

## **APPEALS**

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

**CODE NO.** A/16/3143086 (1773)  
**APP. NO.** P/15/634/FUL  
**APPELLANT** MR ANTHONY SMITH  
**SUBJECT OF APPEAL** NEW DWELLING: LAND BETWEEN 16 & 17 HIGH STREET,  
OGMORE VALE  
**PROCEDURE** WRITTEN REPS  
**DECISION LEVEL** DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed development by reason of the restricted nature of the plot would result in an undesirable and cramped form of development, which would afford an unacceptably poor standard of residential amenity to the future occupants, by virtue of the limited usable space, generally restricted outlook and lack of privacy to the future occupiers of the dwelling, 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 (2014).
2. The erection of a two storey dwelling on this restricted plot would result in potential overlooking and associated loss of privacy for occupiers of adjacent properties, 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 (2014)

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

**CODE NO.** H/15/3138666 (1765)  
**APP. NO.** A/15/11/ADV  
**APPELLANT** MR SANJEEV BHAGOTRA  
**SUBJECT OF APPEAL** NON-ILLUMINATED ADVERTISEMENT SIGN: 1 ROCK STREET  
ABERKENFIG  
**PROCEDURE** WRITTEN REPRESENTATIONS  
**DECISION LEVEL** DELEGATED OFFICER  
**DECISION** **THE INSPECTOR APPOINTED BY THE WELSH MINISTERS  
TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL  
BE DISMISSED**

A copy of this appeal decision is attached as APPENDIX A

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<b>CODE NO.</b>	A/15/3136250 (1762)
<b>APP. NO.</b>	P/15/279/FUL
<b>APPELLANT</b>	UK POWER RESERVE LTD
<b>SUBJECT OF APPEAL</b>	SMALL SCALE STANDBY ELECTRICITY GENERATION PLANT: LAND AT COITY ROAD BRIDGEND
<b>PROCEDURE</b>	HEARING
<b>DECISION LEVEL</b>	DELEGATED OFFICER
<b>DECISION</b>	<b>THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED</b>

A copy of this appeal decision is attached as APPENDIX B

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**RECOMMENDATION:**

That the report of the Corporate Director Communities be noted.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

See relevant application reference number.

## Appendix A



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

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### Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/01/16

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

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 18/2/16

### Appeal Decision

Site visit made on 22/01/16

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

an Inspector appointed by the Welsh Ministers

Date: 18/2/16

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**Appeal Ref: APP/F6915/H/15/3138666**

**Site address: 1 Rock Street, Aberkenfig, Bridgend, Mid Glamorgan, CF32 9BD**

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

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
  - The appeal is made by Mr Sanjeev Bhagotra against the decision of Bridgend County Borough Council.
  - The application Ref A/15/11/ADV, received on 12 May 2015, was refused by notice dated 17 July 2015.
  - The advertisement proposed is one wall sign/advertising sign.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the sign on the visual amenities of the area and on highway safety.

### Reasons

3. The appeal site occupies a corner premises located at the junction of Rock Street with Bridgend Road in the commercial centre of Aberkenfig. Bridgend Road comprises a mixture of commercial and residential properties and with the exception of the ground floor of the appeal site which is currently used as a beauty salon, Rock Street is a predominantly residential street. Rock Street is a narrow cul de sac and at the time of my morning site visit on street parking was evident along its length.
  4. The proposed sign would be erected on the wall between two existing windows on the first floor of the front, southern elevation of the appeal building fronting Rock Street. It would measure 1.72 metres by 1.04 metres, would be constructed of plastic and would be non-illuminated. It would be multi-coloured and would advertise a restaurant located some 2km away.
  5. The appeal building has a dual frontage to Bridgend Road and Rock Street with the elevation facing Rock Street containing a large shop window on the ground floor. The existing beauty salon within the ground floor has its entrance on the splayed corner of
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the building and there are several signs advertising the business including one above the shop window facing Rock Street. These signs are of appropriate scales to the walls and openings to which they relate and are of subtle and recessive colours and designs.

6. In contrast, the proposed sign would be located at a high level between two domestic windows and would be finished in bright and contrasting colours. Due to its position facing Rock Street, it would visually relate to the predominantly residential character of this street rather than the more commercial character of Bridgend Road. Its large horizontal scale would be out of proportion with the domestic scale windows to either side and to the overall form and scale of the residential street scene. It would be a dominating and incongruous feature emphasised by its position at first floor level. I find that it would be harmful to the visual amenities of the area.
7. I note the objection from the Council's Group Manager Transportation and Engineering. The sign would be visible to drivers travelling in a northerly direction along Bridgend Road within a narrow part of the street that requires motorists to negotiate around on-street parking. Nonetheless, I do not concur with the Council's view that the sign's inherent design by virtue of its content, size of lettering, and variation of font types and colours would necessarily be detrimental to highway safety. I note the Council's reference to research which suggests that driver distraction caused by advertisements is a major contributory factor to road accidents. However, in this particular instance I have little substantive evidence before me that this additional sign, albeit primarily addressing the side street rather than the main street, would provide a significant distraction to drivers taking reasonable care for their own and others safety within a commercial area.
8. Notwithstanding this view, the sign would not be advertising a business operating from the appeal building. It is highly likely that the majority of motorists would associate the presence of the sign with the presence of the restaurant and if wishing to visit would seek to stop and park in its vicinity. I note the comment from a local resident that this occurred when the sign was previously erected on the building without permission and which caused disturbance and increased traffic.
9. I consider that the proposal would result in the likelihood of motorists entering Rock Street looking for the restaurant. Rock Street's narrow, dead end nature with little turning space and on street parking would give rise to an increased risk of motorists reversing onto the busier classified Bridgend Road to exit the street. The junction of Rock Street with Bridgend Road is narrow with substandard visibility particularly to the north and even if exiting in forward gear would not provide acceptable levels of forward visibility. In these respects I find that the proposal would give rise to unacceptable risks to highway safety.
10. The appellant has submitted examples of other signs within the area which he contends are larger and more conspicuous than the appeal proposal. I have not been provided with their full details but I noted on my site visit that there are a number of other signs within the locality. Nonetheless many of these are located on business premises fronting Bridgend Road and are viewed within a more commercial context. Those situated near roundabouts and traffic lights are not directly comparative to the appeal proposal for a sign on an existing building within the town. In any event the presence of other commercial signs within the area does not justify the appeal sign which I have considered with regard to its own particular circumstances and context and which I find would be harmful to the visual amenities of the area and to highway safety.

11. The Council has refused the application on the grounds that it would be contrary to the provisions of policies SP2 and SP3 of the adopted Bridgend Local Development Plan. I have not been provided with the full text of these policies. However whilst the development plan is a material consideration, the power to control advertisements may be exercised only in the interests of amenity and public safety. Consequently, the content of the policies is not in itself decisive.
12. I have taken into account all other matters raised including the support for the proposal and the suggestion by Mr Carwyn Jones MP to the appellant to lodge an appeal but I find no matters that outweigh the harm that I have identified. Matters relating to the Council's handling of the application are not pertinent to my considerations in relation to the merits of the proposal. For the reasons given above I conclude that the display of the sign would be detrimental to amenity and to highway safety and I dismiss the appeal.

*Vicki Hirst*

INSPECTOR

## Appendix B



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### Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 02/02/16  
Ymweliad â safle a wnaed ar 02/02/16

**Gan Nicola Gulley MA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad : 17 Mawrth 2016**

### Appeal Decision

Hearing held on 02/02/16  
Site visit made on 02/02/16

**by Nicola Gulley MA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date : 17 March 2016**

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**Appeal Ref: APP/F6915/A/15/3136250**

**Site address: Land at Coity Road, Bridgend, CF31 1PG**

**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 UK Power Reserve Limited against the decision of Bridgend County Borough Council.
  - The application Ref P/15/279/FUL, dated 28 April 2015, was refused by notice dated 17 July 2015.
  - The development proposed is a small scale standby electricity generation plant in individual sound proof containers.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the impact of the proposed development on the future development of the Coity Sidings site for a mixed use scheme comprising residential development, employment use and park and ride facilities and on the wider regeneration of Bridgend.

### Reasons

3. The site comprises an area of approximately 0.32 hectares of overgrown, brownfield land located in a central position within the larger linear shaped site known as Coity Sidings. The appeal site is located adjacent to an electricity sub station and in close proximity to the Great Western Avenue community playing fields and residential properties on Tanyrallt Avenue. Vehicular access to the site would be afforded via Coity Road.
  4. The land at Coity Sidings is allocated under Policy PLA3 (3) of the adopted Bridgend Local Development Plan (LDP) (2013) for a regeneration and mixed use scheme. The individual allocations comprise residential development of 140 dwelling (Policy COM1 (4) land for the development of B1 employment uses (Policy REG1 (3)) and a park and ride scheme (Policy PLA7 (21)). The allocated site is a key part of the LDP strategy for the delivery of the Bridgend Strategic Regeneration Growth Area SRGA) and which seeks to ensure the comprehensive redevelopment of brownfield and under-utilised
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sites. The appeal site is within the part of the allocation identified for residential development and based on a density of 35 dwellings per hectare the proposed density of the site would occupy an area which would accommodate approximately 11 dwellings.

5. The development of the appeal site proposes the construction of a small scale electricity generating plant. The plant would include 14 no. generators housed within individual sound proof containers, each with a bank of radiators approximately 2.2 metres in height on the roof to cool the generator and an exhaust stack some 12.5 metres in height from ground floor level, associated workshop and storage, metering room, transformer compound and gas reception kiosk. The site would be enclosed by a 2.4 metre palisade fence.
6. The Council raises no specific objection to the proposed development in respect of its impact on matters such as air quality, noise, ecology or heritage assets. Concern has been expressed about impact of the large delivery vehicles associated with the proposed development on highway safety. However, the Council indicated at the Hearing that this was a matter which they consider could be effectively addressed by condition and I have neither seen nor heard anything to lead me to disagree. The Council's primary concern is that the proposed development would: prejudice the delivery of the Coity Sidings allocation; have an adverse effect on the Council's ability to maintain a 5 year housing land supply; and, in doing so, undermine the delivery of the Bridgend SRGA.

#### *Residential Development*

7. With regard to the delivery of the residential element of the Coity Sidings allocation, I am advised that in order to progress the delivery of the allocation the owners of site, Dainton Services Ltd, marketed the site during 2012 and that as part of the exercise the company wrote to a number of national and local housebuilders. I understand that no expressions of interest were received. However, the marketing exercise was undertaken prior to the adoption of the LDP and excluded many of the established national and local builders that operate in the Bridgend area. The circumstances today are significantly different, the inclusion of the site as an allocation in an adopted LDP provides greater certainty and the site is likely to be more attractive as a result. I, therefore, afford the marketing exercise little weight.
8. In terms of the impact of the proposed development on the delivery of the Coity Sidings allocation, the appellant contends that the development of the appeal site would not significantly reduce the number of dwellings that would be constructed on the allocated site or have an adverse effect on its development for residential purposes. Whilst I accept that on the basis of the evidence presented that the proposed development could be located in close proximity to residential properties, I am nevertheless concerned that the overtly industrial appearance of the proposed generating plant would deter housebuilders from developing on the allocated site as a whole. The generating plant in Stock Lane, Chadderton, Oldham, is on an existing industrial estate in an established residential area and therefore not directly comparable to this case.
9. The appellant maintains that the non delivery of the Coity Sidings allocation would not have an adverse effect on the supply of housing land or on the delivery of the Bridgend SRGA. Moreover, the appellant contends the findings of the Council's LDP Annual Monitoring Report (2015) demonstrate that house building rates in Bridgend

exceed the levels anticipated in the LDP for this stage in the plan period and that the delivery of the Bridgend SRGA is 'on track'.

10. The 2015 Joint Housing Land Availability Study (JHLAS) indicates that there is a 5.4 year supply of housing land in Bridgend, this includes an allowance for the development of 120 dwellings at the Coity Sidings site between 2018 and 2020. Evidence submitted by the Council suggests that the removal of these units would reduce the supply of housing land in the County Borough to 4.9 years. The appellant does not specifically dispute this point, but contends that because there is no currently no housebuilder interest, it is unlikely that site would contribute to the supply of housing the land within the timescales envisaged in the JHLAS (2015). Whilst the reduction in the availability of housing land might not be considerable, it is nevertheless sufficient to reduce the housing land supply in the County Borough to less than 5 years and as a consequence below the level which is required by Planning Policy Wales, Edition 8 (PPW) (January 2016) and Technical Advice Note 1 - JHLAS (2015) which, could mean that the Council may find it difficult to resist proposals to develop elsewhere, thereby undermining the LDP's strategy to achieve the regeneration of the area.
11. I note the comments by Dainton Services Ltd that they will oppose the inclusion of the allocated site in future iterations of the JHLAS report. However, this is not a matter for me, rather one that would need to be considered by the Council and JHLAS Group at the appropriate time.
12. In light of the above, I consider that the proposed development would have an adverse effect on the development of the Coity Sidings allocation for residential purposes and would be contrary to the objectives of Policy COM1 (4) of the LDP and PPW.

#### *Employment Use*

13. LDP Policy REG1 (3) seeks to deliver Class B 1 uses on the employment element of the allocated site. Both parties agree that the construction of a builders' merchant and a self-storage facility at the site fulfils this requirement. As a consequence I consider that the proposed development would not have an adverse effect on the development of the Coity Sidings site for employment purposes and would comply with the requirements of LDP Policy REG1(3).

#### *Park and Ride*

14. In terms of the park and ride facility for Windmill Railway Station, I note that the LDP seeks the provision of 15 dedicated car parking spaces served by a new access road through the proposed residential development. The appellant contends that: there is no demonstrable need for the park and ride facility at the station; the scheme is financially unviable; and will not be delivered in the LDP period.
15. The Council accepts that the park and ride facility is not a pivotal part of the Coity Sidings allocation, but maintains that the scheme is an important element of the Council's Local Transport Plan (2015) and that, subject to the construction of an access road which would be constructed as part of the residential development, the scheme is viable and could be delivered between 2021 and 2025. In support of this the Council has submitted a copy of the Pyle, Windmill, Brackla Stations Car Park Demand Estimates & Business Case (2013). The findings of the business case make clear that the provision of a park and ride facilities at the station would be economically unviable if it were necessary to fund the construction of an access road



as part of the scheme. The provision of park and ride facilities at Windmill Railway Station is therefore dependent on the development of the Coity Sidings site for residential purposes. As a consequence I consider that the proposed development would have an adverse effect on the future provision of park and ride facilities at Windmill Railway Station and would be contrary to the objectives of LDP Policy PLA7 (21).

### **Other Matters**

16. I note that planning permission for the construction of self storage units was granted on the Coity Sidings site by the Council in November 2012. I am advised that permission has been granted on a temporary basis for a period of 5years only, in order to allow for this part the site to be developed for residential purposes during the LDP period.

### **Conclusions**

17. In reaching my decision I have had regard to all the matters raised in support of the scheme including the benefits to the national and local economy through the provision of back up electricity and assist in transition to a low carbon economy. However, none of these factors are sufficient to alter my overall conclusions. Whilst I consider that the proposal would not have an adverse effect on the provision employment land, this does not outweigh my concerns regarding the effect of the proposed development on the development of the Coity Sidings site for residential purposes, the park and ride facilities at Windmill Railway Station and delivery of wider regeneration objectives in the Bridgend area.

18. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Gulley*

INSPECTOR

**APPEARANCES**

FOR THE APPELLANT:

Sean Greany	Appellant
Matthew Hard, MRTPI	Planning Consultant, Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Susan Jones BA (Hons), Dip TP, MRTPI	Bridgend County Borough Council
Richard Matthams BA (Hons), PG Dip, MRTPI	Bridgend County Borough Council

INTERESTED PERSONS:

Madeleine Palmer	Dainton Group Services Ltd
Shaun Duncan	Dainton Group Services Ltd

**DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Council's Notification of Hearing
- 2 Application Report for PA/335922/14 – Land at Stock Lane, Chadderton, Oldham, OL9 9EY.
- 3 Elevation and location plans for PA/335922/14 – Land at Stock Lane, Chadderton, Oldham, OL9 9EY.
- 4 Memorandum from the Transportation Policy and Development Section, in respect of planning application reference P/12/0807/FUL, dated 12 December 2012.
- 5 Officers' report in respect of planning application reference P/12/0807/FUL, dated 12 December 2012.