

APPEALS

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

CODE NO.	A/17/3167313 (1794)
APPLICATION NO.	P/15/640/FUL
APPELLANT	TRIANGLE 3
SUBJECT OF APPEAL	EXTENSION TO PROVIDE ADDITIONAL CLASS A1 RETAIL FLOORSPACE (1 UNIT) : NEXT TO UNIT 6/7 WATERTON RETAIL PARK WATERTON BRIDGEND
PROCEDURE	INQUIRY
DECISION LEVEL	OFFICER DELEGATED

The application was refused for the following reason:

1. The use of the proposed servicing arrangements by the proposed and future tenants of the new unit and the cumulative impact of the servicing activities of the adjacent retail units would result in noise and disturbance that would result in a significant adverse impact on the living conditions and well-being of the occupiers of properties on Waterton Lane, specifically Waterton Mill and Moss Nook. The development will not avoid or minimise noise pollution and will not ensure that the amenity of neighbouring occupiers will not be adversely affected and is therefore contrary to criterion 8 and 12 of Policy SP2 and Policy ENV7 (2) of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 8, Jan 2016).

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

CODE NO.	A/16/3158624 (1787)
APPLICATION NO.	P/15/869/FUL
APPELLANT	VALLEYS TO COAST HOUSING
SUBJECT OF APPEAL	16 DWELLINGS, NEW ACCESS, CAR PARKING, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS: LAND AT HEOL Y FREHINES CEFN GLAS BRIDGEND
PROCEDURE	INQUIRY
DECISION LEVEL	OFFICER DELEGATED
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED

THE APPEAL DECISION IS ATTACHED AS APPENDIX A

CODE NO. A/16/3162383 (1788)
APPLICATION NO. P/16/318/FUL
APPELLANT TONY KOSTIC
SUBJECT OF APPEAL EXTENSION TO CEFN CRIBWR GARAGE'S EXISTING
HARD SURFACE PARKING AREA: EAST OF CEFN
CRIBBWR GARAGE CEFN ROAD CEFN CRIBBWR
PROCEDURE WRITTEN REPS
DECISION LEVEL OFFICER DELEGATED
DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS
TO DETERMINE THIS APPEAL DIRECTED THAT THE
APPEAL BE DISMISSED

THE APPEAL DECISION IS ATTACHED AS APPENDIX B

RECOMMENDATION:

That the report of the Corporate Director Communities be noted.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
(see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/12/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.02.2017

Appeal Decision

Site visit made on 20/12/16

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

an Inspector appointed by the Welsh Ministers

Date: 16.02.2017

Appeal Ref: APP/F6915/A/16/3158624

Site address: Land at Heol Y Frenhines, Cefn Glas, Bridgend

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 Valleys to Coast Housing Association against the decision of Bridgend County Borough Council.
 - The application Ref P/15/869/FUL, dated 22 December 2015, was refused by notice dated 5 May 2016.
 - The development proposed is the erection of 16 dwellings, new access, car parking, open space, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans have been submitted with the appeal. However these comprise material changes that have not been subject to formal consultation. In my judgement to consider these amended plans would be prejudicial to the interests of local representatives and I have not therefore taken them into account.

Main Issues

3. These are the effect of the proposal on the provision of open space, and the character and appearance of the area.

Reasons

4. The proposal concerns two areas of open space, a large parcel of land in front of dwellings set back off Heol y Frenhines, and a smaller area to rear of a garage forecourt nearby. The Council does not object to the loss of the latter, and given its limited use and somewhat secluded insecure location, and that replacement play facilities would be provided on another part of the site, I do not disagree. Similarly I consider that the design and form of the proposed housing on this part of the site is acceptable.
 5. However, the larger area of open space is reasonably level and maintained, and it is evident from local representation that it is a popular and well used space for informal
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recreation. Other similar pockets of open space exist in the wider area and cumulatively they form integral features of the planned housing layout and form. In my view, not only does the site perform as an important social and community facility for local residents, it also makes a fundamental contribution to the established character and visual qualities of the area.

Open space

6. Policy SP13 of the Bridgend Local Development Plan (LDP) confirms that recreational space shall be retained or enhanced to maintain or improve the quality of life of residents. LDP Policy COM7 seeks to prevent the loss of social and community facilities unless: a suitable alternative location and equivalent facility is provided; it is no longer required; or that there is an excess of provision in the area.
7. The proposal would not physically replace the larger area of open space in any alternative location, and although an equipped play area would be provided, this would be sited on an existing strip of open space within the appeal site itself. Whilst it might provide improved play equipment facilities, in size, function, and location I would not regard it as an equivalent facility. I acknowledge the Unilateral Undertaking (UU) which, among other things, makes provision for off-site contributions to improve outdoor sport facilities at Bridgend Recreation Centre, and for maintenance of the play space facilities to be provided on the appeal site. Nonetheless, for reasons that I have explained the latter would not provide an equivalent facility for the loss of open space involved. Similarly, improvements to outdoor sports facilities elsewhere in Bridgend, and some distance from the site, would not adequately address the localised loss of a valuable social and community facility that provides immediate benefits to the quality of life of residents. Furthermore, the site is identified in the Council's Open Space Audit 2010, and I have little evidence to suggest that it is no longer required.
8. Turning to existing provision in the area, an assessment carried out by the appellant to Fields In Trust (FIT) criteria indicates that whilst there is a deficiency of children's play space in the larger Bridgend sub-area, there is an over provision in a smaller defined area around the appeal site, which takes into account FIT guideline walking distances. However, the appeal site in this case has a wider function as an informal area for recreation and is evidently valued across the whole community, not just those households with young children. The assessment identifies other areas of open space in the locality but these do not compare in quality or accessibility to the appeal site. Given the importance of the site as a social and community facility, the findings of the appellant's assessment do not therefore alter my overall conclusions that the proposal would conflict with the objectives of LDP Policies SP13 and COM7.

Character and appearance

9. There is some diversity to the appearance of existing dwellings and their general architectural quality is not of any particular merit. However, there is a consistent form to the housing layout and pattern which is generally typical of a planned post war estate. In particular, the housing is mainly arranged in semi-detached pairs, interspersed with a few modest terraces, and generally takes a horizontal linear form. There are some staggered semi-detached pairs in the locality but even so the regular spacing of these houses assists in retaining the linear emphasis. By contrast, the proposal would create a large crescent shaped terrace of some 10 dwellings, with a pair of semi-detached houses awkwardly juxtaposed in a prominent roadside corner of the site. The curved style of the terrace together with its scale would create a visually jarring form of development that would not relate satisfactorily to the existing form

and layout of the surrounding area. The siting of the proposed semi-detached houses would also appear visually unrelated to the proposed terrace resulting in an overall impression of an ad hoc and arbitrary form of development out of character with the systematic planned context that I have described. Moreover, the proposal would impose on an important area of open space that provides physical relief to the built up context and enhances the visual quality of the local environment for residents.

10. The external materials used in the existing area have invariably altered over time, but render is still a prevailing characteristic of the housing form. Although a condition could control external finishes to a degree, the predominant use of facing brick across the large scale of the proposed development would be visually dominant and further exacerbate the incompatibility of its design and form with its setting.
11. I accept that the design of the development would be contemporary however in its existing context the proposal would cause material harm to the character and appearance of the area. This would be contrary to the objectives of LDP Policy SP2 to ensure that all development contributes to creating high quality, attractive and sustainable places which enhance the community in which they are located.

Other Matters

12. I have had regard to all other material considerations which have been raised in local representation, which include parking, traffic, drainage, privacy and biodiversity. However I have little tangible evidence to indicate that the proposal would be unacceptable for these reasons. I have also considered the benefits of the proposal which include the provision of affordable housing in an accessible and sustainable location within an existing settlement. However, I have little information that demonstrates the local need for affordable housing in this particular location and I find that the harm in this case would not be outweighed by these considerations.
13. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ('WBFG Act'). In reaching this decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I 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 set out as required by section 8 of the WBFG Act.
14. For the above reasons and having regard to all other matters raised, I conclude that the appeal is dismissed.

P J Davies

INSPECTOR

Appendix B



The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/01/17

**gan Paul Selby BEng (Hons) MSc
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 13.02.2017

Appeal Decision

Site visit made on 16/01/17

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 13.02.2017

Appeal Ref: APP/F6915/A/16/3162383

**Site address: Land at Cefn Cribwr Garage, Cefn Road, Cefn Cribwr, Bridgend CF32
OBA**

**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 Tony Kostic against the decision of Bridgend County Borough Council.
 - The application Ref P/16/318/FUL, dated 22 April 2016, was refused by notice dated 21 October 2016.
 - The development proposed is Extension to Cefn Cribwr Garage's existing hard surface parking area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, having regard to local policy relating to development outside settlement boundaries and other considerations.

Reasons

3. The appeal site lies on the south side of Cefn Road towards the eastern end of the linear settlement of Cefn Cribwr. A commercial garage, to which the appeal site relates, is situated immediately to the west. This garage and the neighbouring Bethlehem Church Life Centre lie within the settlement boundary as designated by the Bridgend Local Development Plan (LDP). Conversely, the appeal site lies within the open countryside, and appears as a modest field parcel enclosed by hedgerows, post-and-rail fencing and two trees.
 4. Other than immediately west of the appeal site and at Cefn Cross, the eastern part of Cefn Cribwr is characterised by suburban residential development on the north side of the road and open land towards the south in either agricultural or recreational use. The grass and hedgerows of the appeal site afford it a rural character and appearance similar to the fields adjacent to it, establishing a clear gap between the site and the cluster of houses at Cefn Cross, which contributes to the rural setting of the village.
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5. The appeal proposal would replace the existing grassland with blinded hardcore, maintaining the boundary hedgerows and fencing. However, I noted on my site visit that, irrespective of the hedgerow screening, the site occupies a prominent position adjacent to the road and is of sufficient size to accommodate some way in excess of 10 vehicles. I do not dispute that hardcore surfacing would allow for more orderly parking on the site, but in facilitating its use for parking vehicles the appeal proposal would significantly urbanise the site and harmfully extend the settlement into the countryside in what is a prominent and sensitive fringe location.
6. The appellant has stressed the temporary nature of the intended parking for vehicles awaiting repairs or servicing, but there would be little to prevent the site from being used permanently. Whilst I do not dispute that car parks are provided in other, potentially more sensitive, rural locations, that does not justify the visual harm that would be caused by the proposal. As the proposed development is described as an extension to an existing hard surfaced area and was considered on this basis, it would not be appropriate for me to impose a condition requiring loose bound material. In any event this would have little effect on any visual harm arising from parked vehicles.
7. The appellant contends that the adjacent motor repair garage has operated for over 50 years, but that further growth of its motor repairs, MOTs and car sales operations are hampered by physical and policy constraints restricting expansion. It is submitted that relocation would be impractical and would deprive the village of a local garage service and that, consequently, the economic benefits of the proposal should be afforded weight as a material consideration, as outlined in paragraphs 3.1.2 and 3.1.3 of Planning Policy Wales – Edition 9 (PPW).
8. Technical Advice Note 23 – Economic Development (TAN 23) states that, where a proposed development would cause unacceptable environmental or social harm, demand should be steered to an alternative location, unless the harm is outweighed by the additional benefit of development at the original site in question. In assessing these benefits and weighing them against any harm, TAN 23 advocates the use of a qualitative, criteria-based assessment of alternative sites, jobs accommodated and any other special contribution to policy objectives.
9. Whilst I recognise that the appeal site would provide a logical extension to the existing garage in economic terms, and I do not dispute that there would be potential demand for motor repairs within the village, there is no compelling evidence before me to indicate that this demand could not be met on an alternative site nearby. In addition, it is not evident that the appeal proposal would create any additional employment over and above the existing amount or assist in sustaining the village economy. Whilst I note the support of the Council’s Projects and Business Approaches Team Leader, the contribution of the proposal to strategic regeneration objectives has not been quantified. Furthermore, no economic justification has been advanced relating to the necessity of a rural location.
10. My attention has been drawn to two previous appeal decisions from 2003 on the same site (Refs APP/F6915/C/02/1095193 and APP/F6915/C/02/1095194. These are enforcement decisions relating to the change of use of land for storing and parking vehicles, and storing waste building material. A substantial period of time has elapsed since those appeals were decided, and the local and national policy context has materially changed. In addition, limited information is before me regarding the nature and extent of the previous vehicle parking compared to that proposed. Nonetheless, I note that the previous Inspector came to similar conclusions as I have done in relation

to the harmful visual effect of parking or storing vehicles on the site. I afford these decisions moderate weight.

11. I acknowledge that the motor repair business has long been established in its current location and there is substantial local support for its expansion. Whilst I do not dispute that business growth and operational changes within the garage since 2003 may have created additional pressures for external parking, the benefits of the proposal do not outweigh the identified harm. Furthermore, given the similar nature of land immediately to the east and the absence of a bespoke economic justification for the proposal, I consider that allowing the proposal would have the potential to introduce precedential effects. For the reasons given above, I conclude that the proposal would harm the character and appearance of the area, contrary to the design, landscape and locational aims of LDP policies SP4, ENV1 and SP2. For the same reasons the proposal would run counter to the general thrust of PPW and TAN 23.

Other Matters

12. Whilst the proposal would increase space for manoeuvring vehicles and thus potentially reduce the need for reversing onto the highway, few details have been provided regarding the proposed layout of the wider forecourt. There is therefore no certainty that the proposal would result in permanent manoeuvring space that would result in benefits to highway safety. In terms of sustainability and biodiversity, the benefits of the proposal would appear to be neutral. I attach substantially limited weight to these matters.

13. I note the comments made by the appellant regarding the application process. However, irrespective of whether or not opportunities were given to amend the proposal during the application process, it is incumbent on me to determine the appeal on the basis of the submitted information, and its planning merits, which is what I have proceeded to do.

14. 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 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I 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 set out in section 8 of the WBFG Act.

Conclusion

15. For the reasons set out, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Paul Selby

INSPECTOR