

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

29 NOVEMBER 2017

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

DEPARTURE FROM DEVELOPMENT PLAN - PLANNING APPLICATION P/17/585/FUL

1. Purpose of Report

- 1.1 On 9 November, 2017, the Development Control Committee considered planning application P/17/585/FUL as a departure from the Local Development Plan. The Development Control Committee resolved not to refuse planning permission so the application is referred to Council which is requested to approve the application subject to conditions.
- 1.2 A copy of the Development Control Committee report is attached at Appendix 1.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The delivery of the County Borough Council's planning functions has links to all three of the Council's corporate priorities as outlined in the Corporate Improvement Plan 2016-2020.

3. Background

- 3.1 The retrospective application relates to the change of use from an ancillary office to Class D1 (physiotherapy clinic and studio), as defined by the Town and Country Planning (Use Classes) Order 1987, at Nodor House, South Road, Bridgend Industrial Estate.
- 3.2 The site has recently been vacated by South Wales Police who used the area as B1 office space. The site is now being utilised by the applicant as a physiotherapy studio and clinic without the benefit of planning permission.
- 3.3 The application site is located within the Primary Key Settlement of Bridgend, as defined by Bridgend County Borough Council's Local Development Plan (2013). The site is within Bridgend Industrial Estate, which is an allocated Employment Site (REG1(2)) that is protected for employment development falling within B1, B2 and B8 use classes.
- 3.4 This application is a resubmission of a previous application for the "change of use from an ancillary office to Class D1 (physiotherapy clinic)" received on 1 March 2017 under planning reference P/17/44/FUL. The application was refused on 24 April 2017 for the following reason:

"The proposed use is not considered ancillary or complementary to the main employment activity of the premises and as such, the proposal is contrary to Policies REG1 and REG2 of the Local Development Plan (2013), and guidance contained within Supplementary Planning Guidance Note 21 Safeguarding Employment Sites".

- 3.5 Conversely to the original application, the resubmitted application, as considered by the DC Committee, included a Planning Statement dated July 2017; supporting letters from the Managing Director of Nodor Darts International Ltd. (property owner), Watts and Morgan

Chartered Surveyors (Marketing Agents) and the Director of One2One Therapy (company owner); a customer survey and a sequential assessment in support of the application.

- 3.6 Policy REG2 protects identified employment sites unless the proposed use can be described as being complementary and/or ancillary to the wider use of the Industrial Estate for employment purposes.
- 3.7 LDP policies are augmented by Supplementary Planning Guidance Note 21 (Safeguarding Employment Sites, Adopted June 2015), which provides further guidance on non 'B' uses within protected industrial areas and indicates that consideration will be given to the following:-
- The nature of the use proposed and whether it is considered as ancillary to the functioning of the industrial estate;
 - Existing ancillary uses already operating (or recently benefiting from planning consent) on the employment site;
 - The size of the employment site and its ability to sustain the proposed use; and,
 - An assessment of the potential impact on nearby retail centres.
- 3.8 Whilst SPG21 is predominantly concerned with D2 (assembly and leisure uses), reference is also made to other non 'B' uses including food and drink (A3) and retail (A1). The list of alternative uses highlighted is 'not exhaustive' and the criteria can also be used to consider other uses including the current proposal. The previous proposal under application P/17/44/FUL was refused on the basis that the use was neither ancillary nor complementary to the main employment activity of the premises thus being contrary to the LDP.
- 3.9 Due to the limited scale and extent of the use, the fact that the 'physiotherapy clinic and studio' has a number of specific operational requirements (including a level access and parking spaces outside the premises), the lack of suitable alternatives within the town centre and the availability of other units for B1, B2 and B8 uses, there is a reasoned argument for the physiotherapy clinic being located on an allocated employment site, subject to the imposition of a planning condition which limits the use of the site to a 'physiotherapy clinic and studio' only.
- 3.10 The Local Planning Authority can grant permission for development which does not accord with the provisions of the development plan in force in the area under Article 20 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, subject to ratification by Council.

4. Current Situation

- 4.1 The application site is located within Bridgend Industrial Estate which is allocated and protected for employment uses falling within uses B1, B2 and B8 employment uses by policies REG1(2) and REG2 of the adopted Bridgend Local Development Plan (LDP). The application seeks retrospective consent for a physiotherapy clinic and studio within an existing industrial unit.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 Whilst the application does not fully accord with the policies of the Bridgend Local Development Plan the physiotherapy use has already commenced.

6. Equality Impact Assessment.

- 6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Wellbeing of Future Generations (Wales) Act 2015

7.1 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

7.2 The duty was considered in the assessment of the application and in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

8. Financial Implications

8.1 There are no direct financial implications as a result of this report.

9. Recommendation

9.1 That if Council is minded not to refuse the development then the Corporate Director Communities be given plenary powers to issue a decision notice in respect of this proposal to include the following conditions:

1. Notwithstanding the time limit given to implement planning permissions as prescribed by Sections 31 and 32 of the 1990 Town and Country Planning Act (as amended) this permission, being a retrospective permission as prescribed by Section 73A of the of the above Act, shall have been deemed to have been implemented on 7th July, 2017.

Reason: To comply with Section 73A of the above Act.

2. The premises shall be used as a physiotherapy clinic and studio only, and for no other purpose including any other purpose in class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

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

3. The physiotherapy clinic and studio shall only operate within Suite 3 of Nodor House, as shown on the Site Location Plan and Floor Plan received on 7th July 2017.

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

4. Within 1 month of the date of consent, the parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the layout plan (Drwg. No. PL01) received on 10th October 2017. The parking area shall be maintained for the purpose of parking in perpetuity.

Reason: In the interest of highway safety.

Mark Shephard
Corporate Director Communities
29 November, 2017

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Background documents

Appendix 1: Development Control Committee Report