

REFERENCE: P/17/816/FUL

APPLICANT: Pyle Garden Centre 2 Heol Mostyn, Pyle, CF33 6BJ

LOCATION: Pyle Garden Centre 2 Heol Mostyn Pyle CF33 6BJ

PROPOSAL: Redevelopment and extension for extended coffee shop/restaurant area, farm shop, kitchen area, toilets and 2 new concession retail units

RECEIVED: 26th September 2017

SITE INSPECTED: 16th October 2017

DESCRIPTION OF PROPOSED DEVELOPMENT

This application seeks full planning permission for the redevelopment of the eastern edge of the application site to include an extension to the building, at Pyle Garden Centre, Pyle.

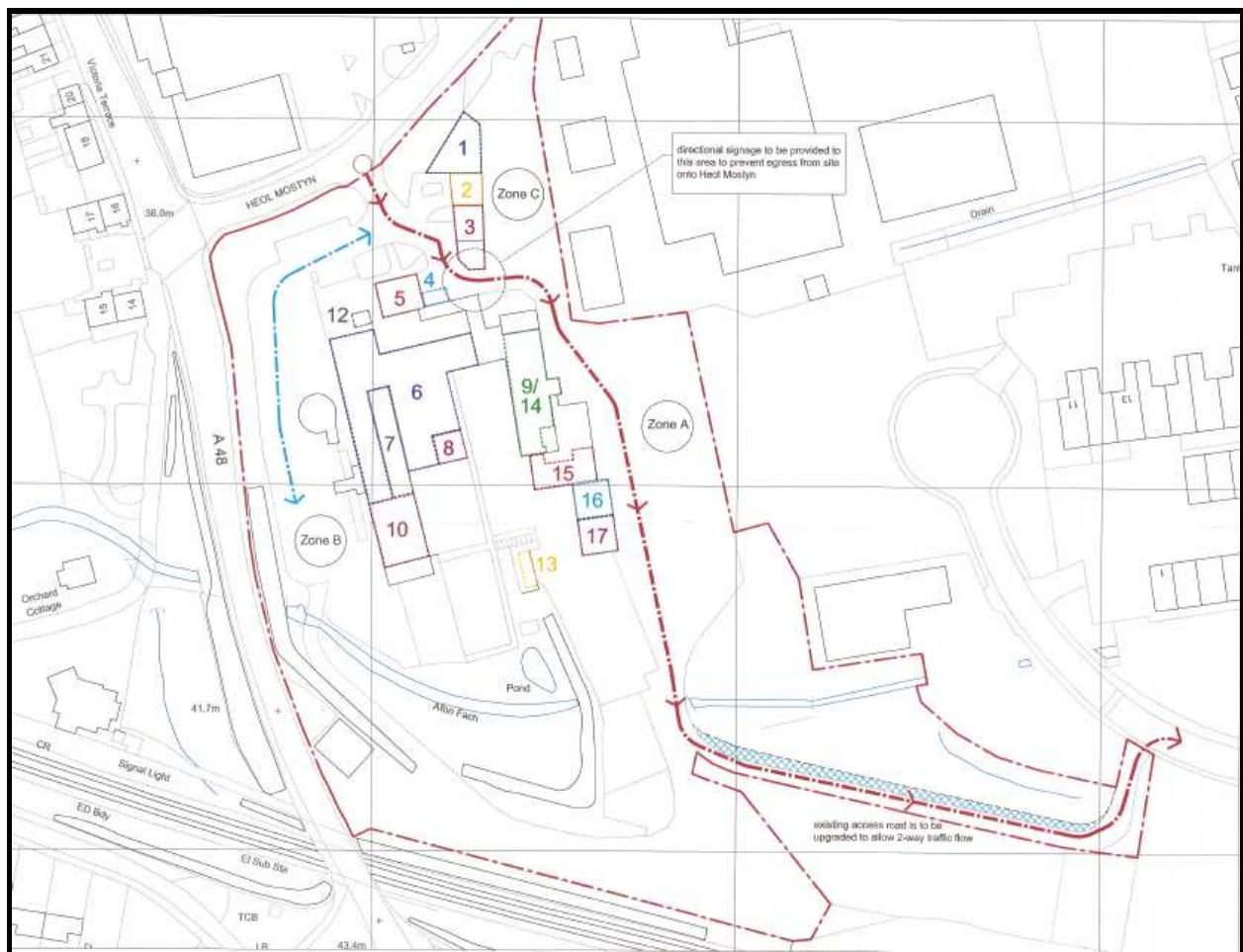


Figure 1

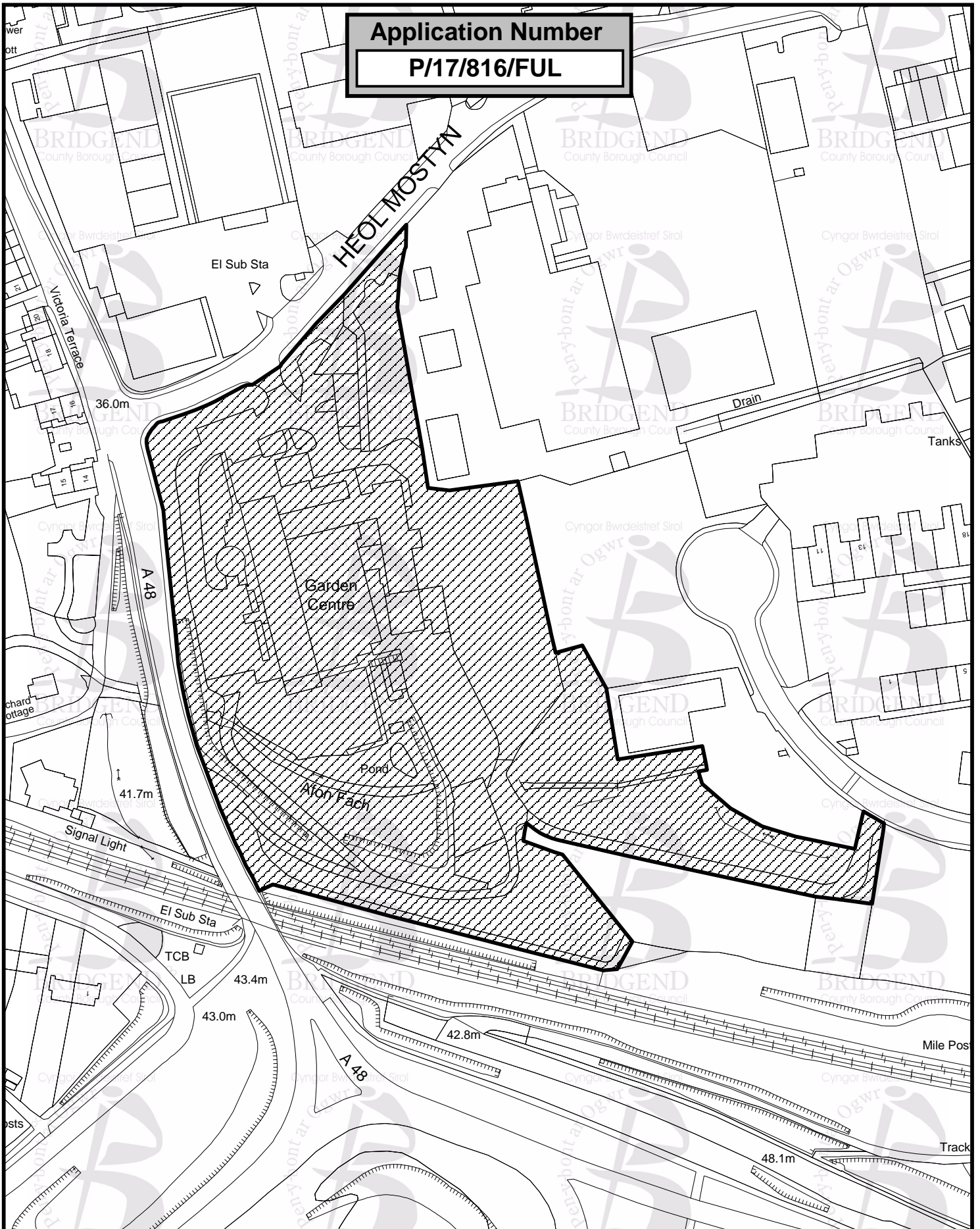
The redevelopment comprises an extension to the eastern section of the building to extend the existing 'Olive Tree Restaurant' area and provide toilet facilities. A coffee shop with delicatessen will replace the existing 'Animal Emporium' and 'Aqualogic'.

In addition, two concession retail units are proposed to be erected which will operate within an A1 use class. The units are positioned on the eastern section of the existing building, and are proposed to measure 20 metres in width, 10 metres in depth and 5.6 metres in maximum height.

The east-facing elevation of the building will be finished in vertical treated timber stained in a grey colour, and will have a light grey polycarbonate cladded roof, as shown below:

Application Number

P/17/816/FUL



Scale 1:1,750

Date Issued:
20/04/2018

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
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O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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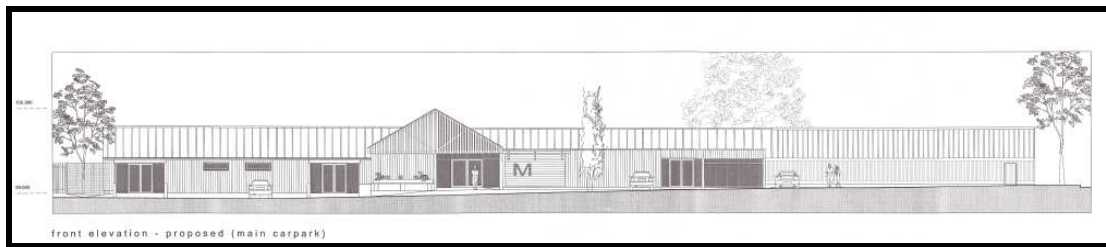


Figure 2

In addition to the above, the application proposes to erect a storage building in the south western corner of the application site. The building will serve as a 'goods in' storage facility, and will measure 10.5 metres in width, 12.5 metres in depth and 5.2 metres in maximum height. It will be finished with powder coated box-profile steel sheeted elevations and a cladded polycarbonate steel roof.

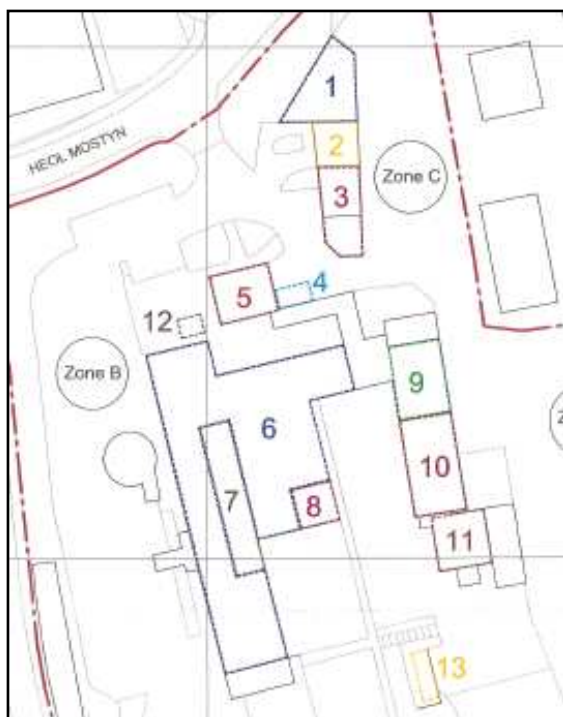
The application also proposes an alteration to the internal vehicular and pedestrian circulation of the application site by introducing a one-way system. The existing car park located to the east of the garden centre, as shown by 'Zona A' in Figure 1 above, will be extended, and an exit for vehicles will be created onto Village Farm Road.

SITE DESCRIPTION

The application site lies within the Main Settlement of Pyle, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). It is situated at the western-most point of Employment Site REG1 (36) *Village Farm Industrial Estate* which is allocated and protected for employment development falling within B1, B2 and B8 uses, and lies approximately 20 metres to the south of the Retail and Commercial Centre of Pyle.

The site's western boundary lies adjacent to the A48 bypass road, whilst being positioned approximately 965 metres to the north of the M4 motorway. It is currently accessed via Heol Mostyn, which runs adjacent to the northern boundary of the application site.

The site comprises a relatively large garden centre complex with car parking allocation. The main building is 'horseshoe' shaped, and is predominantly occupied by the garden centre, which utilises 1,165 square metres of floor space. As shown in the diagram below, there are various ancillary uses currently operating within the main 'n' shaped building and in a separate unit to the north. Each unit is identified in the table below:



Unit Name	Area (m ²)
1. LouLou Salon	150
2. Priory Kitchens	70
3. LouLou Boutique	125
4. Paws Galore	25
5. Leaf Interiors	110
6. Garden Centre	1165
7. Cotton Traders	165
8. Select Heating	60
9. Olive Tree Café	145
10. Animal Emporium	190
11. Aqualogic	110
12. Dunraven	20
13. Main Office	30

The garden centre can be accessed from the existing entrances on the north, east and western elevations, from the three separate car parking areas.

The eastern area is set above the main garden centre, as the land slopes from west to east.

RELEVANT HISTORY

Application Reference	Description	Decision	Date
P/99/533/OUT	Redevelopment of retail outlet to class A1 foodstore fast food unit, petrol car wash, parking	Withdrawn	15/06/2001

PUBLICITY

This application has been advertised through direct neighbour notification and the erection of a site notice. The application was also advertised in the Glamorgan Gem newspaper published on 23rd November 2017.

No representations have been received within the consultation period which expired on 11th January 2018.

CONSULTATION RESPONSES

CONSULTEE	COMMENTS
Countryside Management 12 th October 2017	The applicant should submit a method statement so that the works proceed in a lawful manner that would not undermine protected species.
Land Drainage 12 th October 2017	Recommends the inclusion of the suggested planning conditions in view of the limited information submitted with the planning application.
Dŵr Cymru Welsh Water 16 th October 2017	No objection subject to the imposition of the recommended informative notes.
Public Protection 20 th October 2017	Advises the use of the 'unforeseen contamination' condition in accordance with CIEH best practice.
Transportation, Policy and Development 19 th April 2018	No objection subject to the inclusion of the recommended planning conditions.

RELEVANT POLICIES

The relevant policies and supplementary planning guidance are highlighted below:

Policy PLA1	Settlement Hierarchy and Urban Management
Policy SP2	Design and Sustainable Place Making
Policy SP3	Strategic Transport Planning Principles
Policy PLA11	Parking Standards
Policy ENV5	Green Infrastructure
Policy ENV6	Nature Conservation
Policy REG1	Employment Sites
Policy REG2	Protection of Identified Employment Sites

In addition, the Council has adopted a Supplementary Planning Guidance Note relating to Safeguarding Employment Sites (SPG21 – 17th June 2015). The SPG is a material

consideration in the determination of all planning applications for development which results in the loss of allocated employment land for non 'B Class' uses.

In the determination of a planning application, regard should also be given to the local requirements of National Planning Policy which are not duplicated in the Local Development Plan. The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales Chapter 3	Making and Enforcing Planning Decisions
Planning Policy Wales Chapter 4	Planning for Sustainability
Planning Policy Wales Chapter 7	Economic Development
Planning Policy Wales Chapter 10	Retail and Commercial Development
Planning Policy Wales TAN 4	Retail and Commercial Development
Planning Policy Wales TAN 12	Design
Planning Policy Wales TAN 23	Economic Development

APPRAISAL

This application is presented to the Development Control Committee as it does not fully accord with the criterion of Policy REG1 (36) of the LDP. Although applications for planning permission should be determined in accordance with the adopted Local Development Plan (2013), there are material considerations in this case that outweigh the policy conflicts which are considered in detail below.

PRINCIPLE OF DEVELOPMENT

Planning Policy Wales (Edition 9)(2016) stipulates at paragraph 7.1.3 that:

“the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end, the planning system, including planning policies, should aim to ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses. Local planning authorities should aim to facilitate the provision of sufficient land required by the market, except where there are good reasons to the contrary”.

The application site is located within *Village Farm Industrial Estate* which is allocated and protected for employment development falling within B1, B2 and B8 uses under Policy REG1 (36) of the Local Development Plan (2013).

Policy REG2 is intended to protect identified employment sites from proposals which result in the loss of existing or proposed employment (B1, B2 or B8) land or buildings on sites identified in Policy REG1. Exceptions will need to be justified on the following grounds:

*“1. In appropriate locations, a limited number of those uses regarded as complementary and/or ancillary to the main use of the land for industrial purposes; or
2. In appropriate locations, those sui generis employment uses which are suitable located on employment land”.*

The proposal is not strictly considered to be compliant with Policies REG1 (36) and REG2 of the Local Development Plan (2013). However, given that Pyle Garden Centre is an established retail facility and has operated as an A1 use class for a significant period of time without detriment to the allocated and identified employment site, the proposal is considered to be an appropriate form of development in this location which is in close proximity to the defined Pyle Retail Centre.

Whilst not strictly operating within a B1, B2 or B8 use class, Pyle Garden Centre generates an

employment facility within the Main Settlement of Pyle. The current proposal would introduce 14 full-time and 7 part-time roles, in addition to those existing, helping to promote the local economy.

The continued use of the application site for non B1, B2 or B8 uses will not fundamentally alter the nature of the *Village Farm Industrial Estate*, and as such it is argued that the economic benefits of the scheme outweigh the requirements of Policies REG1 (36) and REG2. The development is therefore considered to be acceptable.

DESIGN

Planning Policy Wales (Edition 9)(2016) (PPW) at paragraph 4.11.9 stipulates the following:

“the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations”.

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

The proposed extension to the eastern section of the building, whilst large, represents an improvement to the existing facility (shown in the photographs below), and will enhance the slightly dilapidated area of the application site. In addition, this area is not highly visible from public vantage points.



The proposal is considered to be of an appropriate prominence within the application site, and will not be so detrimental to the visual appearance of the application site or wider industrial estate to warrant a refusal on such grounds. Therefore, the extension is considered to be appropriate from a design perspective, compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013).

The erection of a building to provide a storage facility in the south western corner of the application site is considered to be a modest form of development that will not detract from the character or appearance of the area, in accordance with Policy SP2 of the Local Development Plan (2013). The building will not be visible from public vantage points, and is therefore considered to be of an appropriate prominence. The materials are designed to

AMENITY

Given the location of the additional retail units, the proposed development is not considered to impact the existing levels of amenity, and as such, no concerns are raised.

HIGHWAYS

The Transportation, Policy and Development Section acknowledge that, at peak periods, the junction of the A48 and Heol Mostyn operate at overcapacity, causing congestion on the A48. However, whilst the proposal may increase traffic on the highway network, it is considered not to have a material impact, given that trips are likely to take place outside of the peak periods.

The number of vehicular trips to the extended restaurant, coffee shop facility and retail concession units proposed is unlikely to increase the overall number of movements to and from the garden centre, as the trips would form part of a wider linked trip by existing customers. Customers already visiting the garden centre are likely to visit the extended restaurant, coffee shop facility and retail concession units proposed, and the amount of trips generated solely for the purpose of visiting the extended and new facilities are likely to be minimal and would be non-material to the highway network.

Notwithstanding the above, it is acknowledged by the applicant that congestion on the local highway network is a concern of The Highway Authority, and as such, has proposed a one-way system through the application site. Currently, the access to the site is off Heol Mostyn, where vehicles currently enter and exit the site. The proposed one-way system will see vehicles enter the site off Heol Mostyn, and exit via a new access point on the eastern boundary of the site, adjacent to Village Farm Road. It is considered that the one-way system will ensure pedestrians and vehicles do not come into conflict, which furthermore provides the benefit of removing the high risk of queuing out on the highway from the garden centre.

Subject to the imposition of the recommended planning conditions, the Transportation, Policy and Development Section consider that the proposal is acceptable from a highway safety perspective.

LAND DRAINAGE

The application is considered to be acceptable in terms of drainage subject to the imposition of a planning condition which recommends that no development shall commence on the site until a scheme which outlines a comprehensive and integrated drainage system is submitted to the Local Planning Authority.

ECOLOGY

In this instance, the Countryside Management Officer considered that it would not be necessary to request the submission of surveys in respect of protected species. It was recommended that the applicant be reminded of their legal requirements to consider wildlife on the development site, through the use of an informative note.

The Countryside Management Officer recommended that consideration be given to the provision of nest boxes within the development for bat and bird species. The applicant has demonstrated the inclusion of bat and bird boxes within the proposed area of development, and within the trees adjacent to the proposed extension. The incorporation of bat and bird boxes provides summer roosting opportunities for bats and would enhance the environmental sustainability of the development through the promotion of the resilience of ecosystems.

As such, the proposal is considered to be compliant with Policies ENV5 and ENV6 of the Local Development Plan (2013) which seeks to enhance Green Infrastructure and Nature Conservation, and is acceptable from an ecological perspective.

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 will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

CONCLUSION

The proposed development is considered to be appropriate in this location, despite being located within the allocated employment site under Policy REG1 (36) of the Local Development Plan. The economic benefits of the proposed scheme are considered to outweigh any policy conflicts, particularly given that Pyle Garden Centre has operated within an A1 use class for a significant period of time without detriment to the allocated and identified employment site.

The design of the proposal is considered to comply with Policy SP2 of the Local Development Plan (2013), and will offer the opportunity to improve the existing slightly dilapidated structure on the eastern side of the 'horseshoe' shaped building.

No concerns are raised which relate to neighbour amenity, and subject to the imposition of the recommended planning conditions, the proposal is considered to be acceptable from a land drainage and highway safety perspective.

The application is therefore recommended for approval.

RECOMMENDATION

That the Development Control Committee GRANT the proposed development, subject to the following condition(s):-

1. The development shall be carried out in accordance with the following drawing numbers:
 - "1721-PO8" received on 26th September 2017;
 - "1721-P01" received on 26th September 2017;
 - "1721-P04" received on 26th September 2017;
 - "1721-P07 A" received on 20th October 2017;
 - "1721-P05 A" received on 20th October 2017;
 - "1721-P06 A" received on 20th October 2017;
 - "1721-AC" received on 30th October 2017;
 - "1721-P10" received on 22nd December 2017.

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

2. Prior to the commencement of development, a method statement which outlines the timing of the works and demonstrates that they will not undermine protected species shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.

Reason: In the interests of protected species and biodiversity.

3. Prior to the commencement of development, a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including future maintenance requirements, must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented prior to the beneficial use of the development.

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

4. No development shall commence until a scheme for the provision of 111 off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The 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 in perpetuity.

Reason: In the interests of highway safety.

5. No development shall commence until a scheme of directional / no exit signage at the Heol Mostyn entrance, one-way signage between units 3 & 4 and no entry signage at the Village Farm Rd exit has been submitted to and approved in writing by the Local Planning Authority. The signage scheme shall be implemented before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety.

6. No development shall commence until a Traffic & Delivery Plan has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the store shall be made in accordance with approved Traffic & Delivery Plan once the development is brought into beneficial use and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

7. No development shall commence until a scheme for the provision of a pedestrian footway from Heol Mostyn linking to the entrance and a pedestrian footway / shared use path linking the Village Farm Rd access to the entrance has been submitted to and approved in writing by the Local Planning Authority. The footpath shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety and to promote sustainable travel modes to the development as part of the Active Travel (Wales) Act 2013.

8. No development shall commence until a scheme for the revised vehicular entrance off Heol Mostyn, to narrow the width of the bell mouth, which will ensure vehicles do not exit onto Heol Mostyn has been submitted to and approved in writing by the Local Planning Authority. The revised vehicular access shall be implemented in permanent materials before the development is brought into beneficial use and retained in perpetuity.

Reason: In the interests of highway safety and the free flow of traffic.

9. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because the development complies with Council's policy and guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

British bats and their breeding sites and resting places are protected by law through UK legislation under the Conservation of Habitats and Species Regulations 2010 which implements the EC Directive 92/43/EEC in the United Kingdom and the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). This legislation makes it an absolute offence to damage or destroy a breeding site or resting place (sometimes referred to as a roost, whether the animal is present at the time of not), intentionally or recklessly obstruct access to a place used for shelter and protection, or deliberately capture, injure, kill, or disturb a bat/bats.

Under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.

No surface water is allowed to discharge to the public highway.

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

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dŵr Cymru Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

The applicant may need to apply to Dŵr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also confirm to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" - 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on Dŵr Cymru Welsh Water's maps of public sewers because they were originally privately owned and transferred into public ownership by nature of the Water Industry (Schemes for Adoption or Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. The applicant may contact Dŵr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dŵr Cymru Welsh Water has rights of access to its apparatus at all times.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to the Local Planning Authority.

Any topsoil (natural or manufactured) or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to the Local Planning Authority in advance of its importation.

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to the Local Planning Authority in advance of its importation.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None