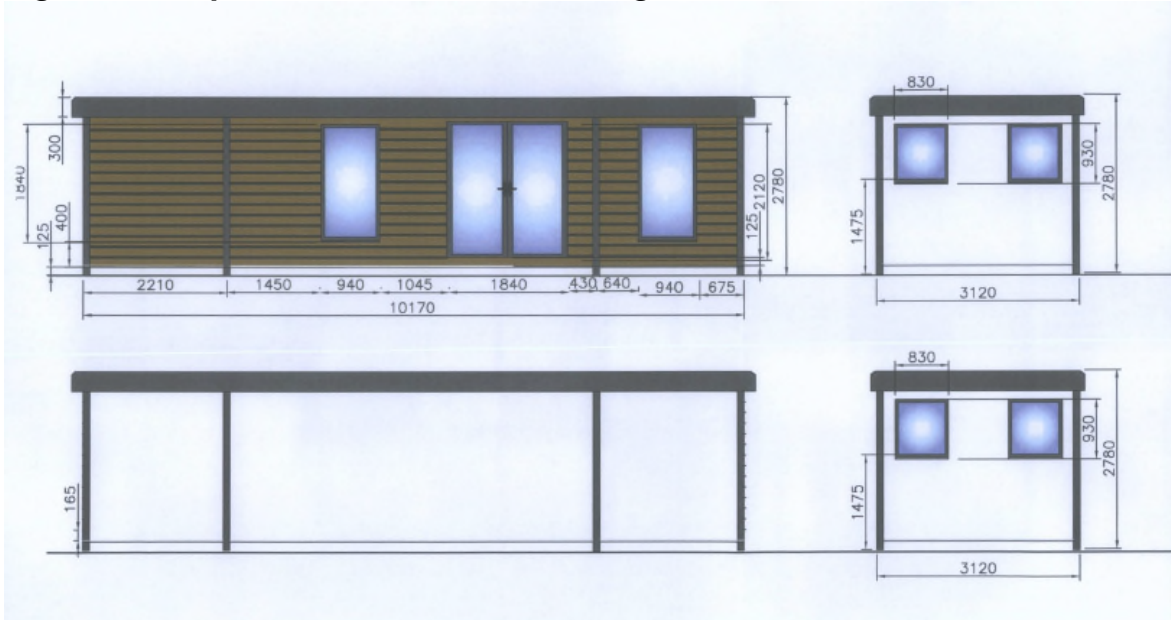
**Figure 1 - Proposed Site Layout**



The sales suite will comprise a prefabricated rectangular one storey unit measuring approximately 7.3m x 3m to a height of 2.7m with a flat roof. An open plan layout with one bathroom and kitchenette is proposed and the unit will be clad externally with oak effect PVC panels. The entrance to the building will be double patio style entry doors and windows which will be finished in anthracite UPVC. The external sides and rear of the building will be painted white.



**Figure 2 - Proposed Elevations of Building**



The proposed building will be used as the marketing suite for the development site and will be a base for all on-site sales and marketing activities. It will be a temporary fixture which will be removed once it is no longer required, however, a condition attached to the recommendation requires the removal of the sales unit by the end of 2021 at the latest. The applicant also proposes that the sales suite will be occupied by a trained member of staff at all times and will operate from Thursday – Monday 10am – 5pm.

Amended plans were received on the 24 January 2020 revising the Site Layout Plan and updating the Parking Management Plan. The revised plan now shows three off street parking spaces located within and at the entrance to the application site which will be exclusively used by visitors to the sales suite.

**Figure 3 - Revised Site Layout**



The application site is located within the settlement boundary of Penyfai as defined by Policy PLA1 of the BLDP(2013) and lies approximately 2 miles from Bridgend. The development is currently under construction and is surrounded by existing residential dwellings.

### **RELEVANT HISTORY**

P/17/1073/FUL - Residential development of 20 dwellings including 3 affordable dwellings plus access, car parking, open space, landscaping, drainage and associated engineering works – Approved (S106 agreement) – 24/04/2018.

P/19/703/NMA – Non material amendment to P/17/1073/FUL - amendment to the siting of dwelling on Plot 20 – Approved – 10/12/2019.

P/19/945/RLX -Vary condition 1 of P/17/1073/FUL to refer to amended site layout plan and external works layout plan to relocate footpath – awaiting determination.

### **PUBLICITY**

The application was advertised on site.

Neighbouring properties were notified of the application.

The period for consultation/publicity originally expired on 5 December 2019 however, following submission of the amended plans on 24 January 2020, a re-consultation was undertaken which expired on 12 February 2020.

### **CONSULTATION RESPONSES**

Newcastle Higher Community Council – raise concerns regarding the proposed development and the impact it will have on neighbouring residential amenities.

Highways Officer – No objection subject to conditions for a parking scheme and compliance with the approved Sales Management Plan.

Drainage Officer – No objection subject to a condition requesting a comprehensive and integrated drainage scheme to be submitted and agreed by the LPA prior to works commencing on site.

Welsh Water Developer Services – No objection subject to an advisory note.

Rights of Way Manager – No objection.

Head of Public Protection – as the application relates to a temporary sales building and the operational hours have been restricted, it is unlikely that the activities involved for the development will generate noise nuisance actionable by this department.

### **REPRESENTATIONS RECEIVED**

Cllr Altaf Hussain (Local Ward Member) – raises an objection to the proposed development and requests that the application is referred to the Council's Planning Committee as he feels that one of the newly constructed dwellings could be used as a sales suite for marketing.

4 letters of objection have been received from neighbouring properties regarding the proposed development raising the following concerns:

- Increased noise and disturbance from visitors to the site and sales office;
- Concerns over lack of visitor parking and increased on street parking which will cause obstruction and hazards to vehicles and pedestrians;
- No need for an additional building, sales office should be accommodated within one of the properties that they are building on the site;

- Loss of privacy to neighbouring properties.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the concerns raised above have been addressed within the appraisal section of this report however, with respect to the additional sales unit, the applicants' agent has advised that they are unable to accommodate the proposed sales suite within a newly built dwelling on the site due to health and safety reasons as construction of the other dwellings will still be continuing on the site.

## **PLANNING POLICIES**

### **Local Policies**

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

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards

### **Supplementary Planning Guidance**

SPG02 - Householder Development

SPG17 – Parking Standards

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

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

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

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

The well-being goals identified in the Act are:

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

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

## APPRAISAL

The application is referred to Committee at the request of the Local Ward Member and to enable consideration of the objections received from the local residents.

The main issues to consider in the determination of this application are the impact on the character and appearance of the existing street scene, the impact on neighbouring properties and impact highway safety.

### Impact on the character and appearance of the existing street scene

The application site forms part of the construction site for the approved residential dwellings and currently there are two porta cabins sited at the entrance of the site which comprise the site office. It is proposed to position the temporary sales suite building in front of the existing site office and along the boundary wall with Healthy Close. Whilst the proposed design and materials of the building would not normally be acceptable, due to its temporary nature and limited use as a sales office, the proposed sales suite is considered acceptable and therefore accords with Policy SP2 (2) and SP2 (3) of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance SPG02: Householder Development.

**Figure 4 – Photograph of Location of Proposed Sales Suite Building**



### Impact on neighbouring properties

The proposed building is to be located within close proximity to the neighbouring properties (1 and 2 Healthy Close and 6 Clos Smyrna). Whilst the proposed development may have a slight adverse impact on the neighbouring properties in terms of its siting and use, due to its temporary nature and use as a sales suite with restricted hours of operation, it is not considered to be so significant to warrant refusal of the application.

The submitted plans of the proposed building indicate that two windows are to be inserted into the eastern elevation of the proposed building which lie within close proximity to the residential properties at Healthy Close. Whilst metal hoarding is currently erected around the site which protects the privacy of the dwellings, it is considered necessary to attach a condition to request that these windows are obscurely glazed to ensure the privacy of these neighbours are protected in the event that the hoarding is removed from the site.



Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities currently enjoyed by the neighbouring properties and therefore accords with Policy SP2 (12) of the LDP 2013 and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Following the Highway Authority's objection, the applicant has submitted a revised indicative site layout which has sketched out the provision of 3 off-street parking spaces within the curtilage of the site. These 3 spaces will provide 1 space for the sales suite employee and 2 spaces for customers. As the sales suite will work on an appointment basis only, it is considered that the provision of 2 spaces will be adequate to cover any crossover of appointments.

**Figure 5 – Location of Proposed 3 Off Street Parking Spaces**



Notwithstanding the above, it is considered that there is the potential to provide 1 or 2 spaces above the 3 proposed which may allow some of the site workers to park within the site. As a result a condition is required for a fully detailed scheme of parking to be submitted. The applicant has also provided a revised sales suite management plan which details how customers will be advised during the appointment booking process not to park on-street but instead use the on-site parking provided. In addition, the appointments will not commence until 10am which allows the peak network traffic to clear. Therefore it is considered that the proposal will not result in additional traffic in peak hours to the detriment of highway safety.

The Highway Officer also raised concerns that the sales suite conflicted with the location of the wheel washing facility however, the site's internal roads are now completed in a tarmac surface and therefore, the requirement for a permanent location for the wheel wash is less critical than during the muck shifting stage of construction which has now finished. Notwithstanding the above, a wheel wash facility will remain located further into the site to be used as and when required to ensure the highway remains free from soil deposits. In addition the Site Manager will utilise a road sweeper during periods of inclement weather.

Accordingly, it is considered that the proposed development is considered acceptable and accords with Policy SP2(6) of the BLDP(2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

### Drainage

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of a condition to any granted consent requiring a comprehensive and integrated drainage scheme to be submitted and agreed prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

### Public Rights of Way

The Rights of Way Officer has confirmed that Footpath 29 Newcastle Higher is in close proximity to the western boundary of the proposed development. The approximate alignment of the footpath as it is currently shown on the Definitive Map is shown by a solid purple line on the revised site plan as this footpath is temporarily closed to enable the development to take place. On closer inspection of the plans submitted with the application, it would seem that none of the works associated with the proposed development would adversely affect the public footpath and therefore the works are considered acceptable however, once the temporary closure finishes, the applicant will be advised to keep the footpath clear of any materials whilst works are being carried out.

### Noise

The Council's Public Protection Officer has assessed the application regarding the impact of noise and disturbance on the existing residents located around the application site and states that as the application is for a temporary sales building and the operational hours have been restricted, it is unlikely that the activities involved for the development will generate noise nuisance actionable under current legislation. Therefore the proposed development accords with Policy SP2(8) of the BLDP(2013).

### Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21st March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." 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

Given the nature of the development as a construction site, it is considered that there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

## **CONCLUSION**

Having regard to the above and notwithstanding the objections lodged by local residents and the Local Ward Member, it is considered that, on balance, and based on the temporary nature of the sales suite, the application is acceptable as it will not have a significant adverse effect on the character and appearance of the residential area or on the amenities of existing residential properties and is not considered to have an adverse effect on the public right of way or highway safety in and around the site.

## **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the Site Location Plan, Proposed Elevation Plan and Sales Suite Brochure received on 31 October 2019 and amended Drawing No. 2209-01L – Site Layout and Sales Suite Management Plan received on 24 January 2020.

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

2. The sales suite building hereby permitted shall be removed from the site and the land restored to its former condition on or before 31 December 2021.

Reason: In the interests of visual and residential amenities.

3. The sales suite building hereby permitted shall operate on an appointment basis only and shall be open to customers between the following times:

Thursdays, Fridays, Saturdays and Mondays between 09:00 and 17:30; and Sundays and Bank Holidays between 10:00 and 16:30 only.

The sales suite shall not be open to customers at any time on Tuesdays or Wednesdays.

Reason: In the interests of residential amenities.

4. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul and surface water will be dealt with, including any future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The drainage system shall thereafter be implemented in accordance with the agreed scheme and so maintained until the sales suite has been removed from the site.

Reason: To ensure a satisfactory form of development, to prevent overloading of the public sewerage system and prevent pollution.

5. The windows located in the eastern elevation of the proposed sales suite building hereby approved shall be non-opening and fitted with obscure glazing to a minimum of level 5 on

the Pilkington of obscurity prior to the beneficial occupation of the approved sales suite and retained for the duration of the period that the sales suite is on site.

Reason: To protect the privacy and residential amenities of the neighbouring properties known as 1 and 2 Healthy Close.

6. No development shall commence until a detailed scheme for the provision of at least 3 off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The agreed parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for parking purposes for the duration that the sales suite is on site.

Reason: In the interests of highway and pedestrian safety.

**\*\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:**

(a) The application is recommended for approval because the development complies with Council policy and guidelines and does not have a significantly adverse effect on the character and appearance of the residential area or on the amenities of existing residential properties due to its temporary nature and is not considered to have an adverse effect on the public right of way or highway safety in and around the site.

(b) No surface water is allowed to discharge to the public highway.

(c) No land drainage run off will be permitted to discharge either directly or indirectly into the public sewerage system.

(d) In order to satisfy the drainage condition a foul and surface water drainage layout is required.

(e) The applicant is advised to contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus as the development site maybe crossed by a public sewer. Welsh water has the right of access to its apparatus at all times.

**JONATHAN PARSONS  
GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES**

**Background Papers**

None

**REFERENCE:** P/19/895/RLX

**APPLICANT:** Mr Hughes  
c/o Boyer, Third floor, Park House, Greyfriars Road, Cardiff  
CF10 3AF

**LOCATION:** Ocean Farm, off David Street, Blaengarw, Bridgend

**PROPOSAL:** Remove condition 1 of P/16/989/RLX to enable permanent use for dog breeding

**RECEIVED:** 3 December 2019

## **APPLICATION/SITE DESCRIPTION**

Retrospective Planning permission was granted for a dog breeding operation at Ocean Farm in 2016 under consent P/15/626/FUL. It was a temporary permission to enable the Local Planning Authority to assess the impact of the use on the amenities of the area and highway safety. An application to increase the number of dogs to be kept at the site was approved in 2017. The temporary nature of the consent was however retained.

This application seeks to relax condition 1 of consent of the latter permission above, to remove the temporary nature of the use and to establish a permanent dog breeding operation on site. Consultant's acting on behalf of the applicant have provided the following comments in support of the application:

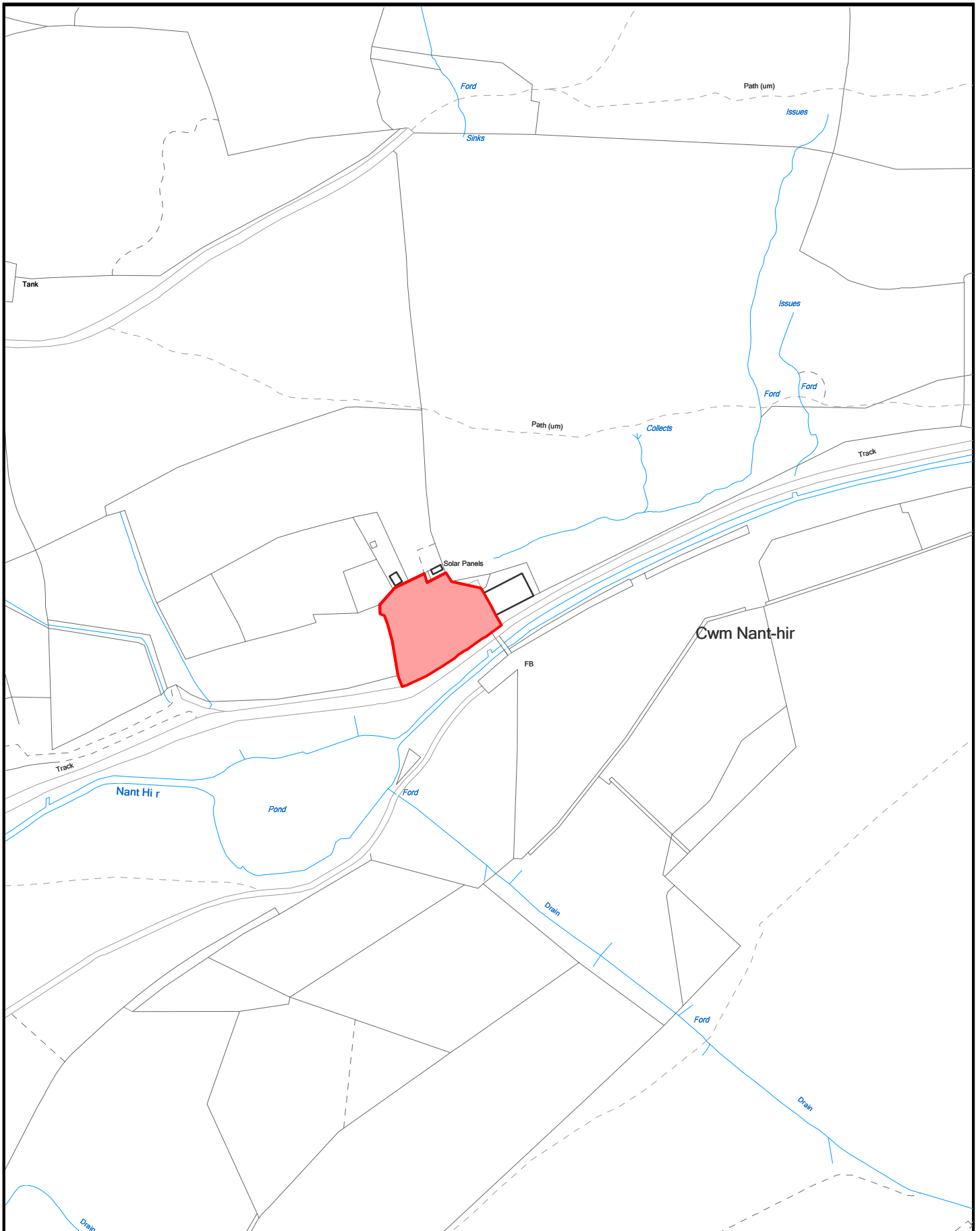
*As we understand, the temporary nature of the approvals was in order for the Local Planning Authority to assess the operation of the dog breeding kennels before being satisfied that it does not adversely affect the privacy or visual amenities nor so significantly harms neighbours amenities as to warrant refusal.*

*It is noted that during the recent Section 73 application that given the nature of the development, it is considered that, overall there will be no significant adverse residual impacts on biodiversity. Also that the countryside location was considered appropriate for the use of both in terms of forming part of an existing rural enterprise but also being distant from residential properties.*

*It is also considered that there have been no adverse complaints regarding the operation, with the Council's own Environmental Health Officer raising no previous objection.*

The dog breeding use operates from a former stable building on Ocean Farm, Blaengarw. The building which measures 9.5m x 2.4m was converted in 2015 and accommodates 13 kennels. A smaller building to the north and the adjacent yard area are also used to accommodate and to exercise the dogs.

Access to Ocean Farm is along a non-maintainable track, owned by the Council which once formed part of a colliery access road. It leads from David Street and extends some 315m to the entrance of the farm.



Jonathan Parsons  
 Group Manager  
 PLanning & Development Services  
 Communities Directorate

Bridgend County Borough Council,  
 Civic Offices,  
 Angel Street,  
 Bridgend,  
 CF31 4WB

**P/19/895/FUL**

**Ocean Farm  
 off David Street  
 Blaengarw**

Scale: 1: 2,500  
 Date: 18/02/2020

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**Extract from OS Base Map of Application Site**

## **RELEVANT HISTORY**

**P/10/102/FUL** – Retrospective consent issued for sheep shed extension and hay shed extension on 9 April 2010.

**P/15/626/FUL** – Permission to change the use from stables to dog kennels for commercial dog breeding was approved on 15 March 2016. The consent was issued on a temporary basis expiring on 31 December 2019.

**P/16/988/FUL** – The retention of the caravan and associated buildings was refused planning permission on 15 March 2019.

**P/16/989/RLX** – Permission to vary condition 3 of P/15/626/FUL and to allow the number of breeding dogs to be increased on site was issued on 28 April 2017.

## **PUBLICITY**

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

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

## **CONSULTATION RESPONSES**

**Highway Officer:** No adverse comments received.

**Garw Valley Community Council:** object to this application on the following grounds:

- The Community and Community Council's concerns regarding the welfare of animals kept at the site.
- The previous decision to only grant temporary consent - there have been no changes to the circumstances to warrant permanent consent.

- The highway to the site is not suitable for additional traffic.

**Councillor S K Dendy (Local Member):** has raised concerns on a number of occasions concerning the condition and treatment of the animals on the property. Reference has been made to a previous ban for keeping dogs and concerns around the means of sale of puppies currently taking place. The Local Member considers that the need for permanent dog breeding business is unnecessary and uncertain whether all previous conditions have been met. Concerns have also been expressed over the implementation of Lucy's Law.

**Shared Regulatory Services (Environment (Enterprise & Specialist Services):** Ocean Farm Breeding Kennels currently operates under a licence for 8 dogs (7 female and 1 male) and a maximum capacity of 21 puppies at one time. The Animal Health & Welfare Officer has received a large number of complaints regarding breeding at the site, however whenever officers have attended both announced and unannounced, the complaints have not been substantiated.

## **REPRESENTATIONS RECEIVED**

Objections have been received from:-

1 Stable Lane - Pantygog  
4 Stable Lane - Pantygog  
31 David Street - Blaengarw  
3 Mount Pleasant - Blaengarw  
247 Erw Hir – Bridgend  
125 Merthyr Mawr Road - Bridgend

Three emailed objections have also been received although no postal addresses were provided with the communications. The following is a summary of all the objections received:-

1. Application not in the interests of the well-being of the dogs – puppy farming (high volume breeding) is an unacceptable practice and needs to be abolished – concerns about the sales of puppies from site
2. Any person previously convicted of cruelty to animals should not be allowed to keep animals – is the breeding business currently licenced?
3. Appearance of the site is unkempt – the business is out of keeping with the area
4. Animals are poorly managed on site
5. The highway serving the site is not suitable for additional traffic

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The main objections to this application relate to the welfare of the animals and alleged offences for animal cruelty. These are extremely sensitive and emotive issues that often arise on such applications. The lack of weight normally given to such objections has been addressed in a number of appeals and in particular a case in England where thousands of representations and several large petitions had been submitted raising moral and ethical objection to breeding dog. The Secretary of State had regard to the fact that the Courts had determined that moral considerations were not normally material to a Planning decision, and he took account of the fact that other legislation existed outside the land-use planning regime to control the breeding of animals. The breeding operation at Ocean



Farm is fully licenced and monitored by the Animal Health & Welfare Officers of the Shared Regulatory Services Section of this Council.

A puppy farm is an intensive form of dog breeding where animals are generally kept in poor conditions. Whilst such operations are not condoned by the Planning system they are controlled/enforced under other legislation.

## **POLICY CONTEXT**

The relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (LDP) (2013) are:

Strategic Policy SP2 – Design and Sustainable Place Making  
Strategic Policy SP3 – Strategic Transport Planning Principles  
Strategic Policy SP4 – Conservation and Enhancement of the Natural Environment  
Policy ENV1 – Development in the Countryside  
Policy ENV4 – Local/Regional Nature Conservation Site  
Policy ENV6 – Nature Conservation  
Policy ENV7 – Natural Resource Protection and Public Health

Supplementary Planning Guidance Notes (SPG):  
SPG19: Biodiversity and Development

Local Development Plan Policy SP2 (Design and Sustainable Place Making) is the overarching policy which should be considered in the assessment of all Planning applications. It states:

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located whilst having full regard to the natural, historic and built environment by:-

- 1) Complying with all relevant national policy and guidance where appropriate;
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- 3) Being of an appropriate scale, size and prominence;
- 4) Using land efficiently by:
  - (i) Being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
  - (ii) Having a preference for development on previously developed land over Greenfield land;
- 5) Providing for an appropriate mix of land uses;
- 6) Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;
- 7) Minimising opportunities for crime to be generated or increased;
- 8) Avoiding or minimising noise, air, soil and water pollution;
- 9) Incorporating methods to ensure the site is free from contamination (including invasive

species).

10) Safeguarding and enhancing biodiversity and green infrastructure;

11) Ensuring equality of access by all;

12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;

13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;

14) Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and

15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

The supporting text to this Policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new built development is sensitive to its surrounding environment.

In the determination of a Planning application, regard should also be given to the requirements of National Planning Policy and the appropriate Technical Advice Notes.

## **APPRAISAL**

The application is being reported to Members due to the number of objections received from residents, the Community Council and the local Ward Member.

Section 73 (S73) of the Town and Country Planning Act 1990 enables an applicant to apply to develop land without compliance with conditions attached to an extant previous Planning permission. Under this Section a Local Planning Authority may amend or remove conditions but may not amend any other part of the permission. A successful S73 application results in the grant of a new Planning permission and therefore the original permission remains intact. A developer may then elect between them.

When determining a S73 application, the Local Planning Authority may impose conditions beyond those proposed in the application, however, the conditions imposed should only be ones which could have been imposed on the original grant. It has previously been held that the amendments permitted should not amount to a “fundamental alteration” of the proposal put forward in the original application

The main issues in the assessment of this application are whether relaxing condition 1 of P/16/989/RLX and permitting a permanent dog breeding operation on site would be compliant with the local and national policies that protect the countryside, safeguard the amenities of residents and the wider environment and whether the access arrangements are acceptable to serve the proposed development.

In appraising the original application it was recognised that all development schemes should contribute to creating high quality, attractive, sustainable places which enhance the community. The countryside which is the location of this development is offered special protection and development should benefit the rural economy whilst maintaining or enhancing the environment. Certain developments may be appropriate in the countryside, provided that they will encourage rural enterprise and bring wider community benefits. Given the location of the development, Policy ENV1 represents the starting point for the

assessment and indicates that development may be acceptable where it is necessary for:

- Appropriate rural enterprises where a countryside location is necessary for development;
- The suitable conversion of, and limited extension to, structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;

The Policy further states that where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and details for its context.

At a local level, this countryside location is offered further protection, forming part of the Blaengarw North East Site of Importance for Nature Conservation (SINC).

From a national policy perspective, PPW states that “the countryside is seen as a multi-purpose resource that should be conserved and where possible, enhanced for the sake of its...agricultural value and for its landscape and natural resources. A strong rural economy is however essential to support sustainable and vibrant rural communities and whilst the protection of the open countryside should be maintained wherever possible, the expansion of existing businesses should be supported provided there no unacceptable impacts”.

There has always been some debate as to whether dog breeding is a rural enterprise but it is generally accepted that because of noise from barking, kennels are more appropriate in rural than urban locations. Given that the dog breeding business operates from existing rural buildings and the yard of a small holding, the development has not significant effects on its rural setting. The condition and appearance of the kennel block that houses the breeding dogs could however be approved and this is more significant given that the application proposes a permanent use. It is therefore considered appropriate to impose a planning condition that requires a scheme of improvements to the external appearance of the building and for those works to be implemented within an established timeframe.

The Planning system should maximise its contribution to achieving the well-being goals and in particular a healthier Wales by aiming to reduce average population exposure to noise pollution. Noise and the impact on the amenities of residents is a material Planning consideration. Since the issue of the temporary consent for the breeding operation, the Department is not aware of any complaints being received concerning noise. Members should be mindful that the nearest property is more than 250m from the application site. It is often cited in appeal cases that a breeding operation is far less likely to cause barking as the dogs so kept are used to each other.

A further material consideration following from the keeping of dogs is the question of smell, in particular the disposal of litter. Normally, however, smell and health problems which arise from kennels are not sufficiently serious to warrant them being given much weight in the Planning decision making process, particularly as other legislation may be used to tackle any difficulties. There is no evidence before the Council that the operation is causing any significant harm to the amenities of residents.

In granting the temporary Planning permission, the Council's Land Drainage Engineers and Dwr Cymru Welsh Water did not identify any drainage issues although the Council's Ecologist highlighted potential pollution issues associated with the washing down of kennels – the Nant Hir runs adjacent to the site. Kennels can produce both liquid and solid waste. Solid waste is collected and disposed of appropriately. The wash down from kennels is however discharged onto the permeable yard which could result in pollution to

'controlled waters'. A condition will be re-imposed on any consent granted that will require the agreement of a scheme for the disposal of the 'wash down' from the kennel building.

Safeguarding and enhancing biodiversity and green infrastructure is a requirement of Policy SP2 and follows the requirement of national legislation that requires a public authority to maintain and enhance biodiversity in the exercise of functions in relation to Wales and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. (Section 6 of the Environment (Wales) Act 2016 refers). 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".

Given the nature of the development, it is considered that, overall there will be no significant adverse impacts on biodiversity. The impacts on the SINC are longstanding and are not exacerbated by the development. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended). Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP Policies (ENV4 (2), ENV5 & ENV6).

Access to the site was formed as part of the colliery reclamation scheme in the 1990s and as well as serving this registered small holding, it provides an informal recreational route to the lakes that now form part of the restored landscape. The route is owned by the Council and varies in width from 4-6m and is finished in compacted stone. The Transportation and Development Control Section on the previous applications indicated that the existing access was not suitable to cater for a significant increase in traffic without modification. The applicant indicated that no dogs would be sold from the small holding but from his property in Blaengarw. The nature of puppy sales is that purchasers will often want to inspect the kennels and the breeding dogs before being purchased. The applicant's agent maintains that the number of visits are limited and do not represent a significant increase above that associated with the existing small farming enterprise. Highway safety was one of the reasons for issuing the temporary permission and although there is an admission that customers have called to site in breach of the condition, this has not resulted in a reports of conflict in terms of highway safety. Subject to the re-imposition of the condition that prevents the sale of dogs from the application site, the access arrangements are deemed acceptable to serve a permanent dog breeding operation on site. There is no evidence to suggest that calling customers has caused any disturbance to residents on David Street who are closest to the site access.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). The well-being goals identified in the Act are:

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

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

### **CONCLUSION**

This application which seeks to relax condition 1 of consent P/16/989/RLX and establish a permanent dog breeding operation is considered an acceptable form of development in this rural location which subject to the implementation of works to improve the external appearance of the kennel building should have no significant impact on the character of its landscape. Biodiversity habitats will be unaffected and subject to conditions, the quality of its natural resources, in this case, water should be safeguarded. Furthermore, the permanent dog breeding operation should not adversely affect the living conditions and well-being of residents or be detrimental to highway safety. The objections offered to this application have been noted but where they relate to animal welfare can be afforded little weight as such matters are dealt with under other legislation. There are no grounds therefore to refuse this application.

### **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the plans received on 24 September 2015 and 7 January 2016 as agreed under planning application no. P/16/989/RLX.

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

2. The site shall only be used for Dog Breeding with no sales of dogs/puppies taking place at any time from the site. The total number of dogs kept on site, including puppies and pets, shall not at any time exceed 50.

Reason: To ensure that the Local Planning Authority retains effective control over the use in the interests of the general amenities of the area and in the interests of highway safety.

3. Within one month of the date of this permission, a scheme for the effective disposal of dog waste and details of the means of containing and disposing kennel wash-down and surface water on site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed schemes shall be implemented within six months of the date of this permission and retained throughout the duration of the approved use.

Reason: To prevent pollution of the adjacent watercourse.

4. Within one month of the date of this permission, a scheme to improve the appearance of the kennel building shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall incorporate measures to re-clad/re-render the external walls and to replace/repair the existing roof finish. The agreed scheme of improvement works shall be carried out within 6 months of the date of this permission.

Reason: To improve the appearance of the building in the interests of protecting the landscape and rural character which provide the setting for this development.

**\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

The applicant is advised that effluent from kennels (and the in-combination effect of the adjacent stables and its associated pollution risks) can have serious pollution implications, also prosecutable under the Environmental Protection Act, 1990, the Groundwater Regulations 1998 and the Water Resources Act 1991 section 85. The developer should ensure that they comply with the law and follow pollution prevention guidelines, for example Works and Maintenance in or near Water: PPG5 Environment Agency. There is a Duty of Care which requires that the land owner ensures that all waste is stored and disposed of responsibly, that it is only handled or dealt with by individuals or companies that are authorised to deal with it and that a record is kept of all wastes received or transferred through a system of signed Waste Transfer Notes.

The submission for condition 3 should include pollution prevention control measures to ensure that drainage is properly designed and installed and sound waste management and spillage control measures will be in place and are able to cope with extreme pollution events such as storms.

Incorporating biodiversity enhancements could help contribute to the environmental sustainability of the development and the incorporation of bat bricks, bat tiles and bat boxes into the development would provide summer roosting opportunities for bats. The developer's attention to wildlife and development and opportunities for enhancements which can be found in the Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach.

**JONATHAN PARSONS  
GROUP MANAGER PLANNING AND DEVELOPMENT SERVICES**

**Background Papers**

None

## APPEALS

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

<b>CODE NO.</b>	E/20/3244575 (1884)
<b>APPLICATION NO.</b>	P/19/799/CAC
<b>APPELLANT</b>	MR N CAREY
<b>SUBJECT OF APPEAL</b>	CONSERVATION AREA CONSENT FOR THE REMOVAL OF A 1.5M HIGH WALL TAN Y BRYN, DINAM STREET, NANTYMOEL
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	ENFORCEMENT OFFICER

The application was refused for the following reason:

1. The demolition of a section of stone boundary wall which forms part of the intrinsic character of this property and the Nantymoel Conservation Area does not protect, conserve, promote and enhance this historic environment and is therefore contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan, the placemaking outcomes of Planning Policy Wales – Edition 10 2019 and the guidance in Technical Advice Note 24 - The Historic Environment - May 2017.

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<b>CODE NO.</b>	A/20/3245217 (1885)
<b>APPLICATION NO.</b>	P/19/798/FUL
<b>APPELLANT</b>	MR N CAREY
<b>SUBJECT OF APPEAL</b>	REMOVAL OF A 1.5M HIGH WALL, CREATE PARKING AREA WITH 2M HIGH WOODEN GATES AND DROP KERB TAN Y BRYN, DINAM STREET, NANTYMOEL
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER

The application was refused for the following reason:

1. The demolition of a section of stone boundary wall which forms part of the intrinsic character of this property and the Nantymoel Conservation Area does not protect, conserve, promote and enhance this historic environment and is therefore contrary to Policies SP2 and SP5 of the Bridgend Local Development Plan, the placemaking outcomes of Planning Policy Wales – Edition 10 2019 and the guidance in Technical Advice Note 24 - The Historic Environment - May 2017.

**CODE NO.** A/20/3245529 (1886)  
**APPLICATION NO.** P/19/590/FUL

**APPELLANT** G B PROPERTY COMPANY LTD

**SUBJECT OF APPEAL** THREE PAIRS OF 3 BED SEMI-DETACHED DWELLINGS (6 DWELLINGS IN TOTAL) WITH ASSOCIATED CAR PARKING LAND NORTH OF 12 BRIDGEND ROAD, PONTYCYMMER

**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development, by reason of its location and the lack of acceptable walking, cycling and public transport connections would result in future residents accessing existing facilities and amenities in Pontycymmer along a section of Highway (Bridgend Road) which suffers from a lack of safe pedestrian refuge, a narrowed carriageway, a change in vertical and horizontal alignment, and a junction with substandard vision, resulting in pedestrian / vehicle conflict to the detriment of highway safety. The access arrangements will result in the future occupiers being car dependent which is contrary to Policy SP2 (6 and 14) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of facilitating accessible and healthy environments as referred to in Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations (Wales) Act 2015.
2. The proposed development by virtue of the siting, scale and position of the dwellings on this steeply sloping site and the unobstructed two-way views between habitable room windows would result in an unacceptable loss of privacy to existing residents in Braich y Cymmer Road and would afford an unacceptably poor standard of residential amenity to the future occupants. The development is therefore contrary to Policy SP2 (6 and 14) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of creating and sustaining communities as referred to in Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations
3. The proposed development, by reason of the restricted nature of the site would result in an undesirable and cramped form of development, which would afford an unacceptably poor standard of residential amenity to future occupants, by virtue of the limited usable space, the oppressive outlook from the dwellings and garden contrary to criteria 1, 2, 3 and 12 of Policy SP2 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (2016).

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**CODE NO.** A/20/3246041 (1887)  
**APPLICATION NO.** P/19/590/FUL

**APPELLANT** HAFOD HOUSING ASSOCIATION & JEHU

**SUBJECT OF APPEAL** ERECTION OF 41 AFFORDABLE RESIDENTIAL DWELLINGS WITH ASSOCIATED ON SITE CAR PARKING, ACCESS AND ASSOCIATED WORKS



**PROCEDURE** WRITTEN REPS

**DECISION LEVEL** COMMITTEE

The application was refused for the following reasons:

1. The proposed development, by reason of its distance from existing facilities and services and the lack of acceptable walking, cycling and public transport connections will result in future residents being car dependent which is contrary to Policy SP2 (6 and 14) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of facilitating accessible and healthy environments as referred to in Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations (Wales) Act 2015.
2. The level of noise mitigation required by reason of the site's close proximity to a road and existing industrial uses, will result in poor levels of amenity and well-being to the future occupiers contrary to the objective of Policy SP2 (12) of the Bridgend Local Development Plan 2013, the national sustainable placemaking outcome of creating a healthy environment as referred to in Planning Policy Wales – Edition 10 – December 2018 and the well-being goals of the Well-being of Future Generations (Wales) Act 2015.
3. The design and layout of the proposed development does not incorporate a footway/cycleway link along the site frontage and does not maximise accessibility by walking, cycling and public transport and is therefore contrary to Policy SP2 (6) of the Bridgend Local Development Plan 2013, the Sustainable Transport Hierarchy of Planning required by Planning Policy Wales – Edition 10 – December 2018 and the sustainable development principles and well-being goals of the Well-being of Future Generations (Wales) Act 2015.
4. In the absence of adequate off-street parking for Plots 6, 10, 14, 15, 35 and 36, the submitted layout will generate on-street parking which will dominate the street scene and will affect the safe movement of pedestrians and highway users in conflict with Policies SP2 (11 and 12), PLA11, the Council's Car Parking Guidelines and Paragraphs 4.1.51 and 4.1.52 of Planning Policy Wales – Edition 10 – December 2018.

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

<b>CODE NO.</b>	A/19/3239599 (1876)
<b>APPLICATION NO.</b>	P/19/476/FUL
<b>APPELLANT</b>	MR A POURGHOLI
<b>SUBJECT OF APPEAL</b>	CHANGE USE TO HAND CAR WASH WITH THE ERECTION OF A FREE STANDING CANOPY AND WIDENING OF ONE DOORWAY 35 VILLAGE FARM ROAD, VILLAGE FARM IND ESTATE, PYLE
<b>PROCEDURE</b>	WRITTEN REPS
<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.

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<b>CODE NO. APPLICATION NO.</b>	C/19/3240183 (1880) ENF/248/19/ACK
<b>APPELLANT</b>	MR A POURGHOLI
<b>SUBJECT OF APPEAL</b>	CHANGE USE TO HAND CAR WASH WITH THE ERECTION OF A FREE STANDING CANOPY AND WIDENING OF ONE DOORWAY 35 VILLAGE FARM ROAD, VILLAGE FARM IND ESTATE, PYLE
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	ENFORCEMENT NOTICE
<b>DECISION</b>	NOT DETERMINED AS THE INSPECTOR APPOINTED BY THE WELSH MINISTERS DIRECTED THAT THE PLANNING APPEAL BE ALLOWED SUBJECT TO CONDITIONS.

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

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<b>CODE NO. APPLICATION NO.</b>	A/19/3241246 (1882) P/19/322/FUL
<b>APPELLANT</b>	MRS C POACHER
<b>SUBJECT OF APPEAL</b>	TIMBER SELF CONTAINED HOLIDAY LET UNIT LAND ADJACENT TO PENYLAN FARM, ABERKENFIG
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	SINCE REPORTING THIS TO COMMITTEE THE APPELLANT HAS REQUESTED THAT THE APPEAL BE WITHDRAWN.

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<b>CODE NO. APPLICATION NO.</b>	A/19/3239912 (1879) P/19/495/FUL
<b>APPELLANT</b>	MR G VINE
<b>SUBJECT OF APPEAL</b>	CONVERSION OF EXISTING GARAGE INTO A BEAUTY SALON (RE-SUB OF P/18/297/FUL) 14 WOODLAND AVENUE, PENCOED
<b>PROCEDURE</b>	WRITTEN REPS
<b>DECISION LEVEL</b>	<b>DELEGATED OFFICER</b>
<b>DECISION</b>	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS

TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE DISMISSED.

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

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**RECOMMENDATION**

That the report of the Group Manager Planning & Development Services be noted.

**JONATHAN PARSONS**

**GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

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

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## **Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 07/01/20

**gan Clive Nield BSc(Hon), CEng,  
MICE, MCIWEM, C.WEM**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 22.01.2020**

## **Appeal Decision**

Site visit made on 07/01/20

**by Clive Nield BSc(Hon), CEng, MICE,  
MCIWEM, C.WEM**

**an Inspector appointed by the Welsh Ministers**

**Date: 22.01.2020**

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### **Appeal A - Ref: APP/F6915/C/19/3240183**

**Site address: Land at 35 Village Farm Road, Village Farm, Pyle, Bridgend, CF23 6BL**

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

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr A Pourgholi against an enforcement notice issued by Bridgend County Borough Council.
  - The enforcement notice, numbered ENF/248/19/ACK, was issued on 2 October 2019.
  - The breach of planning control as alleged in the notice is, without planning permission, change of use of the said land from a workshop to a sui generis use for a hand car wash.
  - The requirements of the notice are to: 1. Cease the use of the land for a hand car wash; and 2. Remove any items or machinery used in connection with the hand car wash from the land.
  - The period for compliance with the requirements is 28 days.
  - The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid and there is no appeal on ground (a), the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
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### **Appeal B - Ref: APP/F6915/A/19/3239599**

**Site address: 35 Village Farm Road, Village Farm Industrial Estate, Pyle  
Bridgend, CF23 6BL**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Abedin Pourgholi against the decision of Bridgend County Borough Council.
  - The application Ref P/19/476/FUL, dated 26 June 2019, was refused by notice dated 19 September 2019.
  - The development proposed is change of use to hand car wash and the erection of a free-standing canopy and widening of one doorway.
-

**Decision on Appeal B – Ref: APP/F6915/A/19/3239599**

1. The appeal is allowed and planning permission is granted for the change of use to a hand car wash and the erection of a free-standing canopy and widening of one doorway at 35 Village Farm Road, Village Farm Industrial Estate, Pyle, Bridgend, CF23 6BL, in accordance with the terms of the application, Ref P/19/476/FUL, dated 26 June 2019, subject to the following conditions:

- 1) The development shall be carried out in accordance with the following approved plans: Drawings 01, 02 and 03 (the original application plans), subject to the amended canopy position detailed on the later Drainage Plan.

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

- 2) Within 1 month of the date of this decision, details of the arrangements within the site for the washing, drying and valeting of vehicles and for the turning of vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented within 3 months of the approval and shall thereafter be retained.

*Reason: In the interests of highway and pedestrian safety.*

- 3) Within 3 months of the date of this decision, a scheme for the comprehensive drainage of the site, showing how foul, surface water and trade effluent discharges will be dealt with, including future maintenance requirements, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented within 3 months of the approval and thereafter be retained and maintained.

*Reason: To ensure that effective drainage facilities are provided for the approved development.*

**Decision on Appeal A – Ref: APP/F6915/C/19/3240183**

2. As I have granted planning permission above, I shall not determine this appeal against the enforcement notice.

**Procedural Matters**

3. Whilst the planning application stated the post code of the site to be CF23 6BL, the enforcement notice referred to it as CF23 6NU. I have adopted CF23 6BL as the correct address, along with reference to its location in Pyle.
4. I note that the position of the free-standing canopy is different to that specified on the application plans, and I have considered the appeals on the basis of its actual position.

**Appeal B: Appeal against Refusal of Planning Permission**

5. The main issues to be considered are the effects of the car wash on highway safety and on the amenity of neighbouring occupiers, and whether or not appropriate drainage arrangements can be provided.

*Highway Safety*

6. The Council's refusal refers to the creation of traffic hazards to the detriment of highway and pedestrian safety and the free flow of traffic, including the generation of additional on-street parking in close proximity to the appeal site. Village Farm Road is a no-through road which extends some 600 metres beyond the appeal site and serves a number of other industrial premises on the Village Farm Industrial Estate. The

carriageway is about 7.5 metres wide and has 2 metres wide footways along both sides.

7. There is no evidence that the road is heavily trafficked, and at the time of my site visit it was only subject to occasional vehicles. Clearly, as an industrial estate road, it serves HGV traffic. However, I do not consider that the limited number of additional vehicles likely to visit the hand car wash would have any significant effect on traffic levels on the estate roads or any effect on the safe and free flow of traffic.
8. The Council suggests that the development is likely to lead to customers queuing on the public highway, and that may well be a possibility. However, the premises has a wide entrance gate and space within the site to accommodate up to 9 customer vehicles. Under the circumstances, it would take an exceptional number of customers arriving at the same time to generate queues outside the gate, and I consider the likelihood of this occurring to be quite low; and even if it did, such an occurrence would be infrequent.
9. I am also of the view that, if limited parking on the highway did occur, its implications for highway safety would be quite limited. The road is already used for the parking of cars, and it seems to be normal practice for parking to overlap the footways (whether lawful or not). I do not consider one or two additional vehicles would have any significant effect on highway safety, including the safety of cyclists and pedestrians.
10. My conclusion on this issue is that the car wash development would not significantly affect highway safety and, in this respect, would comply with development plan policy, in particular Policy SP2 of the Bridgend Local Development Plan (2013).

*Amenity of Neighbouring Premises*

11. The Council's third reason for refusal was that insufficient information had been provided to determine the impact of the car wash on the amenities of neighbouring occupiers, particularly in regard to noise and disturbance, and the Council maintains that position even though more information has now been provided.
12. The noisiest piece of equipment would be a pressure washer which would be operated for short periods of time. Other noise would be that of car doors and car engines. The premises either side of the appeal site are small manufacturing units, there is an estate road and other industrial estate premises to the front, and a railway line to the rear. There are no residential premises near to the site. In these circumstances, there is no chance whatsoever that noise from the car wash would affect the amenity of neighbouring premises or any others in the area.
13. I conclude that the car wash would comply with development plan policies, including those specified by the Council, namely policies SP2 and ENV7 of the Bridgend Local Development Plan.

*Drainage*

14. The Council's final reason for refusal stated that insufficient information had been submitted to assess the impact on drainage. However, additional information has been provided with the appeal which indicates that the waste wash-water would be drained from the wash-area and then passed through a silt trap before discharge to the main sewer, though it has not been confirmed that a trade discharge consent has been granted for this.
15. At the time of the application Dŵr Cymru Welsh Water (DCWW) did not object to the proposal subject to conditions to safeguard existing customers and the environment.

This is a fairly simple development, and I would expect acceptable drainage arrangements to be readily achievable. My conclusion is that policy compliance would be met by means of a suitable condition attached to the planning permission. The Council's suggested condition is broadly suitable and, subject to minor changes, I consider it would overcome any deficiency in the present arrangements and the provision of information.

*Overall Conclusion*

16. Overall, my conclusion is that the car wash development (subject to conditions) would comply with development plan policies and that planning permission should be granted.
17. The Council has also suggested a condition for the submission of details of the internal arrangements within the site for the washing, drying and valeting of vehicles, and I consider that to be necessary to clarify the nature and scope of the development permitted. It has also suggested a condition concerning an internal turning area. However, I consider that would be best included in the condition above. As the new use has already been started, a commencement condition is unnecessary. However, I shall apply a condition to specify the application plans in order to define the location and scope of the permission. Finally, a condition to control traffic queuing on the road has been suggested. However, in view of my conclusions above, I do not consider that to be necessary.
18. In reaching my conclusions, 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 the Welsh Ministers' well-being objective to support people and businesses to drive prosperity.

**Appeal A: Ground (g) Appeal against Enforcement Notice**

19. As I have concluded above in favour of granting planning permission for the same development, there is no need for me to consider the ground (g) appeal against the enforcement notice. I shall take no further action.

*Clive Nield*

Inspector

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 08/01/20

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 19.02.2020

## Appeal Decision

Site visit made on 08/01/20

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

an Inspector appointed by the Welsh Ministers

Date: 19.02.2020

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**Appeal Ref: APP/F6915/A/19/3239912**

**Site address: 14 Woodland Avenue, Pencoed, Bridgend, CF35 6UP**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Gordon Vine against the decision of Bridgend County Borough Council.
  - The application Ref P/19/495/FUL, dated 2 July 2019 was refused by notice dated 5 September 2019.
  - The development proposed is existing garage conversion to beauty salon.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. It was evident on my site visit that the development had already taken place. I have therefore made my determination on the basis that the appeal seeks retrospective permission for the development described in the banner heading above.
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### Main Issue

3. The main issue is the effect of the proposal on highway safety.

### Reasons

4. The appeal site comprises a semi-detached house with a separate former garage served by a driveway. It is located in a residential area and within the defined settlement boundary. The garage has been converted into a beauty salon which is solely operated by the appellant's wife. It is stated that no more than 4 appointments are made each day and the salon operates between 1000 to 1700 hours Monday to Friday and 1000 to 1400 hours on Saturdays.
  5. Policy PLA6 of the adopted development plan, the Bridgend County Borough Local Development Plan (the Local Plan), states that development that will generate a net increase in vehicular traffic movement in Pencoed to the west of the railway line will not be permitted. The supporting text to the policy explains that the existing highway network in Pencoed is severely constrained by the mainline railway with no prospect of mitigation during the Plan period. Any development that will result in a net increase in vehicular movements will exacerbate congestion either side of the level crossing and
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the complex over-bridge junction between the eastern end of the relief road and Penybont Road. The Council's evidence explains that the congestion results in long queues through the centre of the village and associated risks to safety arising from over taking towards on-coming traffic for those not wishing to cross the railway line.

6. The appeal site lies to the west of the railway line and within the area the subject of policy PLA6. I have no evidence before me that the reasons for the adoption of the policy are in dispute.
7. The appellant contends that much of the salon's clientele are from within the local area and are therefore likely to comprise existing traffic movements. However, it seems to me that not all trips to the beauty salon are likely to be made in conjunction with other existing trips. Furthermore, I am not persuaded that the location of the salon displaces trips that would otherwise take place over the railway line.
8. I also acknowledge the proximity to sustainable forms of transport, including Pencoed station and local bus stops and the encouragement of national policy to ensure that development is sustainably located. However, whilst this is acknowledged, I have no substantiated evidence before me that clients solely access the site via public transport. Furthermore, there are likely to be vehicular movements associated with deliveries/collection of products in relation to the business.
9. I note that the appointments are spread throughout the day and are stated to be outside peak times. However, the policy seeks to address the traffic issues at all times of the day. I have also taken into account the offer of a suitably worded condition to limit the number of appointments each day, but I do not find that this would overcome the potential for clients to travel by private vehicle or the additional traffic associated with the running of the business.
10. Whilst the traffic associated with this small business is small, I find that it comprises a net increase in vehicular movements. These movements increase the highway safety risks that have been identified. In allowing this development, it would be difficult to resist others that also result in small additional numbers of traffic movements, the cumulative effect of which would be to cause further congestion and the associated risks to highway safety. I note the reference to other appeals<sup>1</sup> and whilst I acknowledge that they related to different proposals, they all involved a small net increase in vehicular movements and reached similar conclusions with regard to the same policy or similar ones in earlier development plans.
11. I conclude that the development results in a net increase in vehicular movements that cause an unacceptable risk to highway safety. It is not in accord with policy PLA6 of the Local Plan.
12. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act). I have taken into account the ways of working set out at section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

<sup>1</sup> PINS Refs: APP/F6915/A/18/3213353; APP/F6915/A/17/3166499; APP/F6915/A/2071917

13. I have taken into account all other matters raised but find none that outweigh the harm that I have identified. For the above reasons I dismiss the appeal.

*VK Hirst*

INSPECTOR

## **TRAINING LOG**

*All training sessions are held in the Council Chamber unless otherwise stated.*

<b><u>Facilitator</u></b>	<b><u>Subject</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>
Jonathan Parsons, <i>Group Manager Planning &amp; Development Services</i>	"Wellbeing & Future Generations Act 2016 and Planning Policy Wales 10 – A Direction of Travel"	9 April 2020	12.45pm

### **Recommendation:**

That the report of the Corporate Director Communities be noted.

**JONATHAN PARSONS  
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

### **Background Papers**

None.

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