

DEVELOPMENT CONTROL COMMITTEE

18 December 2025

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>
8	17	P/23/771/FUL

MRPP, acting for Tesco Stores Ltd has submitted a further letter of objection dated 16.12.2025 (**Letter**), following a review of the committee report on the above application. A copy of the Letter is reproduced in full for Members consideration as **Appendix A** to the amendment sheet.

In summary, MRPP submit that the approach taken in the Conclusion to the weighing of the Planning Balance is “confused.” In their view, *“Relevant key Development Plan policies should have first been identified and if a recommendation decision could not be made because of compliance or failure with or against all of them then the most relevant policies need to be considered as a whole against which other material considerations can then be applied.”* They maintain that the content of the report has *“significant misinterpretations and misapplications of development plan policy. When these are then applied to the approach that seeks to inform decision-making in the Report’s Conclusions, i.e. in the ‘planning balance,’ the outcome is not credible.”*

The Letter has been considered and the following addendum has been prepared. It does not change the conclusions in the Committee Report but has been provided for completeness. The table below summarises the key Local Plan (**RLDP**) policies that were considered and applied in reaching the Recommendation, and further clarifies the original application of RLDP Policy ENT3:

Policy	Purpose	Consideration in the Assessment of Application P/23/771/FUL
SP1: Regeneration and Sustainable Growth Strategy	Overarching strategic policy that details the Replacement Local Development Plan's (RLDP's), overall Growth and Spatial Strategy. This Strategy will be enabled through the allocation of Mixed-Use Strategic Development Sites (SP2), Housing Sites (COM1) and Employment Sites (ENT1).	The site is located in the Bridgend Sustainable Growth Area as defined by RLDP Policy SP1: Regeneration and Sustainable Growth Strategy, which is a key Area where regeneration and sustainable development will be focused. The site's position in the context of RLDP Policy SP1 has been duly considered. It is

		<p>recognised that the site forms part of a broader portfolio of new employment sites as allocated by ENT1 to deliver the employment land strategy detailed in Policy SP11. Equally, the site is safeguarded for employment uses by Policy ENT2.</p> <p>However, SP1 is clear that, “<i>depending on the locational, physical, construction and operational characteristics of development proposals (on both allocated and other sites), other relevant policies will also be engaged</i>”. In this instance, as the proposal is for non-employment use, Policy ENT3 has been duly engaged as detailed below.</p>
SP11: Employment Land Strategy	<p>Overarching strategic policy that sets the framework for the employment land strategy, supported by five Development Management Policies (ENT1 - ENT5).</p> <p>RLDP Spatial Policy SP11 specifies how the employment land strategy will be delivered by:</p> <ol style="list-style-type: none"> 1) Allocating Strategic Employment Sites; 2) Allocating a portfolio of (non-strategic) Employment Sites; 3) Retaining and safeguarding established sustainable and viable employment sites; and 4) Allowing smaller- 	<p>The proposal has been considered in the context of RLDP Policy SP11, notably criteria 2 and 3. The site is one of the 16 (non-strategic) employment sites referenced in criterion 2 and is also one of the safeguarded employment sites referenced in criterion 3.</p> <p>Three of SP11’s supporting Development Management Policies are relevant to this proposal.</p> <p>ENT1 supports SP11 by allocating new employment land for development.</p> <p>ENT2 supports SP11 by safeguarding the employment function of existing business and</p>

	<p>scale employment within local service settlements and rural enterprises.</p>	<p>employment sites.</p> <p>ENT 3 outlines criteria to determine applications for non-B uses on such sites.</p> <p>Policies ENT1, 2 and 3 have been duly considered in the context of Policy SP11 as outlined below.</p>
ENT1: Employment Allocations	<p>Allocates 68.8 hectares of employment land for new employment development across 2x strategic employment sites and 16x (non-strategic) employment sites.</p> <p>Strategic employment sites represent the greatest assets to the County Borough in terms of their propensity to attract high quality businesses plus investment.</p> <p>A variety of new employment land is also allocated on (non-strategic) employment sites, suitable for all types of employment uses of differing size and type. These sites predominantly comprise undeveloped parcels within existing estates.</p>	<p>The proposal is located on 1 of the 16 (non-strategic) employment sites allocated for new employment uses (ENT1 (3): Brackla Industrial Estate).</p> <p>It seeks to develop an Aldi Foodstore on 1.75ha of the 7.7ha allocated for employment use: representing only one fifth of the land allocated for new employment uses on this site.</p> <p>As the proposal is not for B space employment use, it has been considered in the context of Policy ENT3 through the application of its five criteria. The proposal is deemed acceptable on this basis as set out below.</p>
ENT2: Protection of Employment Sites	<p>A safeguarding policy to protect the employment function of existing businesses and employment sites. This policy references 34 employment sites across the county borough with existing employment uses, including most of the (non-strategic) partially developed employment sites specifically referenced in Policy ENT1.</p>	<p>The proposal is located on one of the (non-strategic) employment sites detailed in Policy ENT2.</p> <p>Any proposals for Non-B uses on allocated employment sites are however subject to assessment under RLDP Policy ENT3 and can still be deemed acceptable if the criteria within Policy ENT3 are met. This proposal has therefore</p>

		been duly assessed under Policy ENT3 as detailed below.
ENT3: Non-B Uses on Allocated Employment Sites	<p>A criteria-based policy to assess proposals that are not employment (Class B1, B2 or B8) on allocated employment sites.</p> <p>The change of use of allocated industrial and commercial land and premises (including vacant land on employment sites) from Use Classes B1, B2 and B8 to residential uses will not be permitted. The change of use from Classes B1, B2 and B8 to other uses will be supported where it can be demonstrated five criteria are met.</p>	<p>Policy RLDP ENT3 has been duly considered and the proposal has been assessed against the five criteria therein. This analysis is provided under the Appraisal Section of the Committee Report. However, an overview is provided below for completeness.</p>

Assessment of the Proposal Under Policy ENT3

The proposal is for retail development rather than employment development. While the site is not a retail allocation within the Replacement Local Development Plan (**RLDP**), **Policy ENT3** provides the basis to determine proposals for non-B uses on allocated employment sites. Policy ENT3 states that the change of use of allocated industrial and commercial land and premises (including vacant land on employment sites) from Use Classes B1, B2 and B8 to *residential uses* will not be permitted. The change of use from Classes B1, B2 and B8 to *other uses* will be supported subject to a range of criteria, which is addressed in turn below:

1) There are no suitable sites available with reference to the retail hierarchy detailed within SP12 and other policies in this Plan

The applicant has considered the extent of the catchment area likely to be served by the proposal, including areas within and on the edge of existing centres. The applicant has sequentially identified eight sites within that catchment area in order to consider whether any of these sites are both available and suitable for the development proposed. The applicant's assessment concludes that there are **no sequentially preferable sites** within the town centre or in edge-of-centre locations elsewhere within the primary catchment area. This sequential assessment been subject to independent review by Emery Planning, who also agree that the respective sites are not suitable and/or available for development.

The sequential test as outlined in national policy is distinct from criterion 1 of RLDP Policy **ENT3**. The retail hierarchy referenced in Criterion 1 is specified in Policy SP12 as follows:

- 1) Sub regional Centre - Bridgend Town Centre
- 2) Town Centres - Maesteg and Porthcawl
- 3) District Centres - Aberkenfig (Valleys Gateway); Kenfig Hill, Ogmore Vale; Pencoed; Pontycymmer; and Pyle;
- 4) Local Centres - Bettws North; Bettws South; Blackmill; Blaengarw; Brackla; Broadlands; Bryntirion; Caerau; Laleston; Nantymoel; North Cornelly; Nottage; Pontrhydyff; Sarn; Verlands Court (Pencoed); Wildmill; and Five Bells Road (Bridgend)

Policy SP12 promotes the Town, District and Local Centres as hubs of socio-economic activity and the focal points for a diverse range of services which support the needs of the communities they serve. The '*Town Centre First*' approach is key to enabling such centres to increasingly become multi-functional places and community focal points, thereby rendering them more viable as go-to destinations. As such, suitable sites within the retail hierarchy should be considered in the first instance to accommodate retail proposals of this nature.

The applicant's Retail Statement (2023) has considered the availability of suitable sites with reference to the Retail Hierarchy. These include:

- Bridgend Sub Regional Centre,
- Five Bells Road Local Service Centre,
- Brackla Local Service Centre,
- Sarn Local Service Centre; and
- Wildmill Local service Centre.

This approach specifically references the retail hierarchy for Bridgend and has demonstrated there are no development sites within or on the edge of any the centres above which could realistically accommodate the scale and form of development for which planning permission is sought. As such, a site outside of the hierarchy is necessary for the proposed used, thereby meeting this criterion.

2) A building on an allocated employment site is required to accommodate the use

The scale and form of retail development requires a discount foodstore of 2,000m² gross external area, alongside requisite customer car parking (126 spaces total), vehicular access roads, a servicing area, and associated hard and soft landscaping.

There is no existing building on the site that could be converted to accommodate to this use. Moreover, as outlined above, other sites within Bridgend Sub Regional Centre and other Local Centres have been considered and discounted as not being suitable to accommodate a proposal of this scale and nature. This has necessitated consideration of an employment allocation to accommodate the use. While the site is allocated for 'B' space employment uses, the proposal would nevertheless generate 'A' space employment uses. On balance, and while this criterion is distinct from Criterion 1, the lack of suitable alternative sites and buildings to accommodate this use means a new building on an allocated employment site is required to accommodate the use. Hence, this criterion is met.

3) The property or site has been vacant for a period of at least 12 months and has been marketed throughout that time at a fair market value for the area and the condition of the property or site

The site is currently undeveloped and has been vacant for a period of at least 12 months. However, the Applicant has confirmed the site has not recently been marketed formally and referred to the fact that the Application was submitted in December 2023, before Policy ENT 3 was adopted in March 2024. The Applicant has therefore been unable to provide marketing evidence in the form of sales particulars in order to satisfy this criterion.

A Commercial Property Market Review has been submitted which details the site's history and a RICS Registered Valuer's opinion of the supply and availability of commercial property and employment land across the County Borough. The Review states that the land was purchased from Welsh Government on 11th March 2013, having been marketed at that time by commercial property agents Lambert Smith Hampton. While evidence of this marketing has not been provided, the Review states, "*we understand from both the commercial land agent and the landowner that the only interest shown in the site was from a housebuilder. Subsequent to this we believe that the site has remained vacant and in its current condition*" (para 3.4-5). The Review then ultimately concludes, the demand for employment development land in this location is considered to be low due to *likely marginal commercial development values*, while preferring other development options within Bridgend.

While the Applicant has not demonstrated full compliance with this criterion, a prior attempt to market this site has taken place. Moreover, it is acknowledged that the proposed use is an **employment generating use** (albeit retail jobs rather than office/industrial jobs). The proposed development would not therefore prejudice the use of the land for employment purposes and, on balance is acceptable.

4) The proposed new development will have no unacceptable impact on neighbouring existing occupiers or allocated uses

MRPP suggest in their letter that the development fails criterion 4 based on a sentence in the report that discusses the relationship of the foodstore to the land to the south which is the subject of an application for affordable housing. It should be noted that the Policy ENT3 refers to '**existing occupiers or allocated uses**'. There are currently no existing occupiers on the immediate adjacent land and the Officer's report demonstrates that the living conditions of existing residents on Cae Cenydd and Ffordd Cadfan will be safeguarded through the recommended conditions. If the affordable housing application is progressed on the adjoining site, its design and layout may need to be amended to mitigate the impact of the foodstore – it is a live application and such changes could be negotiated through the submission of amended plans. Officers maintain that criterion 4 of Policy ENT3 is addressed.

5) The site is accessible by a choice of means of transport other than the car and promotes use of Active Travel opportunities.

MRPP suggest that the provision of the proposed active travel link does not fully meet the requirements of Policy SP5 and ENT3. Members' attention is however drawn to the last paragraph on Page 38 of the Officer's report that deals with this matter. It acknowledges that contributions towards other off-site improvements and public

transport have been discussed with the applicant but the view has been taken that the level of obligation being secured, (£400,000 Active Travel Route), is considered to be reasonable and proportionate to the development.

Notwithstanding the submissions of MRPP, it is considered that all the relevant RLDP policies have been duly considered in the assessment of the application and that, on balance, the recommendation to approve is sound. Although the site is allocated for employment uses in the Bridgend Replacement Local Development Plan (2024), Policy ENT3 does provide that non-B (employment) uses will be supported in such locations where it can be demonstrated that all the above 5 criteria can be addressed. For the reasons set out above and in the committee report, that has been achieved.

(B) The Principal Officer Highways Development Control has requested the addition of the following condition:

33. 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

Reason: In the interests of promoting highway safety and to ensure the development is compliant with Policies SP3 and SP5 of the Bridgend Replacement Local Development Plan (2024).

(C) The applicant's agent has provided the following comments in respect of the requirement to provide an acoustic barrier along the southern boundary of the site, (Condition 9):

"This is an expensive upgrade from a standard 1.8m high close boarded fence. We do not consider this to be necessary as the planning application for the proposed residential development on the land to the south is still under consideration and has not been approved. As such, we contend that the provision of an acoustic barrier (which will be expensive given the length involved) along this southern and eastern boundary (particularly as there is a gap for the Active Travel Route) should not be required as part of this proposed retail development. The Noise Assessment submitted shows no requirement for such a noise barrier along the southern and eastern boundaries."

In a subsequent communication, the agent indicates that the construction of an acoustic fence would cost approximately £25,000.

Colleagues in SRS requested the noise mitigation to protect the amenities of the occupiers of the proposed housing on the adjoining site and not the existing housing on Cae Cenydd and Ffordd Cadfan. In the circumstances, the imposition of the condition may not be reasonable and therefore fails the planning test. Condition 9 should therefore be omitted. Should development be permitted on the adjoining land in the future, it may be necessary for noise mitigation to be incorporated within the housing layout.

JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
18 December 2025

APPENDIX A

Dear Janine,

PROPOSED OUT OF CENTRE FOODSTORE (ALDI), LAND OFF PRINCESS WAY NORTHERN ROUNDABOUT, NORTH OF CAE CENYDD, BRACKLA. REFERENCE: P/23/771/FUL

As you are aware, we act for Tesco Stores Ltd with regard to the above planning application. We made representations to this application by letter dated 4th July 2024. We have now received and reviewed the Officer's Report to Thursday's Planning Committee.

The approach taken in the Conclusion to the Planning Balance is confused. Relevant key Development Plan policies should have first been identified and if a recommendation decision could not be made because of compliance or failure with or against all of them then the most relevant policies need to be considered as a whole against which other material considerations can then be applied.

However, we have identified that the content of the Report has significant misinterpretations and misapplications of development plan policy. When these are then applied to the approach that seeks to inform decision-making in the Report's Conclusions, i.e. in the 'planning balance', the outcome is not credible.

We review relevant material below and have numbered the Report's pages for convenience.

Development Plan Policies which are "*of relevance*" are set out on page 14 of the Report. However, this is not a complete list. For example, Policies SP1, SP11 and ENT3 are not included. These are all critical or relevant policies.

We note that the Report sets out "*the main issues for consideration in the assessment of the Application...*" on page 15. These appear to be, in general, a fair representation and the ordering reflect the key or primary development plan policies, as they are set out in the first bullet point.

Policy ENT2 is set out as a 'policy of relevance'. This is not surprising bearing in mind it is the policy that safeguards the Brackla Industrial Estate for its employment purposes. However, the policy's existence is not addressed in the opening considerations set out at the bottom of page 15 or dealt with on pages 16 and 17. It is only mentioned once in the entire Report. And then only at the end of the Conclusion on page 30. There, it is asserted that it is amongst the policies that, "...*The development accords with...*". But there is no analysis of any such accordance. Policy ENT2 has the title 'Protection of Employment Sites' and its function is, "*In order to protect the employment function of existing business and employment sites*". And to achieve this it sets out only three forms of development that will be permitted. The proposed development does not fall within any

of these. It is not a “*Class B1, B2 or B8 Use*”, it does not provide “*an ancillary facility or service that supports the primary employment use*”, nor is it “*an appropriate waste management facility*”. It is not possible that a 2,000 m² food store can accord with this key policy. Its omission from the relevant part of the Report is of concern.

The overarching employment Policy SP 11: ‘Employment Land Strategy’ is referred to on page 16. However, the policy’s own description of the purpose of this policy and the four identified mechanisms are not referred to in the Report. A review of those purposes reveals that the first three relate specifically to B1, B2 and B8 employment purposes, either directly or via policy ENT2 (see above), or through the provision of small-scale developments within local service settlements and rural enterprises within the countryside. The proposed retail development does not, on any credible interpretation of policy SP 11, accord with it as is asserted in the Report’s Conclusion on page 30. Its misrepresentation is also of concern.

Policy ENT3 should be a relevant policy to the determination of the planning application. But it is not listed on page 14. It is also noted that it is not a policy that the Conclusion states that the development is in accordance with. The policy sets out five criteria that all need to be met for the change of ‘vacant land on employment sites’ to another purpose, (note the use of “*and*” at the end of the fourth criterion). The Report uses an alleged compliance with the sequential assessment test to assert that the first criterion relating to whether, “*There are no other suitable sites available with reference to the retail hierarchy detailed within SP12...*” is met. But this is to misinterpret development plan policies. The sequential test’s purpose is to identify whether there is a more preferable site in terms of town centre first principles. If there is not such a site that cannot then be used to justify compliance against restrictive policies addressing employment land strategy. The sequential test should not be a mechanism for overturning other development plan policies; such policies need to be applied separately. The test in the second criterion seeks satisfaction that “*a building on an allocated employment site is required to accommodate the use*” (our emphasis). This test must be viewed as being distinct from the first criterion. The Report does not distinguish them. A ‘requirement to accommodate’ a use must be a ‘requirement generated by the planning system rather than out of an aspiration by a particular retailer. The Report’s justification on this criterion is not therefore convincing. The third criterion requires marketing subject to specific conditions for a period of at least 12 months. The Officer’s Report confirms that the site has not been marketed. Instead, reference is made to material now more than 10 years old. And even that was not provided by the applicant. No weight can be placed upon the Report’s assertions in this matter. The Report then suggests (on page 17) that because the proposed use would generate employment it, “*...would not therefore prejudice the use of the land for employment purposes and, on balance is acceptable*”. This is wholly irrelevant to the interpretation and/or application of the third criterion. This criterion is not met, and the Policy as a whole is not complied with. The fourth criterion, relating to impact on neighbouring existing occupiers, is failed since the Report identifies (on page 25) that, “*... If the decision of the Committee is to grant planning permission for the*

foodstore, it may be necessary to review the relationship of the proposed housing to this development site...". The fifth criterion, relating to the accessibility of the site by a choice of means of transport other than the car, is failed for the reasoning set out below. There can therefore be no reasonable doubt as the failure of Policy ENT3. This should be a critical policy in the 'Planning Balance' although the Conclusion makes no mention of it.

We note that the Officer's Report (on page 18) in considering the 'Retail Need Test: Qualitative Need' refers to the applicant having referred to the former mixed-use allocation at this location (in the previous local plan) and that, "*the need for convenience provision is partly justified on that basis*". Whilst the Officer does point out that the site, "...now exclusively forms part of an employment allocation as part of the RLDP's employment land supply and the former mixed-use allocation is no longer extant", the officer then explains that some of the applicant's supporting statements, i.e. on jobs and travel distances, still apply. In the stated circumstances, this is at best confusing to the reader, if not irrelevant to the consideration of qualitative need in the determination of this application. It should be ignored notwithstanding that the Report has been published.

On 'The availability of active travel provision to serve the development', the Report helpfully reminds us, on page 20, that, "*it is a criterion of Policy ENT3 that the site is accessible by choice of means of transport other than the car and promotes use of Active Travel opportunities*". But securing it is also the subject of Policy SP5: 'Sustainable Transport and Accessibility'. In particular this provides that the "...scale and siting of the proposal will be required to reduce reliance on private car use by maximising the potential of movement to/from the development by public transport, including for the urban area ensuring developments are served by walking routes to public transport networks"(part 5). The Report notes (page 22) that, "*The site is a significant walking distance from the nearest bus service approx. 1.2 km, which is more than the 500m maximum walking distance given in "CHIT Buses in Urban Environments"*". Accordingly, *it is not considered to be well connected to public transport*". Furthermore, the report identifies that existing footpath/cycle connections are "...not illuminated during hours of darkness and there would be safety benefits to illuminating that route...". The Report confirms that the applicant has rejected the request for financial contributions for further necessary, relevant improvements arguing that, "*The viability of the development will not allow any further contributions*". Whilst the applicant might be funding another link, the scheme will still have considerable deficiencies as apparent from the above extracts. As such it must fail against Policy SP5 (and SP10 (Infrastructure)) notwithstanding the Conclusion asserting that the application accords with both.

On 'acceptability of the development on the living conditions of the occupiers of the nearest residential properties...' we note that the Report explains that, "...*if the decision of the Committee is to grant planning permission for the food store, it may be necessary to review the relationship of the proposed housing to this development site...*" as part of the outstanding proposal P/23/348/FUL. No consideration is given as to how this would

be achieved and through what mechanism. It would appear to be symptomatic of a failure against Policy SP3.

With regard to the Council's 'Good design and sustainable placemaking' Policy SP3, we note that the report describes the proposed building's design in terms that it, "...will have a dark, heavy industrial feel, with the only relief being offered by sections of glazing that wraps around the corner of the building. There are examples online where Aldi have responded to context in a slightly more positive way, with the use of materials that add visual interest whilst "giving a nod" to the vernacular of a given area... A condition will be imposed requiring a revised scheme of elevational treatment that will hopefully introduce a wider pallet of finishes. This should ensure that the development achieves the high standard required by local planning policy" (our emphasis). We fail to understand why an application submitted nearly two years ago remains in the realms of 'hoping' for a relevant policy to be able to be met. For the time being it would be premature to consider that Policy SP3 has been complied with.

We have not reviewed every relevant development plan policy. However, we have identified that the development is not in accordance with a significant number of policies and in particular some that are key or critical to the Planning Balance. When the development plan is considered as a whole and taking account of the most critical policies, it is difficult to determine that together their weight would not be other than against the grant of planning permission. Whilst the Conclusion refers to various conditions that can be imposed to secure an acceptable development, many of these are necessary requirements that are expected of development. Furthermore, there seem to be few, if any, meaningful benefits.

We trust that the content of this communication is helpful in securing the future determination of this application.

Yours sincerely,
Martin Robeson

cc. phil.thomas2@bridgend.gov.uk