

Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
dewis iaith.*

*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Annwyl Cyngorydd,

PWYLLGOR DATBLYGIAD A RHEOLI

Cynhelir Cyfarfod Pwyllgor Datblygiad a Rheoli o bell trwy Timau Microsoft ar **Dydd Iau, 27 Ionawr 2022** am **14:00**.

AGENDA

1. Ymddiheuriadau am absenoldeb
Derbyn ymddiheuriadau am absenoldeb gan Aelodau.
2. Datganiadau o fuddiant
Derbyn datganiadau o ddiddordeb personol a rhagfarnol (os o gwbl) gan Aelodau / Swyddogion yn unol â darpariaethau'r Cod Ymddygiad Aelodau a fabwysiadwyd gan y Cyngor o 1 Medi 2008. Dylai aelodau cael rolau deul o'r fath ddatgan buddiant personol mewn perthynas â'u haelodaeth o Gyngor Tref / Cymuned fath a rhagfarnllyd os ydynt wedi cymryd rhan yn yr ystyriaeth o eitem ar y Cyngor Tref / Cymuned a geir yn Adroddiadau y Swyddog isod.
3. Cymeradwyaeth Cofnodion 3 - 6
I dderbyn am gymeradwyaeth y Cofnodion cyfarfod y 09/12/2021
4. Siaradwyr Cyhoeddus
I gynghori aelodau enwau'r siaradwyr cyhoeddus rhestredig i siarad yn y cyfarfod heddiw (os o gwbl).
5. Taflen Gwelliant
Bod y Cadeirydd yn derbyn taflen gwelliant pwyllgor rheoli datblygu fel eitem frys yn unol â rhan 4 (paragraff 4) Rheolau Gweithdrefn y Cyngor, er mwyn caniatáu i'r Pwyllgor ystyried addasiadau angenrheidiol i adroddiad y Pwyllgor, felly ynghylch hwyr yn ystyried sylwadau a diwygiadau sy'n ei gwneud yn ofynnol i gael eu lletya.
6. Canllawiau Pwyllgor Datblygiad a Rheoli 7 - 10
7. P/20/953/FUL - Parc Gwersylla Brodawel, Lon Moor, Porthcawl CF36 3EJ 11 - 30

Ffôn/Tel: 01656 643643

Negeseuon SMS/ SMS Messaging: 07581 157014

Facs/Fax: 01656 668126

Twitter@bridgendCBC

Ebost/Email: talktous@bridgend.gov.uk

Gwefan/Website: www.bridgend.gov.uk

Cyfnwyd testun: Rhowch 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

Text relay: Put 18001 before any of our phone numbers for the text relay service

Rydym yn croesawu gohebiaeth yn y Gymraeg. Rhowch wybod i ni os yw eich dewis iaith yw'r Gymraeg

We welcome correspondence in Welsh. Please let us know if your language choice is Welsh

8. Apeliadau 31 - 54
9. Rhestr Hyfforddiant 55 - 56
10. Materion Brys
I ystyried unrhyw eitemau o fusnes y, oherwydd amgylchiadau arbennig y cadeirydd o'r farn y dylid eu hystyried yn y cyfarfod fel mater o frys yn unol â Rhan 4 (pharagraff 4) o'r Rheolau Trefn y Cyngor yn y Cyfansoddiad.

Nodyn: Sylwch: Yn sgil yr angen i gadw pellter cymdeithasol, ni fydd y cyfarfod hwn yn cael ei gynnal yn ei leoliad arferol. Yn hytrach, bydd hwn yn gyfarfod rhithwir a bydd Aelodau a Swyddogion yn mynychu o bell. Bydd y cyfarfod yn cael ei recordio i'w ddarlledu ar wefan y Cyngor cyn gynted ag sy'n ymarferol ar ôl y cyfarfod. Os oes gennych unrhyw gwestiwn am hyn, cysylltwch â cabinet_committee@bridgend.gov.uk neu ffoniwch 01656 643147 / 643148.

Yn ddiffuant

K Watson

Prif Swyddog, Gwasanaethau Cyfreithiol a Rheoleiddio, AD a Pholisi Corfforaethol

Dosbarthiad:

Cynghowrwyr

JPD Blundell
N Clarke
RJ Collins
SK Dendy
DK Edwards
RM Granville

Cynghorwyr

A Hussain
MJ Kearn
DRW Lewis
JC Radcliffe
JC Spanswick
RME Stirman

Cynghorwyr

G Thomas
SR Vidal
MC Voisey
KJ Watts
CA Webster
RE Young

Agenda Item 3

PWYLLGOR DATBLYGIAD A RHEOLI - DYDD IAU, 9 RHAGFYR 2021

COFNODION CYFARFOD Y PWYLLGOR DATBLYGIAD A RHEOLI A GYNHALIWYD O BELL TRWY TIMAU MICROSOFT, DYDD IAU, 9 RHAGFYR 2021, AM 14:00

Presennol

Y Cynghorydd G Thomas – Cadeirydd

N Clarke
MJ Kearn
RME Stirman

DK Edwards
DRW Lewis
KJ Watts

RM Granville
JC Radcliffe

A Hussain
JC Spanswick

Ymddiheuriadau am Absenoldeb

CA Webster a/ac RE Young

Swyddogion:

Rhodri Davies	Rheolwr Datblygu a Rheoli Adeiladu
Craig Flower	Arweinydd Tim Cymorth Thechnegol
Mark Galvin	Rheolwr Gwasanaethau Democrataidd Dros dro
Brett Holdsworth	Swyddog Cynllunio Strategol
Rod Jones	Uwch Cyfreithiwr
Jonathan Parsons	Rheolwr Grŵp Datblygu
Andrew Rees	Swyddog Gwasanaethau Democrataidd - Pwyllgorau
Philip Thomas	Prif Swyddog Cynllunio
Leigh Tuck	Swyddog Rheoli Datblygu Trafnidiaeth

542. DATGANIADAU O FUDDIANT

Datganodd y Cynghorydd N Clarke fuddiant personol yn yr agenda Eitem 8 P/21/926/RLX - 45 South Road, Porthcawl CF36 3DG ac agenda Eitem 9 P/21/814/FUL - 45A South Road, Porthcawl CF36 3DG fel aelod o Gyngor Tref Porthcawl ond nid yw'n cymryd unrhyw ran yn y broses gynllunio.

543. CADARNHAU COFNODION

PENDERFYNIAD: Bod cofnodion cyfarfod y Pwyllgor Rheoli Datblygu ar 28 Hydref 2021, yn cael eu cymeradwyo fel cofnod gwir a chywir.

544. SIARADWYR CYHOEDDUS

Nid oedd unrhyw siaradwyr cyhoeddus.

545. TAFLEN DIWYGIADAU

Nid oedd Taflen Ddiwygio.

546. CANLLAWIAU'R PWYLLGOR RHEOLI DATBLYGU

PENDERFYNIAD: Bod Crynodeb o ganllawiau'r Pwyllgor Rheoli Datblygu, fel y'i nodir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau, yn cael ei nodi.

547. **P/21/669/FUL - CLWB TENIS PEN-Y-BONT AR OGWR, HEOL YR EGLWYS, ODDI AR HEOL MERTHYR MAWR, PEN-Y-BONT AR OGWR CF31 3AZ**

PENDERFYNIAD:

Bod y cais uchod yn cael ei ganiatáu, yn ddarostyngedig i'r Amodau a geir yn adroddiad y Cyfarwyddwr Corfforaethol –Cymunedau ac yn ddarostyngedig i'r amodau ychwanegol a ganlyn.

Er gwaethaf y cynlluniau a gyflwynwyd, ni fydd unrhyw ddatblygiad yn digwydd nes bod manyleb fanwl gan gynnwys lliwiau'r deunyddiau sydd i'w defnyddio wrth godi'r Erodrom drwy hyn wedi'u cyflwyno i'r Awdurdod Cynllunio Lleol ac wedi cytuno'n ysgrifenedig arnynt. Bydd y datblygiad yn cael ei wneud yn unol â'r manylion y cytunwyd arnynt.

Rheswm: Sicrhau bod y deunyddiau adeiladu arfaethedig yn briodol i'w defnyddio ar y datblygiad er mwyn gwella a diogelu amwynder gweledol yr ardal.

Ni fydd unrhyw ddatblygiad yn digwydd nes bod manylion y dull o ddiogelu'r Erodrom i'r ddaear wedi'u cyflwyno i'r Awdurdod Cynllunio Lleol ac wedi cytuno'n ysgrifenedig arnynt. Bydd y datblygiad yn cael ei wneud yn unol â'r manylion y cytunwyd arnynt.

Rheswm: Er budd diogelwch.

Cynnig

Erodrom wedi'i llenwi ag aer newydd i orchuddio'r cyrtiau tenis presennol rhwng 1 Hydref a 1 Ebrill i alluogi rhaglen hyfforddi barhaus

548. **P/21/926/RLX - 45 SOUTH ROAD, PORTHCAWL CF36 3DG**

PENDERFYNIAD:

Bod y cais uchod yn cael ei ganiatáu, yn ddarostyngedig i'r Amodau a geir yn adroddiad y Cyfarwyddwr Corfforaethol –Cymunedau.

Cynnig

Amrywio amodau 6, 7 & 8 o P/20/894/FUL i ganiatáu cyflwyno a chytuno ar fanylion cyn eu meddiannu'n fuddiol

549. **P/21/814/FUL - 45A SOUTH ROAD, PORTHCAWL CF36 3DG**

PENDERFYNIAD:

Bod y cais uchod yn cael ei ganiatáu, yn ddarostyngedig i'r Amodau a geir yn adroddiad y Cyfarwyddwr Corfforaethol –Cymunedau.

Cynnig

Cadw uned breswyl fel y'i hadeiladwyd (diwygiad i P/20/894/FUL)

550. APELIADAU

PENDERFYNIAD:

Bod yr Apeliadau canlynol a dderbyniwyd ers y cyfarfod diwethaf, fel y'u rhestrir yn adroddiad y Cyfarwyddwr Corfforaethol - Cymunedau, yn cael eu nodi.

Rhif Cod

Pwnc Apêl

CAS-01379-M4T9Y9 (1931)

Cwmpo 33 o goed o wahanol rywogaethau a darparu coed newydd ar hyd ffiniau deheuol, gorllewinol a gogleddol (derbyniwyd adroddiad coed diwygiedig 3-8-21 yn diwygio nifer y coed i'w cwmpo o 30 i 33)

CAS-00516-Y9X4W2 (1932)

Estyniad ochr/cefn deulawr gyda balconi Juliette: 7 Bryn Bryntirion, Bryntirion

551. COFNOD HYFFORDDIANT

PENDERFYNIAD:

Nodwyd bod adroddiad y Cyfarwyddwr Corfforaethol Cymunedau ar y Log Hyfforddi wedi'i ddiweddarau.

552. EITEMAU BRYS

Nid oedd unrhyw eitemau brys.

Daeth y cyfarfod i ben am 14:54

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Development Control Committee Guidance

I submit for your consideration the following report on Planning Applications and other Development Control matters based upon the information presently submitted to the Department. Should any additional information be submitted between the date of this report and 4.00pm on the day prior to the date of the meeting, relevant to the consideration of an item on the report, that additional information will be made available at the meeting.

For Members' assistance I have provided details on standard conditions on time limits, standard notes (attached to all consents for planning permission) and the reasons to justify site inspections.

STANDARD CONDITIONS

On some applications for planning permission reference is made in the recommendation to the permission granted being subject to standard conditions. These standard conditions set time limits in which the proposed development should be commenced, and are imposed by the Planning Act 1990. Members may find the following explanation helpful:-

Time-limits on full permission

Grants of planning permission (apart from outline permissions) must, under section 91 of the Act, be made subject to a condition imposing a time-limit within which the development authorised must be started. The section specifies a period of five years from the date of the permission. Where planning permission is granted without a condition limiting the duration of the planning permission, it is deemed to be granted subject to the condition that the development to which it relates must be begun not later than the expiration of 5 years beginning with the grant of permission.

Time-limits on outline permissions

Grants of outline planning permission must, under section 92 of the Act, be made subject to conditions imposing two types time-limit, one within which applications must be made for the approval of reserved matters and a second within which the development itself must be started. The periods specified in the section are three years from the grant of outline permission for the submission of applications for approval of reserved matters, and either five years from the grant of permission, or two years from the final approval of the last of the reserved matters, whichever is the longer, for starting the development.

Variation from standard time-limits

If the authority consider it appropriate on planning grounds they may use longer or shorter periods than those specified in the Act, but must give their reasons for so doing.

STANDARD NOTES

- a. Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developer's) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

- b. The enclosed notes which set out the rights of applicants who are aggrieved by the Council's decision.
- c. This planning permission does not convey any approval or consent required by Building Regulations or any other legislation or covenant nor permits you to build on, over or under your neighbour's land (trespass is a civil matter).

To determine whether your building work requires Building Regulation approval, or for other services provided by the Council's Building Control Section, you should contact that Section on 01656 643408 or at:- <http://www.bridgend.gov.uk/buildingcontrol>

- d. Developers are advised to contact the statutory undertakers as to whether any of their apparatus would be affected by the development
- e. Attention is drawn to the provisions of the party wall etc. act 1996
- f. Attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and in particular to the need to not disturb nesting bird and protected species and their habitats.
- g. If your proposal relates to residential development requiring street naming you need to contact 01656 643136
- h. If you are participating in the DIY House Builders and Converters scheme the resultant VAT reclaim will be dealt with at the Chester VAT office (tel: 01244 684221)
- i. Developers are advised to contact the Environment and Energy helpline (tel: 0800 585794) and/or the energy efficiency advice centre (tel: 0800 512012) for advice on the efficient use of resources. Developers are also referred to Welsh Government Practice Guidance: Renewable and Low Carbon Energy in Buildings (July 2012):-
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/energyinbuildings/?lang=en>
- j. Where appropriate, in order to make the development accessible for all those who might use the facility, the scheme must conform to the provisions of the Disability Discrimination Act 1995 as amended by the Disability Discrimination Act 2005. Your attention is also drawn to the Code of Practice relating to the Disability Discrimination Act 1995 Part iii (Rights of Access to Goods, Facilities and Services)
- k. If your development lies within a coal mining area, you should take account of any coal mining related hazards to stability in your proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involves entry into any coal or mines of coal, including coal mine shafts and adits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0845 7626848 or www.coal.gov.uk
- l. If your development lies within a limestone area you should take account of any limestone hazards to stability in your proposals. You are advised to engage a Consultant Engineer prior to commencing development in order to certify that proper site investigations have been carried out at the site sufficient to establish the ground precautions in relation to the proposed development and what precautions should be adopted in the design and construction of the proposed building(s) in order to minimise any damage which might arise as a result of the ground conditions.
- m. The Local Planning Authority will only consider minor amendments to approved development by the submission of an application under section 96A of the Town and Country Planning Act 1990. The following amendments will require a fresh application:-
 - re-siting of building(s) nearer any existing building or more than 250mm in any other direction;
 - increase in the volume of a building;
 - increase in the height of a building;
 - changes to the site area;
 - changes which conflict with a condition;
 - additional or repositioned windows / doors / openings within 21m of an existing building;
 - changes which alter the nature or description of the development;
 - new works or elements not part of the original scheme;
 - new works or elements not considered by an environmental statement submitted with the application.

- n. The developer shall notify the Planning Department on 01656 643155 / 643157 of the date of commencement of development or complete and return the Commencement Card (enclosed with this Notice).
- o. The presence of any significant unsuspected contamination, which becomes evident during the development of the site, should be brought to the attention of the Public Protection section of the Legal and Regulatory Services directorate. Developers may wish to refer to 'Land Contamination: A Guide for Developers' on the Public Protection Web Page.
- p. Any builder's debris/rubble must be disposed of in an authorised manner in accordance with the Duty of Care under the Waste Regulations.

THE SITE INSPECTION PROTOCOL

The Site Inspection Protocol is as follows:-

Purpose

Fact Finding

Development Control Committee site visits are not meetings where decisions are made and neither are they public meetings. They are essentially fact finding exercises, held for the benefit of Members, where a proposed development may be difficult to visualise from the plans and supporting material. They may be necessary for careful consideration of relationships to adjoining property or the general vicinity of the proposal due to its scale or effect on a listed building or conservation area.

Request for a Site Visit

Ward Member request for Site Visit

Site visits can be costly and cause delays so it is important that they are only held where necessary normally on the day prior to Committee and where there is a material planning objection.

Site visits, whether Site Panel or Committee, are held pursuant to:-

1. a decision of the Chair of the Development Control Committee (or in his/her absence the Vice Chair) or
2. a request received within the prescribed consultation period from a local Ward Member or another Member consulted because the application significantly affects the other ward, and where a material planning objection has been received by the Development Department from a statutory consultee or local resident.

A request for a site visit made by the local Ward Member, or another Member in response to being consulted on the proposed development, must be submitted in writing, or electronically, within 21 days of the date they were notified of the application and shall clearly indicate the planning reasons for the visit.

Site visits can not be undertaken for inappropriate reasons (see below).

The Development Control Committee can also decide to convene a Site Panel or Committee Site Visit.

Inappropriate Site Visit

Examples where a site visit would not normally be appropriate include where:-

- purely policy matters or issues of principle are an issue
- to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations
- where Councillors have already visited the site within the last 12 months, except in exceptional circumstances

Format and Conduct at the Site Visit

Attendance

Members of the Development Control Committee, the local Ward Member and the relevant Town or Community Council will be notified in advance of any visit. The applicant and/or the applicant's agent will also be informed as will the first person registering an intent to speak at Committee but it will be made clear that representations cannot be made during the course of the visit.

Officer Advice

The Chair will invite the Planning Officer to briefly outline the proposals and point out the key issues raised by the application and of any vantage points from which the site should be viewed. Members may ask questions and seek clarification and Officers will respond. The applicant or agent will be invited by the Chairman to clarify aspects of the development.

The local Ward Member(s), one objector who has registered a request to speak at Committee (whether a local resident or Town/Community Council representative) and a Town/Community Council representative will be allowed to clarify any points of objection, both only in respect of any features of the site, or its locality, which are relevant to the determination of the planning application.

Any statement or discussion concerning the principles and policies applicable to the development or to the merits of the proposal will not be allowed.

Code of Conduct

Although site visits are not part of the formal Committee consideration of the application, the Code of Conduct still applies to site visits and Councillors should have regard to the guidance on declarations of personal interests.

Record Keeping

A file record will be kept of those attending the site visit.

Site Visit Summary

In summary site visits are: -

- a fact finding exercise.
- not part of the formal Committee meeting and therefore public rights of attendance do not apply.
- to enable Officers to point out relevant features.
- to enable questions to be asked on site for clarification. However, discussions on the application will only take place at the subsequent Committee.

Frequently Used Planning Acronyms

AONB	Area Of Outstanding Natural Beauty	PINS	Planning Inspectorate
APN	Agricultural Prior Notification	PPW	Planning Policy Wales
BREEM	Building Research Establishment Environmental Assessment Method	S.106	Section 106 Agreement
CA	Conservation Area	SA	Sustainability Appraisal
CAC	Conservation Area Consent	SAC	Special Area of Conservation
CIL	Community Infrastructure Levy	SEA	Strategic Environmental Assessment
DAS	Design and Access Statement	SINC	Sites of Importance for Nature Conservation
DPN	Demolition Prior Notification	SPG	Supplementary Planning Guidance
EIA	Environmental Impact Assessment	SSSI	Site of Special Scientific Interest
ES	Environmental Statement	TAN	Technical Advice Note
FCA	Flood Consequences Assessment	TIA	Transport Impact Assessment
GPDO	General Permitted Development Order	TPN	Telecommunications Prior Notification
LB	Listed Building	TPO	Tree Preservation Order
LBC	Listed Building Consent	UCO	Use Classes Order
LDP	Local Development Plan	UDP	Unitary Development Plan
LPA	Local Planning Authority		

REFERENCE: P/20/953/FUL

APPLICANT: Mr H Studts
Brodawel Camping & Touring Park, Moor Lane, Porthcawl CF36 3EJ

LOCATION: **Brodawel Camping & Touring Park**
Moor Lane, Porthcawl CF36 3EJ

PROPOSAL: Siting of 25 static caravans, associated infrastructure, ecological and landscaping enhancements, and the retention of 68 touring pitches (resulting in 93 total number of units - reduction of 57 touring pitches)

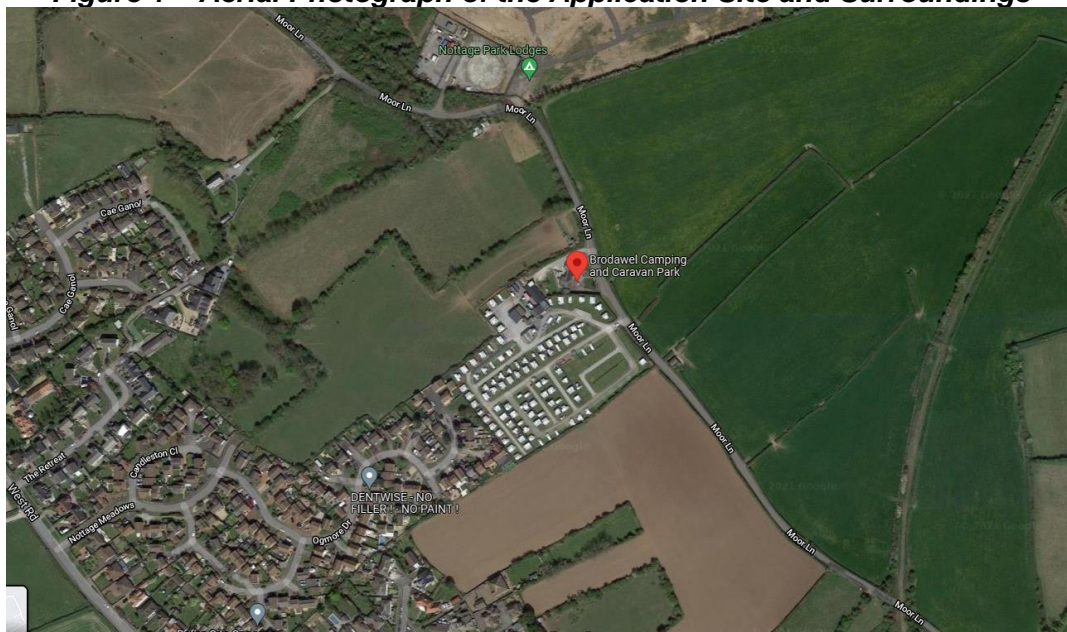
RECEIVED: 26 November 2020

EOT AGREED: 14 February 2022

APPLICATION/SITE DESCRIPTION

The application seeks full Planning permission for the siting of 25 static caravans, associated infrastructure, ecological and landscaping enhancements and the retention of 68 touring pitches (resulting in 93 total number of units - reduction of 57 touring pitches) at Brodawel Camping Park, Moor Lane, Porthcawl.

Figure 1 – Aerial Photograph of the Application Site and Surroundings



Initially the application proposed the change of use of 125 touring caravans to 50 static caravans with associated infrastructure improvements and ecological mitigations and enhancement. Following a number of concerns raised by the Local Planning Authority (LPA) regarding the loss of touring pitches at the site and highway safety concerns, an amended scheme was submitted on 10 May 2021 which proposed the change of 25 touring caravans to 25 static caravans and the retention of 68 touring pitches with a revised Transportation Statement for the site submitted on 2 September 2021.

Following further review of the application, concerns were raised by the LPA regarding the accuracy of the original description of development when compared with the proposed details and plans.

In view of this, on 17 December 2021, the applicant's agent provided further clarification and amended the description of the development to explain the development further and to provide clarification regarding the total number of touring pitches being lost at the site as a result of the proposed development.

Accordingly, there are 125 touring pitches on the site as existing. When 25 static units are introduced, these will replace the 25 touring pitches but as static pitches are larger and more 'land hungry' than touring pitches, the actual reduction in touring unit numbers will be 57 units (125 minus the number remaining equals the difference i.e. 57 pitches). By association the total number of units that will occupy the site if the proposal is approved would be 93 units - 25 static units plus 68 retained touring pitches.

The proposed scheme now comprises 25 static caravans that will be positioned to the front of the site and will run along the south-eastern boundary of the site. Each static caravan will be served by its own parking space and amenity space with proposed landscaping between each pitch. The rest of the site will be retained for touring pitches as existing.

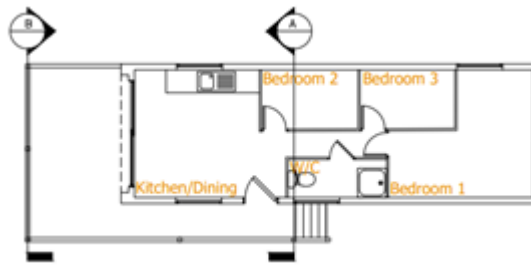
Figure 2 – Proposed Site Layout



The proposed static caravans will measure approximately 11m x 4m with a pitched roof and an overall height of 3.8m. Each caravan will comprise of three bedrooms, kitchen/dining area and w/c with shower. The wheels will be supported by concrete block piers and axle stands and will be covered by a continuous timber skirting. There will be a decked area erected around part of the caravan which will measure approximately 7.7m x 4.5m with a wooden balustrade to a height of 1.5m.

Figure 3 – Proposed Elevations and Floor Plans of the Static Caravan:





The application also proposes ecological and landscaping enhancements on the site, which include:

- Planting new native trees and shrubs;
- Creating area of wildlife garden;
- Enhanced areas for invertebrates, lizards and mammals;
- Protection of breeding birds and great crested newts;
- Protection of boundary hedgerow and retention of internal hedges; and,
- Enhancement of existing boundaries.

The proposed development will also create two additional full-time jobs at the site.

It is highlighted that the application has been accompanied by a Planning/Design and Access Statement, Drainage Report, Ecological and Protected Species Survey, Landscaping Scheme and a Transport Statement (revised).

The application site is located outside the settlement development boundary of Porthcawl as defined by Policy PLA1 of the BLDP(2013) and within the open countryside. The application site currently comprises a 3.8 acre site with 125 touring and camping pitches and has operated as a successful caravan and camping park since 1996.

The caravan site comprises a site shop, launderette, modern toilet and shower facilities and an indoor family games room. The site is surrounded by open fields to the south and east of the site with residential dwellings backing onto the north and south-western boundaries of the site. The main access to the site is via a single-track lane known as Moor Lane which connects to Pyle Road.

RELEVANT HISTORY

P/97/554/LAE

Certificate of Lawfulness for use of land as touring caravan site issued 07/10/1997.

Related application located within close proximity to the application site:

P/16/497/FUL – Approved (subject to conditions) 13/04/2017

Change of use of land for the provision of high quality self-catering mobile wooden chalets, tourist accommodation & supporting facilities - Land at Moor Lane, Porthcawl

PUBLICITY

The application was advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 21 January 2021.

A re-consultation was undertaken on a revised scheme which expired on 25 June 2021.

CONSULTATION RESPONSES

Cllr Norah Clarke (Local Ward Member) – objects to the proposed development and raises the following concerns:

I understand that this application was deferred from development committee a few months ago due to some clarity needing to be sought regarding the number of touring caravan spaces that would be available within the actual site if planning was granted.

Initially, it was understood that the site contained 125 touring caravan pitches, 25 of which were going to be changed into static holiday homes.

I now understand that clarification has been confirmed regarding the number of pitches that will be available for touring caravans & that due to static pitches needing more space/area the overall reduction of touring caravan pitches will now be reduced by 57 & not just 25 as first thought. Which reduces the existing provision of 125 touring caravan pitches on this site to 68, an overall loss of 46% of touring caravan pitches.

- This application very much reduces touring caravanning opportunities for visitors to the County Borough of Bridgend & to Porthcawl being the only seaside resort within the County. There needs to be a balance of tourist accommodation provision within the Borough in order to satisfy the varying needs of the tourist.*
- This application will add to the other static caravan experience further along Moor Lane that has been granted for 80 static caravans. With the 2000 static vans at Parkdean/Trecco Bay there will be a total of 2,105 static caravans available to visitors whilst the availability for those visitors who are looking for touring caravan/mobile home pitches are reducing rapidly in Porthcawl.*
- Happy Valley another touring caravan site within Porthcawl has within the last few months issued instructions to all their touring caravan owners to remove any caravans that have been left on site. This has now been completed. I now understand that the owners are considering placing static caravans on this site, this will again reduce the touring caravanning/mobile home offer in Porthcawl & the County Borough of Bridgend as a whole. Having researched the provision of touring accommodation that was available at Happy Valley Caravan Park it states on the website, 100 motor home pitches, seasonal pitches, 100 tent pitches, 100 touring pitches, 200 holiday homes (owned). The loss of touring pitches has been reduced at this site by at least 100 touring pitches & possibly more if the motor home pitches and tent pitches have been removed. It could be in the region of 300 pitches overall. The closing of this facility to provide once again for static caravans has resulted in the loss of a diverse provision & holidaying experience for the whole of the County Borough but especially for the seaside town of Porthcawl.*
- The closing of Sandy Bay by the authority has remained vacant for over a decade which also catered for touring caravans/motor homes. The closing of this facility resulted in a very much reduced capacity for those visitors with touring caravans/motor homes & created a continual problem along Porthcawl seafront with motor homes & touring caravans parking for days on end which had to be rectified by traffic orders restricting length/timings of parking.*
- Brodawel has been a very popular touring caravan/mobile home site within Porthcawl for a great number of years. If this site loses 57 touring caravan/motor home pitches then the holidaying provision & experience within Porthcawl will diminish. Brodawel is listed on the internet as one of the 3 top touring sites in Porthcawl.*
- Over many years serviced accommodation within Porthcawl has reduced significantly and is a very worrying trend as the County's only seaside area. This is concerning in itself without other available diverse tourist facilities reducing as well.*

- *Touring caravanning & the use of motor homes is an ever growing popular industry especially amongst the over 50's.*
- *Although the supporting statement is dated April 2021 I am very surprised that there is no mention of how covid has or will impact upon the range/type of accommodation that is required as many people decide to stay in the UK & take their holidays.*
- *In 2018 Bridgend embarked upon a four year plan to boost tourism. One of Bridgend's tourist "pull factors" identified in the plan is "an enthusiastic belief that there is a future in tourism in the county, as well as an aspiration to work to improve the offer for tourists". Unfortunately, if this application is granted it is not working to improve the offer for tourists. It will be reducing that offer.*

I am very concerned with regards to this planning application inasmuch that it reduces the overall visitor accommodation experience that Porthcawl as a seaside town is able to offer.

It has been evidenced that holiday parks and campsites generate £9.3bn. per annum nationally.

Porthcawl Town Council – raises an objection due to insufficient information provided in relation to the use of the proposed static caravans.

Transportation Officer (Highways) – No objection subject to conditions.

Land Drainage Officer – No objection subject to compliance with two conditions regarding a comprehensive drainage scheme and a infiltration tests. SAB approval is also required.

Destination and Countryside Manager (Ecology) – No objection subject to compliance with Ecological survey and advisory notes.

Welsh Water Development Services – No objection as private treatments works are proposed to be used.

Economic Development (Tourism) – raises concerns that the loss of 57 touring pitches will adversely affect the range and quality of tourist accommodation available within the County Borough, in the popular coastal area especially. The Council's concern is to ensure that any decline in the level of tourist accommodation by changes to alternative uses is properly controlled. However, it is acknowledged that the proposal as it stands is preferable to the original application which represented a loss of all touring pitches at Brodawel. It is also acknowledged that a phased approach to the reduction of touring pitches would allow the supply of touring pitches elsewhere in the locality to adjust accordingly to meet any displaced demand. Therefore, a transition period of several years would alleviate concerns to an extent that we would not object to the proposal.

Shared Regulatory Services – No objection subject to an advisory note regarding a site licence.

REPRESENTATIONS RECEIVED

3 Tythegston Close - Objects to the proposed scheme and raises concerns about land usage and occupation of the site for 6 months to all year round which is detrimental to our well-being and creates noise issues.

4 Tythegston Close - Objects to the proposed scheme and raises the following concerns:

- Loss of tourist pitches;
- Impact of change on the small village;
- Static caravans – not necessary;
- Boundary concerns with hedge of application site and my boundary;
- Concern over responsibility of hedge and its maintenance.

6 Tythegston Close - No objection to the proposed scheme.

9 Tythegston Close - have no objections subject to the following (if not then I may wish to raise an objection): -

- We would like to ensure that there are no plans to plant or maintain shrubbery/foilage/plants that are invasive or will climb the wall of our property or cause damage to foundations or our walls please.
- Again we'd like to raise concern as to access to light on our ground floor all along this boundary, due to the placement of caravans directly blocking light on the boundary to windows facing out along the boundary (we encounter this now when caravans are placed too close or taller caravans with awnings are placed there). The windows I refer to are clearly evident on the photos taken from your colleague's prior site visit. One is a small window into the kitchen (problematic as window already lets minimal light in), one into our downstairs bathroom, two others are below a skylight in to our lounge and the other is into a second lounge/study room (large impact to light coming in to this room) where the wall with overgrown ivy is invading from the caravan over the wall into our side of the property too. As such with this re-development in mind I'd like to ask that any planned caravan pitches on this boundary be placed and clearly marked at a reasonable and safe distance away from our property so as not to directly block light into the property or overlook directly through our windows please. I can provide photographic evidence of the light & overlooking issue if so required. Can we ensure this is being or will be taken into account?
- One further point on location of the caravans along the boundary of our property I'd ask that the distance from our property and between caravans is ensured to be of the utmost safety for Fire & Health and safety reasons also please.
- Again I'd ask that any headland along the border of our property and the caravan park be maintained as part of this development and not simply left to become overgrown. We wish to avoid plants/trees, shrubs climbers etc. from causing damp or damage to the house along the length of our property on this border.
- Might I also check that the static caravans being added are indeed for holidaymakers only and not long term residents living there? I note that was raised by Porthcawl Town Council but I haven't seen anything confirming that they are for holiday use only.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above are addressed within the appraisal section of this report.

The locations of the static caravans are not proposed along the rear boundary with Tythegston Close. The existing touring caravans will be retained.

Land ownership and boundary disputes are not material Planning considerations.

The applicant's agent has confirmed that the proposed static caravans will be for holiday

use only and some will be privately owned for holiday use only. They have also confirmed that there will be no restriction on the length of stay. The current site licence allows the park to operate between the 1st of March to the 1st of November. The applicant will not wish this to change. This information was sent to Porthcawl Town Council on 25 January 2021.

With regard to the loss of touring sites within Porthcawl, this matter was raised with the applicant who amended the application from a change of use of the entire site for 50 static caravans with the loss of all the touring pitches to a change of use of 57 touring pitches to 25 static caravans with the retention of 68 touring pitches in order to continue to provide this type of accommodation within Porthcawl.

RELEVANT PLANNING POLICES

The Development Plan for the area comprises the Bridgend Local Development Plan 2006-2021 (LDP) which was formally adopted by the Council in September 2013 and within which the following policies and supplementary Planning guidance are of relevance:-

- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Strategic Policy SP11 – Tourism
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy ENV1 – Development in the Countryside
- Policy ENV6 – Nature Conservation
- Policy REG12 - New or Extended Tourist Facilities, Accommodation and Attractions

Supplementary Planning Guidance

- SPG17 – Parking Standards
- SPG19 – Biodiversity and Development

National Planning Policy and Guidance

National Planning guidance in the form of Planning Policy Wales (Edition 11, February 2021) (PPW) and Future Wales – the National Plan 2040 (Feb. 2021) are of relevance to the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 18 – Transport (2007)

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

THE SOCIO ECONOMIC DUTY

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010) which came in to force on 31 March 2021 has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

APPRAISAL

The application is referred to Committee to consider the representations made by the Local Ward Member, Porthcawl Town Council and local residents.

The application seeks full Planning permission for the siting of 25 static caravans, associated infrastructure, ecological and landscaping enhancements and the retention of 68 touring pitches (resulting in 93 total number of units - reduction of 57 touring pitches) at Brodawl Camping Park, Moor Lane, Porthcawl.

The following main issues will be considered as part of this report:

- Principle of development;
- Loss of touring pitches in Porthcawl;
- Visual impact on the character and appearance of this open countryside location;
- The impact on the amenities of neighbouring residents
- Highway Safety
- Ecology
- Drainage

Principle of Development

The site is located outside of any settlement boundary as defined by LDP Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted 2013 and is therefore located in the countryside where Policy ENV1 Development in the Countryside of the LDP ensures that development is strictly controlled. Development may be acceptable where it can meet one of the following ten criteria:

- 1) Agriculture and/or forestry purposes;
 - 2) The winning and working of minerals;
 - 3) Appropriate rural enterprises where a countryside location is necessary for the development;
 - 4) The implementation of an appropriate rural enterprise/farm diversification project;
 - 5) Land reclamation purposes;
 - 6) Transportation and/or utilities infrastructure;
 - 7) The suitable conversion of, and limited extension to, existing structurally sound rural buildings where the development is modest in scale and clearly subordinate to the original structure;
 - 8) The direct replacement of an existing dwelling;
 - 9) Outdoor recreational and sporting activities; or
 - 10) The provision of Gypsy traveller accommodation.
- Where development is acceptable in principle in the countryside it should where possible, utilise existing buildings and previously developed land and/or have an appropriate scale, form and detail for its context.

Such development is strictly controlled and only considered acceptable if it meets one of the ten criteria of Policy ENV1. Of these, the proposal would comply with criterion 3: Appropriate rural enterprises where a countryside location is necessary for the development.

Whilst the proposal may be appropriate in the countryside in respect of Policy ENV1, the Policy forms the starting point for assessment and proposals will need to satisfy other relevant Policies in the LDP. In this regard, Policy SP11 - Tourism is relevant and states that *appropriate tourism development which promotes high quality accommodation, upgrade facilities, promote sustainable and activity based tourism, business, events and cultural tourism will be permitted*. The proposal seeks to change a part of its provision from 25 touring caravan pitches to 25 static caravan units. The layout plan indicates that the same footprint could accommodate the change in use which would suggest that the proposal complies with Policy SP11.

In addition to SP11, Policy REG12 of the LDP states:

New or extended tourist facilities, accommodation and attractions in the countryside will only be permitted where:

- 1. The activity is compatible with and complimentary to the countryside location, including nature conservation interests;*
- 2. The proposed development is part of an appropriate rural enterprise/farm diversification scheme;*
- 3. The proposal assists in the promotion, and is compatible with the role of Bryngarw Country Park and Pontycymmer, Blaengarw, Llangeinor, Blackmill, Nantymoel and Caerau as destination hubs; and/or*
- 4. The proposed development is compatible with the enhancement of its context in terms of its form, materials and details.*

Criteria 1, 2 and 4 are relevant to this proposal. As an already established camping and touring park, the proposal is acceptable in the context of criterion 2.

With regards to criterion 1, a static caravan site is broadly speaking a complimentary use within the countryside provided that the scale and nature of the site does not materially alter the character of the area. The proposal would not appear to raise any nature conservation issues and is of a scale that appears comparable to its existing use. Provided the caravans are sufficiently shielded from public view, it would be considered an appropriate development within this setting.

With regards to criterion 4, the form and materials of this proposal are considered appropriate provided that the caravans are suitably coloured. Caravans can prove incongruous within a rural setting if they are afforded a high degree of prominence in the landscape however, being mindful of the existing use of the site, it is not considered that the proposed static caravans would be any more visually intrusive than touring caravans.

In light of the above, no policy objection is raised in principle to this proposal subject to other criteria and Policies of the LDP.

Loss of touring pitches in Porthcawl

The Council's Tourism Officer noted that the applicant has submitted clarification of the description of the proposed development as summarised above and has provided the following revised comments.

The Destination Management Team are concerned that the loss of 57 touring pitches will adversely affect the range and quality of tourist accommodation available within the County Borough, in the popular coastal area especially. The Council's concern is to ensure

that any decline in the level of tourist accommodation, by changes to alternative uses, is properly controlled. Therefore, the purpose of Policy REG13 is to resist the loss of tourist accommodation to other uses, as this can seriously weaken the County Borough's tourism offer. This is supported by advice contained in TAN13 Tourism which acknowledges that the availability of a wide range of tourist accommodation benefits the economy in general and gives choice to visitors.

However, it is acknowledged that the proposal as it stands is preferable to the original application which represented a loss of all touring pitches at Brodawel. It is also acknowledged that a phased approach to the reduction of touring pitches would allow the supply of touring pitches elsewhere in the locality to adjust accordingly to meet any displaced demand. Therefore, a transition period of several years would alleviate concerns to an extent that we would not object to the proposal.

The applicant's agent has previously advised that the static caravans will be implemented on a gradual bases on the site over a period of 5 years due to financial restrictions and accordingly it is considered necessary to attach a condition requiring the submission of a phasing plan for the site and a time frame for the importation of the static caravans onto the site.

All touring sites within Porthcawl are referred to in the table below along with information on number of pitches. It is noted that Happy Valley is now closed and Woods and Dunes did not open this year and is unlikely to operate again as a public campsite. This leaves 8 sites with touring pitches with some of these as a mix of static and touring. There are just 6 pure touring sites and just 5 sites taking tents.

Figure 4 – Touring sites in Porthcawl:

Name	Location	Pitches	Type
Bryn Hyfryd Camping & Caravanning	Bridgend	32	Holiday/Seasonal - Static Caravan, Touring Caravan, Tents
The White Wheat Caravan Site	Porthcawl	15	Holiday/Seasonal - Touring Caravan
Parc Newydd Farm	Porthcawl	30	Holiday/Seasonal - Touring Caravan
Seashore Enterprises	Porthcawl	70	Holiday/Seasonal - Touring Caravan
Brodawel	Porthcawl	125	Holiday/Seasonal - Touring Caravan, Tents
Danygraig Holiday Park	Porthcawl	90	Holiday/Seasonal - Static Caravan, Touring Caravan, Tents
Rooklands	Porthcawl	10	Holiday/Seasonal - Touring Caravan, Tents
Happy Valley	Wigfach	530	Holiday/Seasonal - Static Caravan, Touring Caravan, Tents
Our Welsh	Bridgend	55	Holiday/Seasonal - Touring Caravan, Tents
Woods and Dune	Bridgend	10	Holiday/Seasonal - Touring Tents

Source: Destination Management Team, BCBC

Currently Brodawel is one of eight touring sites in Bridgend County Borough and is the only touring site with more than 100 touring pitches accounting for 37% of the 337 touring pitches within the County. In contrast there are 2669 static caravan pitches.

At the time of responding to the Planning consultation, the Destination Management Team advised that the loss of the 25 touring pitches would not have a significant adverse impact on the overall number of touring pitches within Porthcawl.

It is important to note that in January 2021, a Planning application was approved at Parc Newydd Farm, Moor Lane for an increase to the number of touring pitches within the existing approved mobile caravan/campervan site from 30 to 35 plus an extension to the existing approved site area to provide for an additional 10 pitches (45 pitches for the total site). This has now been implemented on site. These additional touring pitches have not been taken into account within the table above but add an additional 15 touring pitches to the overall number offered within Porthcawl.

There were also some temporary touring sites operating this summer under the Caravan Club 56 day permitted development rights rule which also contributes to the overall provision of touring pitches available within Porthcawl.

In view of the above, it is considered that the loss of 57 touring pitches as a result of the proposed development will not have a significant adverse impact on the provision of this type of accommodation within Porthcawl subject to a phasing plan condition, especially taking into consideration the existing provision for touring pitches already being provided within the area and the proposal therefore accords with Policy SP11 and REG13 of the BLDP (2013).

Visual impact on the character and appearance of this open countryside location

With regard to the visual impact of the replacement of touring caravans with static caravans on the site, it is considered that this will be minimal due to the similar design and nature of the use. It is also considered that this would result in a betterment in visual terms as the proposed static caravans would have purpose built wooden decking located around the caravans thus removing the need for material awnings and other paraphernalia such as windbreaks. Also, the static caravans are proposed to be located at the entrance to the site which will provide a much more aesthetically pleasing approach to the caravan park. As stated above, due to the form and materials of this proposal, they are considered appropriate provided that the caravans are suitably coloured and being mindful of the existing use of the site, it is considered that the proposed static caravans would not be any more visually intrusive than touring caravans within this countryside location.

Accordingly, the proposed development is not considered to have a significantly adverse visual impact on the character and appearance of this open countryside location and therefore, accords with Policy SP2 (2) and SP2 (3) of the Bridgend LDP (2013).

The impact on the amenities of neighbouring residents

Due to the location of the proposed 25 static caravans at the entrance and along the southern boundary of the site, it is considered that there will no significant adverse impact on the existing amenities currently enjoyed by the neighbouring properties that abut the boundary of the site.

As stated above, the locations of the static caravans are not proposed to be along the rear boundary with Tythegston Close with the existing touring caravan pitches being retained along the western boundary of the site. In addition, enhanced landscaping is proposed along all four boundaries of the site.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities of the neighbouring properties and therefore, it accords with Policy SP2 (12) of the Bridgend LDP (2013).

Highway Safety

The Highway Officer has assessed the revised Transport Assessment (submitted on 16 December 2021) which considered the trip generation for 125 pitches set against the proposed 25 statics and 68 touring pitches and concluded that the proposal would result in

less traffic on Moor Lane and resulting in a lesser impact on highway capacity and traffic than the original Transport Assessment.

The Highway Officer considers that, when it was revealed that a greater number of pitches would be lost as a result of the proposal, it was clear that the proposal would result in a further reduction of towing traffic on Moor Lane and a betterment in terms of highway capacity and volume of traffic. The applicant's Transport Consultant concluded that *the reduction in the overall traffic generating potential of the site and reduced frequency of touring caravan movement along Moor Lane will result in significant positive impact on the operation of the surrounding Highway network*.

The Highway Officer noted that during the course of the Planning application process the applicant changed the description of the application and also reduced the number of static caravans proposed on the site. The Highway Officer also noted the applicant had submitted a revised Transport Assessment detailing the proposed traffic generated by the 68 caravans and 25 static caravans on the advice of the Highway Authority.

In addition to the above the applicant's Transport Consultant was made aware that Moor Lane is classed as a quiet lane by the Highway Authority and therefore vehicular traffic should not exceed 1000 vehicles per day. Furthermore, the applicant's Transport Consultant was advised to refer to the Transport Assessment completed for the holiday chalets further north along Moor Lane and add the traffic generated by the consented scheme into the traffic generated by this proposal.

The revised Transport Assessment assessed the traffic generating potential of the existing use of the site using the TRICS trip rate database, which is an accepted methodology in this instance. The sample of surveyed sites considered as part of the Brodawel trip rate assessment was further refined by limiting the sample sites to those sites in free-standing locations, limited facilities and sites of no more than 200 units.

The TRICS data suggests that the existing use of the site of 125 touring caravan pitches has the potential to generate some 365 vehicle movements on weekdays and 444 on weekend days.

The proposed development of 25 static caravans and the retention of 68 touring pitches (combined there will be a total of 93 static and touring caravans on site) but the actual reduction in touring unit numbers will be 57 units compared to the current 125 caravan pitches.

As a result, the proposed reduction to 93 units in total will generate 271 vehicle movements each weekday and 331 each weekend day and, therefore, the proposed development will result in a reduction of 64 daily trips on weekdays and 78 on weekend days. This reduction in vehicular traffic is considered a betterment for the local highway network and its users and has the potential to improve conditions on Moor Lane.

In addition, there will be a reduction in the 'churn' of towing vehicles and the movements of touring caravans from the site along Moor Lane. Such movements previously raised concerns with the Highway Authority especially the impact on the narrow and low bridge on Moor Lane and therefore, the reduction of these movement is considered a betterment in highway safety terms.

In summary of the above it is considered that the proposed development will not have a detrimental impact on local highway network.

Notwithstanding the above, it is noted that the Transport Assessment has indicated that the site is in close proximity to a number of services and facilities in Nottage Village and beyond. However, the Transport Assessment has not indicated how the proposal will encourage sustainable and active travel modes to reach these short journey destinations. As a result, it is considered necessary to request a condition for the submission of a travel plan for new visitors to the site as well as a number of additional conditions to improve highway safety and the sustainability credentials of the site.

Accordingly, it is considered that the proposed development is acceptable subject to conditions and accords with Policy SP2 (6) of the LDP 2013 and Council's Supplementary Planning Guidance SPG17: Parking Standards.

Drainage

The proposed development site is not located within a flood risk zone, is not located within 20m of a watercourse and does not propose to increase flood risk elsewhere.

Foul water will be disposed of via a package treatment plant and an outline foul drainage layout has been provided. The applicant shall provide details of the proposed package treatment plant and shall liaise with NRW to obtain a registration document from NRW for the package treatment plant.

Surface water will be disposed of via a Sustainable Drainage System (SuDS). The applicant has provided three potential surface water drainage layouts:

- Option 1 – Surface water disposed to two large infiltration basins via aco channel kerb drains;
- Option 2 – Surface water disposed to one pond and one infiltration basin via a infiltration swales;
- Option 3 – Surface water disposed to one large infiltration basins via a piped surface water drainage network.

A review of the mapping database identifies a public surface water sewer located within the adjacent highway and neighbouring field. Infiltration systems must be designed in accordance with BRE-Digest 365 and must not be situated within 5m of buildings or boundaries. A minimum of three infiltration tests shall be undertaken for each trial hole. The applicant shall undertake infiltration testing to confirm the preferred method of surface water disposal.

As the development is over 100 sqm a sustainable drainage system application will be required. As the site is considered as one landowner, maintenance of the sustainable drainage features will remain with the single landowner rather than the SuDS Approval Body (the Council).

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of two conditions to any granted consent regarding the submission of a comprehensive and integrated drainage scheme and infiltration tests to be submitted and agreed by the Local Planning Authority prior to any works commencing on the site which accords with Policy SP2 (13) of the LDP. It is also advised that SAB approval would be required for the proposed development.

Landscaping

A detailed landscaping scheme has been submitted which proposes a number of ecological and landscaping enhancements on the site which include planting new native trees and shrubs, creating a wildlife garden, enhanced areas for invertebrates, lizards and mammals, protection of breeding birds and great crested newts, protection of boundary hedgerow and the retention of internal hedges as well as the enhancement of existing boundaries to retain as much biodiversity features at the site as possible and to enhance the character and appearance of the area.

Notwithstanding the above, it is considered necessary to attach a condition requesting further details of the proposed hard and soft landscaping scheme, proposals for surface treatment, indications of all existing trees and hedgerows on the site and details of any to be retained together with measures for their protection in the course of development. In view of this, the landscaping proposals are considered acceptable and accord with Policies SP2 (10) and ENV6 of the LDP and the Council's Supplementary planning Guidance SPG19: Biodiversity and Development.

Other Matters

Biodiversity/Ecology

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 March 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems.

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The Council's Ecologist has reviewed the Ecological and Protected Species Survey (Sept 2020) prepared by Consultant Ecologist Neil Taylor. No objection is raised subject to Section 7 Recommendations of the Ecological and Protected Species Survey being included in the conditions of approval.

It is also recommended that consideration be given to the provision of nest boxes within the development for bat and bird species. Suitable bird species include house sparrow, swift and house martin as they are identified as species which are declining in numbers due to a reduction in suitable nesting sites. The incorporation of bat bricks, bat tiles and bat boxes into the development, would provide summer roosting opportunities for bats and would contribute to the environmental sustainability of the development.

Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate Local Authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

Given the nature of the development and the existing use as a caravan and camping park, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity subject to conditions. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

CONCLUSION

Having regard to the above, and, in particular, the original representations and the clarification and changes to the description of the development during the course of the application process, it is considered that, on balance, the development complies with Council policy and guidelines and the loss of the touring pitch provision will not materially dilute the attractiveness of Porthcawl as a destination.

Furthermore, the development would not adversely affect the character and appearance of this open countryside location, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities.

The concerns raised by the Local Ward Member and neighbours are acknowledged however, in this case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.

RECOMMENDATION

(R02) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents:
 - Amended Site Location Plan received 25 May 2021;
 - Proposed Static Caravan Plans, Elevations and Sections Drawing No.4 received 26 November 2020;
 - Ecological and Protection Species Survey (dated September 2020) prepared by Neil Taylor received 26 November 2020;
 - Drainage Report prepared by Excal (dated August 2020) and received 26 November 2020;
 - Amended Landscape and Conservation Plan received 25 May 2021;
 - Amended Proposed Block Plan Drawing No. 03 REV D received 25 May 2021;
 - Amended Transport Statement prepared by Acstro received 17 December 2021.

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

development.

2. Prior to the commencement of development, a comprehensive Phasing Plan for the implementation of the static caravans hereby approved covering the entire development site shall be submitted to and agreed in writing by the Local Planning Authority. The Phasing Plan shall provide a robust framework and programming or phasing of works for the implementation of 25 static caravans on the site over an agreed time period. The development within the site shall thereafter conform to the agreed Phasing Plan.

Reason: To ensure that the development is undertaken in an orderly and co-ordinated manner and to ensure that the maximum number of touring pitches are retained on the site for the duration of the development to comply with Policy SP2 and REG13 of the Bridgend Local Development Plan 2013.

3. The static caravans shall be occupied for holiday accommodation only and for no other purpose (including any other purpose in Class C3 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 with or without modification) including as a person's or persons' sole or main place of residence nor shall any unit be occupied by the same person or persons for a period exceeding 28 days within any 12 month period.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the static caravans and to prevent the holiday accommodation being used as permanent residential accommodation which would be detrimental to the amenities of the area and contrary to Policies ENV1 and REG12 of the Bridgend Local Development Plan.

4. The static caravans hereby approved shall only be occupied from 1 March to 1 November in any calendar year.

Reason: To ensure that the Local Planning Authority retains effective control over the use of the static caravans and to accord with the requirements of the existing site licence and Policy SP2 of the Bridgend Local Development Plan 2013.

5. An up to date register shall be kept at the holiday accommodation hereby permitted from first beneficial occupation of the holiday accommodation and the register shall be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their dates of arrival at and departure from the accommodation.

Reason: To ensure the Local Planning Authority retains effective control over the use of the static caravans and to prevent the holiday accommodation being used as permanent residential accommodation.

6. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the static caravans hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details and shall thereafter be retained in perpetuity.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area and to

accord with Policy SP2 of the Bridgend Local Development Plan 2013.

7. Notwithstanding the requirements of Condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include all hard and soft landscaping, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the beneficial occupation of any part of the approved development and shall thereafter be retained and maintained in perpetuity.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation and to accord with Policy SP2 and ENV6 of the Bridgend Local Development Plan 2013

8. Prior to any static caravan being brought to the site, a short journey Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Travel Plan shall be implemented within 6 months of the date of the first beneficial use of any static caravan permitted by this consent. The Travel Plan shall contain measures and initiatives relating to the encouragement and promotion of the use of sustainable and active transport modes for short journeys to and from the site for new and existing visitors. The agreed Travel Plan shall be given to any owners or occupiers of the caravans permitted by this consent.

Reason: In the interests of promoting sustainable and active travel modes of transport to and from the site and to accord with Policy SP2 and SP3 of the Bridgend Local Development Plan 2013.

9. The entrance gates to the site shall be set back not less than 8 metres from the nearside edge of carriageway to allow towing vehicles to clear the live carriageway in accordance with a scheme to be submitted to and approved by the Local Planning Authority before the beneficial use of the development. The scheme shall be implemented in accordance with the agreed details and shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

10. No development shall commence until a scheme for the provision of a towing vehicle turning area has been submitted to and agreed in writing by the Local Planning Authority. The turning area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained for vehicle turning purposes in perpetuity.

Reason: In the interests of highway safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

11. No development shall commence until a scheme for the provision of 10 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the approved development is brought into beneficial use and retained as such in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

12. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas of the site frontage at any time.

Reason: In the interests of highway safety and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

13. No development shall commence on site until 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, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased and to accord with Policy SP2 of the Bridgend Local Development Plan 2013.

14. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use commencing.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development accord with Policy SP2 of the Bridgend Local Development Plan 2013.

**** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS ****

- a. Having regard to the above and in particular, the original representations and the clarification and changes to the description of the development during the course of the application process, it is considered that on balance the development complies with Council policy and guidelines and the loss of the touring pitch provision will not materially dilute the attractiveness of Porthcawl as a destination. Furthermore, the development would not adversely affect the character and appearance of this open countryside location, prejudice highway safety, privacy or visual amenities nor so significantly harm neighbours' amenities. The concerns raised by the Local Ward Member and neighbours are acknowledged however, in this case and on balance they are not considered to outweigh the other material issues connected to the development as to warrant refusal on those grounds.
- b. The applicant is advised that the design construction and layout of the site will be subject to the site licence issued by BCBC under the Caravan Sites & Control of Development Act 1960. Should the proposed development go ahead, the site owner will be required to submit an application to Shared Regulatory Services for the amendment of the existing site licence and they should ensure that the development will comply with the standard Licence Conditions. The density and spacing of static caravans should be designed in accordance with the relevant conditions of the Holiday Caravan Site Licence dated 15/05/2020. Caravans should be separated by at least 5 metres and be sited at least 3 metres from the site boundary.
- c. No surface water is allowed to discharge to the public highway.
- d. No land drainage run-off will be permitted to discharge, either directly or indirectly, into the public sewerage system.

- e. In order to satisfy conditions 13 and 14 the following supplementary information will be required:-
- Confirm preferred method of surface water disposal method;
 - Provide foul and surface water drainage layouts of preferred drainage options;
 - Provide details of existing or proposed package treatment plant
 - Provide an agreement in principle from NRW for registration document of package treatment plant;
 - Provide an agreement in principle from DCWW for foul and surface water (if required) disposal to the public sewer;
 - Provide a surface water drainage layout including the location of infiltration system;
 - Provide infiltration tests to confirm acceptability of any proposed infiltration system in accordance with BRE 365;
 - Provide a plan showing locations of trial holes and at least 3 separate tests at each trial hole location;
 - Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
 - Provide a timetable for its implementation; and
 - Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.
- f. The applicant is recommend to give consideration to the provision of nest boxes within the development for bat and bird species. Suitable bird species include House Sparrow, Swift and House Martin - species which are declining in number due to a reduction in suitable nest sites. Further information can be found on page 55 section 16.0 in the following SPG: Biodiversity and Development Supplementary Planning Guidance (SPG): A Green Infrastructure Approach.
- g. The incorporation of bat bricks, bat tiles and bat boxes into the development would provide Summer roosting opportunities for bats and would contribute to the environmental sustainability of the development. Further information can be found on page 46 section 7.0 of the above SPG.
- h. Incorporating biodiversity enhancements will help contribute to the environmental sustainability of the development. Such enhancements will demonstrate Local Authority compliance with Section 6 of the Environment (Wales) Act 2016 that places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None

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APPEALS

Since my last report the Planning Inspectorate's name has changed to PEDW - Planning and Environment Decisions Wales. The email address for all correspondence regarding appeals is PEDW.Casework@gov.wales quoting the appeal reference (not the number in brackets).

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

APPEAL NO.	CAS-01415-N2D3V6 (1935)
APPLICATION NO.	P/21/328/FUL
APPELLANT	MR M WALDRON
SUBJECT OF APPEAL	CONVERSION OF AN EXISTING AGRICULTURAL BARN TO CREATE A SINGLE DWELLING LAND OFF DYFFRYN MADOC, MAESTEG
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposal, by reason of its countryside location, constitutes an unjustified and inappropriate form of development outside of the defined settlement boundary, which would detract from the site's rural appearance and the character of the surrounding countryside. The proposal is therefore contrary to Policy ENV1 of the Bridgend Local Development Plan (2013) and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
2. The proposed development, by reason of its design, scale and materials, would be out of keeping with the traditional appearance of a dwelling house located in the open countryside, having a detrimental visual impact on the landscape character of this countryside and rural location contrary to Policies ENV1 and SP2 of the Bridgend Local Development Plan (2013) and Supplementary Planning Guidance SPG02: Householder Development together with and advice contained within and Technical Advice Note 12: Design (2016), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
3. The proposed highway and access road leading to the site is unsuitable to serve the proposed development, which will generate increased traffic onto this route resulting in a potential increase in vehicular and pedestrian/vehicle conflicts to the detriment of the safety and free flow of traffic in and around the site. The proposal is therefore contrary to Policy SP2 and Policy SP3 of the Bridgend Local Development Plan (2013) and advice contained within Technical Advice Note (TAN) 18: Transport (2007), Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).
4. The proposed development is situated in a remote, unsustainable location that is not accessible by a range of different transport modes and will overly rely on the use of the private motor vehicle. The proposal is therefore contrary to Policy SP2 and Policy SP3 of the BLDP(2013), and advice contained within Technical Advice Note (TAN) 18 – Transport (2007), Planning Policy Wales (Edition 11, February 2021), Future Wales – the National Plan 2040 (Feb 2021), Active Travel (Wales) Act 2013 and Wellbeing of Future Generations (Wales) Act 2015.

5. Insufficient information has been submitted with the planning application to allow a full and comprehensive assessment of the impact of the development on the biodiversity and ecology characteristics of the site contrary to Policies ENV6 of the Bridgend Local Development Plan 2013 and advice contained within Planning Policy Wales (Edition 11, February 2021) and Future Wales – the National Plan 2040 (Feb 2021).

APPEAL NO.	A/21/3275855 (1936)
APPLICATION NO.	P/21/103/FUL
APPELLANT	MRS A HARRIES
SUBJECT OF APPEAL	CHANGE INTERNAL GARAGE INTO A DOG GROOMING SALON 5 RHYD Y NANT, PENCOED
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reason:

1. The proposed development, by reason of its location and form, is contrary to Policy PLA6 of the Local Development Plan (2013) (paragraphs 3.3.13-3.3.15) as the nature of the business and the number of expected customer visits would generate a net increase in vehicular movements and would exacerbate existing problems of congestion at the approaches to the level-crossing and the Penprysg Road Rail Bridge in advance of the completion of the Penprysg Road Bridge Improvement (Relief Road Phase 2) to the detriment of the safety and free flow of traffic on the highway network.

Since receiving the appeal I have been informed by PEDW that it is invalid due to insufficient information being received and the case is now closed.

APPEAL NO.	CAS-01518-M3N6L8 (1939)
APPLICATION NO.	P/21/263/OUT
APPELLANT	MR A PHILLIPS
SUBJECT OF APPEAL	OUTLINE PLANNING APPLICATION TO CONSTRUCT A DETACHED DORMER BUNGALOW LAND ADJACENT TO 7 FAIRWAYS, NORTH CORNELLY
PROCEDURE	WRITTEN REPRESENTATIONS
DECISION LEVEL	DELEGATED OFFICER

The application was refused for the following reasons:

1. The proposed dwelling, by reason of its proposed scale parameters and siting, constitutes an overdevelopment of the site that would not preserve an adequate level of private outdoor amenity space for the occupiers of the host property (7 Fairways), contrary to Policy SP2 of the Council's Local Development Plan (2013), Note 8 of the Council's Supplementary Planning Guidance 02: Householder Development (2008)

and advice contained within Planning Policy Wales (2021).

2. Insufficient information has been submitted with the planning application to determine the impact of the scheme on protected species (bats). As such, the proposal is considered contrary to Policies SP2 (10), SP4 and ENV6 of the Bridgend Local Development Plan (2013), and advice contained within Planning Policy Wales (2021).
-

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

APPEAL NO	A/21/3277328 (1925)
APPLICATION NO.	P/21/285/FUL
APPELLANT	MR G BAYLISS
SUBJECT OF APPEAL	DEMOLISH EXISTING GROUND FLOOR BATHROOM/WC AND STORE; CONSTRUCT TWO STOREY SIDE/REAR EXTENSION; SINGLE STOREY REAR EXTENSION WITH BALCONY ABOVE; SINGLE STOREY SIDE EXTENSION; DETACHED GARAGE GLANDYRUS, CAEHELIG, BRYNCETHIN
PROCEDURE	HOUSEHOLDER
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE DISMISSED. THE COSTS APPLICATION WAS ALSO DISMISSED.

A copy of the appeal and costs decisions are attached as **APPENDIX A**

APPEAL NO.	A/21/3280373 (1926)
APPLICATION NO.	P/20/898/RLX
APPELLANT	ALDI STORES LIMITED
SUBJECT OF APPEAL	VARIATION OF CONDITION 1 OF PLANNING PERMISSION REF. P/14/65/RLX TO ALLOW DELIVERIES TO THE STORE BETWEEN THE HOURS OF 06:00 HOURS – 22:00 HOURS MONDAY TO SATURDAY AND 07:00 HOURS – 20:00 HOURS ON SUNDAYS AND BANK HOLIDAYS FOR A PERIOD OF 6 MONTHS ALDI, LLYNFI ROAD, MAESTEG
PROCEDURE	WRITTEN REPRESENTATION
DECISION LEVEL	DELEGATED OFFICER
DECISION	THE INSPECTOR APPOINTED BY THE WELSH MINISTERS TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL BE ALLOWED SUBJECT TO CONDITIONS

A copy of the appeal decision is attached as **APPENDIX B**

APPEAL NO. A/21/3271534 (1927)
APPLICATION NO. P/20/1024/FUL (1927)

APPELLANT MR M KHALIQ

SUBJECT OF APPEAL RETENTION OF LOCKABLE STEEL CONTAINER
LAND AT THE REAR OF 1 & 2 JUBILEE GARDENS AND
ADJACENT TO THE BARN, PORTHCAWL

PROCEDURE WRITTEN REPRESENTATION

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 the appeal decision is attached as **APPENDIX C**

APPEAL NO. A/21/3278527 (1928)
APPLICATION NO. P/20/1027/FUL

APPELLANT MR M KHALIQ

SUBJECT OF APPEAL CHANGE OF USE FROM POTATO STORE TO BUILDERS YARD
AND WORKSHOP
LAND AT THE REAR OF 1 & 2 JUBILEE GARDENS AND
ADJACENT TO THE BARN, PORTHCAWL

PROCEDURE WRITTEN REPRESENTATION

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 the appeal decision is attached as **APPENDIX C**

APPEAL NO. D/21/3281863 (1929)
APPLICATION NO. P/21/239/FUL

APPELLANT MR S ANKERS

SUBJECT OF APPEAL TWO STOREY/SINGLE STOREY REAR EXTENSIONS
4 BOWER STREET, KENFIG HILL

PROCEDURE HOUSEHOLDER

DECISION LEVEL DELEGATED OFFICER

DECISION THE INSPECTOR APPOINTED BY THE WELSH MINISTERS

TO DETERMINE THIS APPEAL DIRECTED THAT THE APPEAL
BE ALLOWED SUBJECT TO CONDITIONS

A copy of the appeal decision is attached as **APPENDIX D**

APPEAL NO.	A/21/3281824 (1930)
APPLICATION NO.	P/21/385/TPN
APPELLANT	HUTCHISON UK LTD
SUBJECT OF APPEAL	PRIOR NOTIFICATION FOR PROPOSED 20.0M PHASE 8 MONOPOLE WITH WRAPAROUND CABINET AT BASE AND ASSOCIATED ANCILLARY WORKS LAND NEXT TO FARM FOODS, PENTRE FELIN RETAIL PARK, TONDU
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 the appeal decision is attached as **APPENDIX E**

RECOMMENDATION

That the report of the Corporate Director Communities be noted.

Janine Nightingale
CORPORATE DIRECTOR COMMUNITIES

Background Papers (see application reference number)



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16/09/21

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/12/2021

Appeal Decision

Site visit made on 16/09/21

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/12/2021

Appeal Ref: APP/F6915/A/21/3277328

Site address: Glandyris, Caehelig, Bryncethin, Bridgend CF32 9YD

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 G. Bayliss against the decision of Bridgend Borough County Council.
- The development proposed is to demolish the existing ground floor bathroom/wc and store, construct two storey side/rear extension, a single storey rear extension with balcony above, single storey side extension and detached garage.

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr G. Bayliss against Bridgend County Council. This application will be the subject of a separate decision.

Procedural Matters

3. I note that the description of development on the application differs from that on the appeal form. The Council has determined the application on the basis of the description on the appeal form and I shall do the same.
4. The appeal was lodged against the failure of the Council to determine the application within the period prescribed in the Town and Country Planning Act 1990. I am mindful however, that the Council determined the application within the dual jurisdiction period and, as a consequence, I will consider the appeal on the basis that it is made against the refusal of planning permission.

Main Issues

5. The main issues are the impact of the proposed development on the character and appearance of the appeal dwelling and surrounding area.

Reasons

6. The appeal site is located in the countryside outside the settlement of Bryncethin, Bridgend. The site comprises a traditional, detached two-storey dwelling with a number of single storey extensions, which is in a poor state of repair. The appeal dwelling is set in a modest sized garden which is enclosed by low, dressed stone wall. The area surrounding

the site is characterise by isolated rural dwellings and farm complexes, such as that of the neighbouring property of Manor Edwin, set in attractive open countryside.

7. Policies SP2 and ENV1 of the Adopted Bridgend Local Development Plan (LDP) (2013) seek, amongst other things, to ensure that all new development contributes towards creating high quality, attractive, sustainable places, respects and enhances local character and distinctiveness and is of an appropriate scale, size and prominence. In the case of development in the countryside, Policy ENV1 makes clear that it will be strictly controlled and that the limited extension of existing structurally sound rural buildings may be acceptable where the development is modest in scale and clearly subordinate to the original structure.
8. Additional guidance is contained in the Householder Development Supplementary Planning Guidance (SPG) (2008) which requires that extensions to dwellings in the countryside do not exceed the limits set by the Town and Country Planning (General Permitted Development) Order 1995 or 25% of the gross residential floor area of the original dwelling. Whilst I note that the SPG was approved sometime before the LDP was adopted, I consider that the guidance provided by the document still broadly aligns with the objectives of national policy and policies SP2 and ENV1. As such, I will afford the SPG weight in the determination of this appeal.
9. The development proposes to demolish the existing single storey extensions and to construct a two storey side extension with a pitched roofline, a single storey rear extension with balcony above, a single storey mono-pitched side and front extension and a detached garage. I am advised by the appellant that the proposal would increase the gross internal floor area of the appeal dwelling from 135 square metres to 276 square metres. The proposed extensions would be finished in a combination of smooth render, timber cladding, glazing panels and have a slated roof.
10. The basis of the Council's concerns are that the proposal would: be an excessive, incongruous and overly prominent form of development in the countryside that would have a harmful impact on the character and appearance of the appeal dwelling; and that the proposed materials and finishes would be out of keeping with the appeal dwelling and result in the loss of the character of the original cottage.
11. Conversely, the appellant maintains that the proposal would ensure the preservation of the appeal dwelling in a manner that would not be overly prominent, but would enhance and integrate with the existing character of the original building and would meet the needs of his family. It is further suggested that the scale and design of the proposed development is necessary to improve the environmental performance of the building and achieve the carbon neutrality sought by the appellant.
12. Although I note the appellant's comments, I consider that the scale and design of the proposed extensions, which would enclose the appeal dwelling on three sides, coupled with the increase in the ground floor area of the development, which would be twice that of the existing property, would result in a form of development that would fail to respect the modest scale, form and character of the appeal dwelling. Moreover, the nature of the proposed materials and finishes would in my view be overtly modern and be in stark contrast to the simple, traditional materials of the neighbouring property of Manor Edwin and the character and appearance of the rural dwellings in the area surrounding the appeal site.
13. As such, I consider that the proposal would have a detrimental effect on the character and appearance of the appeal dwelling and the surrounding area and be contrary to the objectives of Policies SP2 and ENV1 of the LDP and the SPG.

Other Matters

14. In support of the proposal the appellant has drawn my attention to a number of other developments within the County Borough which it is contended are similar to that proposed. Whilst the examples provided are noted, I am conscious that the nature of these developments, specifically in relation to the scale, siting and relationship with the host dwelling, differ from that of the appeal proposal. I have in any case determined the appeal on its own merits.

Conclusions

15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

16. I have also had regard to all the matters raised in support of the scheme. However, none of these factors are sufficient to alter my overall conclusions that the proposed development would have a harmful impact on the character and appearance of the appeal dwelling and surrounding area.

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

Nicola Gulley

Inspector



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 16/09/21

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 10/01/2022

Costs Decision

Site visit made on 16/09/21

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 10/01/2022

Costs application in relation to Appeal Ref: APP/F6915/A/21/3277328

Site address: Glandyris, Caehelig, Bryncethin, Bridgend CF32 9YD

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr G. Bayliss against the decision of Bridgend Borough County Council.
 - The appeal was against the failure to determine the application to demolish the existing ground floor bathroom/wc and store, construct a two storey side/rear extension, a single storey rear extension with balcony above, single storey side extension and detached garage.
-

Decision

1. The application for a full award of costs is refused.

The submissions for Mr G. Bayliss

2. The appellant's case was submitted in writing.

The response by Bridgend County Council.

3. No response has been submitted by the Council.

Reasons

4. The Development Management Manual (DMM), Section 12 Annex: Award of Costs advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 5. The appellant contends that the Council has behaved unreasonably because it has failed to determine the above application within the statutory 8 week period.
 6. The evidence submitted as part of the appeal process suggests that the application was submitted on the 29 March 2021 and determined on 15 July 2021. A total of nearly 17 weeks.
 7. Article 22 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 makes clear that local planning authorities have a period of eight weeks to determine an application starting from the date on which an application was received. The DMM, paragraph 9.3.3 explains that the statutory determination period should apply unless a longer period has been agreed in writing between the applicant and local planning authority. No evidence has been presented that explains the delay in the determination of the application or seeks the appellant's agreement to extend the determination period for the application.
-

8. Whilst I am mindful that these are unprecedented times and that the Welsh Government acknowledge that statutory timescales will not be met in all cases¹, I consider that the Council's failure to determine the application within the statutory period and the absence of any reasonable explanation for the delay, constitutes of unreasonable behaviour. That said, based on the evidence submitted by both parties as part of the appeal, it is clear that communication between the appellant and the Council would not have resulted in a different decision. As such the Council's failure to determine the application within the statutory period, whilst unreasonable behaviour, did not result in unnecessary or wasted expense.

Conclusion

9. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the DMM, Section 12 Annex: Award of Costs, has not been demonstrated.

Nicola Gulley

INSPECTOR

¹ Letter from the Chief Planning Officer, Welsh Government to Heads of Planning, dated the 29 April 2020.



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/11/21

gan Richard E. Jenkins BA (Hons) MSC
MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 23/12/2021

Appeal Decision

Site visit made on 04/11/21

by Richard E. Jenkins BA (Hons) MSC
MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 23/12/2021

Appeal Ref: APP/F6915/A/21/3280373

Site Address: Aldi, Unit 1, Llynfi Walk, Llynfi Road, Maesteg, CF34 9DS

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 under Section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Aldi Stores Limited against the decision of Bridgend County Borough Council.
- The application Ref: P/20/898/RLX, dated 12 November 2020, was refused by notice dated 15 April 2021.
- The application, as amended, sought planning permission for the variation of condition No.1 of planning permission Ref: P/14/65/RLX to allow deliveries to the store between the hours of 06:00 hours – 22:00 hours Monday to Saturday and 07:00 hours and 20:00 hours on Sundays and Bank Holidays for a period of 6 months.
- The condition in dispute is No.1 which states that the unloading of delivery vehicles to the Aldi store shall not take place outside of the following times: 07:00 hours and 20:00 hours.
- The reason given for the condition is: In the interest of residential amenities and for the avoidance of doubt as to the scope of the consent.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the Council's Notice of Decision. As this is consistent with that outlined on the Appeal Form, there is no prejudice in this respect.

Main Issue

3. This is whether the variation of condition is justified, having particular regard to the effect of the proposed development upon the living conditions of the occupiers of the residential

properties located along Llynfi Road, with specific reference to levels of noise and general disturbance.

Reasons

4. The appeal relates to the existing Aldi store located at Llynfi Walk in Maesteg. Delivery procedures at the retail store are currently restricted by Condition No.1 of planning permission Ref: P/14/65/RLX to between 07:00 hours and 20:00 hours daily. The appeal proposal seeks to vary such restrictions for a temporary period of 6 months to allow deliveries to the store between the hours of 06:00 and 22:00 hours on Mondays to Saturdays and 07:00 and 20:00 hours on Sundays and Bank Holidays. The evidence indicates that the change is sought to provide greater operational flexibility, with the temporary period proposed to enable the relevant bodies to review the impact of the prospective early morning deliveries on the residential amenities of the occupiers of neighbouring residential properties.
5. The application was supported by an Acoustic Report prepared by specialist acoustic consultants that concludes that the deliveries themselves would not cause an adverse impact during the unloading of goods to the rear of the store. I have not seen any evidence to lead me to a different conclusion on this point. Nevertheless, the appellant's own consultant accepts that there would be peak noise levels associated with the delivery vehicle pass-bys on Llynfi Road as they approach and depart from the retail complex. Although not directly assessed as part of the original Acoustic Report, the appellant's consultants accepted at that time that delivery vehicle pass-by noise would be expected to be in the region of 70 to 75dB LAmax, with that prediction confirmed to be the case through the survey of delivery pass by events undertaken to inform the appellant's Appeal Statement.
6. Whilst such peak noise levels are above the WHO peak noise guideline value of 60dB LAmax, the appellant notes that the WHO guideline noise value of 60dB LAmax is the level at which sleep disturbance may occur and does not mean that such noise levels would necessarily awake nearby occupiers. Rather, it is submitted that the process of restorative sleep may be affected where, for example, the depth of sleep may vary or eyelids may flicker. However, whilst I have no reason to dispute such advice, the evidence indicates that pass-by noise levels, particularly at the properties nearest to the vehicular entrance to the Aldi/ Iceland complex, would be significantly above the 60dB LAmax guideline value referred by WHO. I therefore remain concerned that the proposed variation of condition could lead to unacceptable adverse impacts on the amenities of nearby residential properties. It is also important that such concerns are considered within the context that such pass-by noise would not be subject of the Council's statutory nuisance powers given that it would be generated on a public highway.
7. I have considered the fact that the evidence illustrates that, from 06:00 hours, there is an increasing number of peak noise events that exceed the WHO peak noise guideline value of 60dB LAmax¹. However, this simply serves to reinforce my overall concerns, not least because the appellant's own evidence points to advice that indicates that, for good sleep, indoor sound pressure levels should not exceed peak noise levels more than 10-15 times a night. Indeed, whilst the proposal would not in itself generate such a quantum of deliveries, it would clearly add to the existing proliferation of peak noise level instances prior to 07:00 hours which represents the delivery time permissible under the extant planning permission.

¹ Refer Figure 2 of appellants Appeal Statement

8. Much of the appellant's case relates to the fact that Aldi has had regular deliveries to the store between 05:00 and 07:00 hours during the COVID pandemic, with no noise complaints received from the occupier of nearby residential properties. However, the evidence indicates that such early morning deliveries largely took place during winter months when the residents of Llynfi Road would be likely to have their windows closed. A delivery schedule between the warmer months of April and July has not been made available. Notwithstanding such matters, objections on noise grounds have been received from interested parties in respect of the current proposal, with pass-by traffic noise cited as a concern.
9. The Council's Environmental Health Officer advised the Case Officer at the time of the planning application that, should the application be recommended for approval, permission should only be granted on a temporary basis so that any impact can be monitored. Nevertheless, whilst I recognise that the temporary permission sought through the terms of the application would provide an opportunity to measure such impacts, Welsh Government Circular 016/2014: *The Use of Planning Conditions for Development Management* (Circular 16/2014) (October 2014) is clear that, where objections to a development arise in response to its effect on, for example, the quality of life of the occupants of nearby residential properties, they should, if necessary, be met by conditions that would safeguard that amenity. If it is not possible to devise such conditions, and if the damage to amenity cannot be accepted, then the only course open is to refuse permission.
10. I have concluded above that the proposed variation of condition would have potential to contribute to a significant adverse noise impact at nearby residential properties and, therefore, cause material harm to the living conditions of the neighbouring occupiers. I have not seen anything to suggest that such harm could be safeguarded through the use of conditions. As such, and bearing in mind the fact that a 6 month period is not an insignificant period of time, I find that the proposal remains unjustified in this instance. The appeal proposal would therefore conflict with the aims of Policy SP2 of the adopted Bridgend County Borough Council Local Development Plan (LDP) (2013) which, amongst other things, seeks to ensure that proposals avoid or minimise noise pollution and do not adversely affect the amenity of neighbouring occupiers. For the same reasons, it would also conflict with the thrust of the well-being principles that underpin national policy.
11. For these reasons, and having considered all matters raised, I conclude that the appeal should be dismissed. In coming to this conclusion, 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). I have taken into account the ways of working set out at section 5 of the WBFG Act and 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, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



enderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 04/11/21

gan Richard E. Jenkins BA (Hons) MSC
MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 04/01/2022

Appeal Decision

Site visit made on 04/11/21

by Richard E. Jenkins BA (Hons) MSC
MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 04/01/2022

Appeal A - Ref: APP/F6915/A/21/3278527

Site address: Land at rear of 1 and 2 Jubilee Gardens and adjacent to the Barn,
CF36 3TB

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 M Khaliq against the decision of Bridgend County Borough Council.
- The development proposed is the change of use from potato store to builders yard and workshop.

Appeal B - Ref: APP/F6915/A/21/3278542

Site address: Land at rear of 1 and 2 Jubilee Gardens and adjacent to the Barn,
CF36 3TB

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 M Khaliq against the decision of Bridgend County Borough Council.
- The development proposed is the retention of lockable steel container.

Decisions

Appeal A - Ref: APP/F6915/A/21/3278527

1. **The appeal is dismissed.**

Appeal B - Ref: APP/F6915/A/21/3278542

2. **The appeal is dismissed.**

Procedural Matters

3. As set out above, there are two appeals at the above address. To avoid duplication, I shall deal with both appeals together in this single document, albeit with separate formal decisions.
4. I have taken the description of development for both appeals from the respective Decision Notices. As these are broadly consistent with those described on the corresponding application and appeal forms, I am satisfied that there is no prejudice in this respect.
5. Whilst the description of development in respect of Appeal B relates to the retention of a lockable steel container, it was clear at the time of my site visit that the container has been removed from the site. A description of the storage container and approximate dimensions have been provided. The wider evidence also incorporates photographs of the structure. I shall consider the appeal on the basis of the available information.

Main Issues

6. Having regard to the principal matters of dispute, the main issues in the determination of the appeal are: whether the development would be acceptable in principle, having regard to the planning policy framework; the effect of the proposed development upon the living conditions of neighbouring residential properties, having regard to levels of noise and general disturbance; and the effect of the proposed development upon pedestrian and highway safety.

Reasons

7. The appeals relate to a parcel of land located to the rear of Nos.1 and 2 Jubilee Gardens, Porthcawl. The site is accessed via an existing access road that runs directly between Nos.2 and 3 Jubilee Gardens and incorporates a detached single storey building that was erected under permitted development rights as an agricultural building, rest room and garage for the storage of potato harvest machinery¹. Appeal A seeks retrospective planning permission, under Section S.73A(2)(a) of the Act, for the change of use of the land to a builders yard and associated workshop². As set out above, Appeal B seeks planning permission for the siting of a metal storage container that would be used in connection with the wider use proposed under Appeal A.

Principle of Development

8. The site is located outside of the settlement boundaries defined by the adopted Bridgend Local Development Plan 2006- 2021 (Adopted September 2013) (LDP)³ and is therefore classified as countryside for the purposes of planning policy. Policy ENV1 of the adopted LDP outlines the policy framework for proposals in the countryside and I have not seen anything to suggest that the development proposed in this instance would satisfy the provisions of that policy. I have also not seen anything to lead me to conclude that the proposal would represent a sustainable form of development. The development proposed by both Appeal A and Appeal B would therefore run counter to the aims of Policies PLA1 and ENV1 of the adopted LDP which collectively seek to strictly control development within the countryside.
9. It follows that the proposed building yard and associated storage container would represent an unjustified incursion into the countryside and there is no doubt that such

¹ LPA Ref: P/04/1366/APN

² LPA Ref: P/20/1027/FUL

³ Policy PLA1 and the associated Proposals Map of the adopted LDP

developments would conflict with the rural character of the immediate surroundings. In coming to this conclusion, I have considered the existing developments within the area. However, the site clearly extends beyond the built form of Jubilee Gardens and the existing building on site is lawfully associated with an agricultural use. Such factors do not, therefore, justify the proposed developments. Similarly, the wider land uses in the area, including the stable blocks and associated paddock, incorporate inherent rural characteristics. The developments would also, therefore, conflict with the aims of Policy SP2 of the adopted LDP.

10. For the aforementioned reasons, I find that the developments subject of both Appeal A and Appeal B would be unacceptable in principle and contrary to the thrust of national and local planning policy.

Living Conditions

11. I was able to confirm at the time of my site inspection that the appeal site, and in particular the proposed workshop, is located within close proximity to the shared boundaries with Nos.1 and 2. As such, there is little doubt in my mind that the use of the site as a building yard with workshop, and indeed the use of the storage container in association with that use, would have potential to result in significant levels of noise and disturbance that would be incompatible with the adjacent residential uses. Indeed, the nature of the development could in itself cause significant disruption, whilst associated traffic utilising the access road between Nos.2 and 3 could have potential to significantly exacerbate such impacts, particularly should the use attract heavy goods vehicles.
12. I have not seen anything to lead me to believe that such concerns could be reasonably mitigated through the imposition of suitably worded planning conditions. As such, I find that the development proposed by both Appeal A and Appeal B would have potential to cause material harm to the living conditions of the occupiers of neighbouring residential properties by reason of levels of noise and general disturbance. The development would, in this respect, conflict with Policy SP2 and ENV7 of the adopted LDP, as well as the policy framework set at a national level.

Pedestrian and Highway Safety

13. I have not seen any cogent evidence to indicate that the steel container proposed under Appeal B would, in itself, represent a risk to either pedestrian or highway safety in the area. Nonetheless, the wider change of use proposed under Appeal A would clearly result in an intensification of use of the access route leading to the site and, having regard to the types of vehicles likely to be associated with such a use, I consider that the development would undermine both pedestrian and highway safety in the area. In coming to this conclusion, I have been mindful of the lack of detailed information regarding the turning of large vehicles on site. I was also able to experience difficulty egressing from Jubilee Gardens on to the A4229 at the time of my site visit. As such, and bearing in mind the personal injury accident data for the area, I concur with the Council's assessment that the development would, on the basis of the available evidence, represent a threat to both pedestrian and highway safety and, therefore, run counter to the aims of Policy SP2 and SP3 of the adopted LDP.

Overall Conclusions

14. Based on the foregoing analysis, I have found that the development subject of the above appeals would be unacceptable in principle and would have potential to cause significant harm to the living conditions of the occupiers of neighbouring residential properties, with particular reference to levels of noise and general disturbance. I have also found that the change of use proposed under Appeal A would represent a material

risk to pedestrian and highway safety. The proposals therefore conflict with the aims of the adopted LDP and, for the same reasons, also conflict with the placemaking and well-being principles that underpin national policy. I consider such harm and associated policy conflict to represent compelling reasons why planning permission should be withheld in this instance. Indeed, such harm would not be outweighed, either individually or cumulatively, by the matters advanced in favour of the development, including the economic benefits that would be associated with the proposed use.

15. For these reasons, and having considered all matters raised, I conclude that both Appeal A and Appeal B should be dismissed. In coming to these decisions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. They are also in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/10/21

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 09/12/2021

Appeal Decision

Site visit made on 19/10/21

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 09/12/2021

Appeal Ref: APP/F6915/D/21/3281863

Site address: 4 Bower Street, Kenfig Hill, Bridgend CF33 6NE

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 S Ankers against the decision of Bridgend County Borough Council.
- The development proposed is two storey / single storey extensions.

Decision

1. The appeal is allowed and planning permission is granted for two storey / single storey extensions at 4 Bower Street, Kenfig Hill, Bridgend CF33 6NE in accordance with the terms of the application, Ref. P/21/239/FUL, dated 18 February 2021, subject to the following conditions:
 1. The development hereby permitted shall begin no later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
Reason: To ensure that the development hereby permitted does not have a detrimental impact on the character and appearance of the area.
 3. The development hereby permitted shall be carried out in accordance with the approved plans.
Reason: To ensure compliance with the approved plans and clearly define the scope of the permission.

Procedural and Preliminary Matters

2. The description of development on the planning application form reads 'Ground and first floor rear extension'. The Council changed the description to 'Two storey / single storey extensions' prior to its determination of the application. I am satisfied that the amended description accurately reflects the development proposed. I have therefore used the amended description for the purposes of my decision, and no party is prejudiced by my doing so.

3. I note that the scheme was amended during the course of the application, which comprised the re-location of the first floor window on the rear elevation. The Council made its decision on the amended scheme and it is on this basis that I determine the appeal.
4. The Council's reason for refusal refers to the siting, scale and design of the proposed development and its effect on the residential amenities enjoyed by the occupiers of the neighbouring property, 6 Bower Street. Nevertheless, its officer's report outlines concerns solely in relation to the effect of the first floor bedroom window in the two storey element on the privacy of the occupiers of this neighbouring dwelling. The Council makes clear in the same report that it does not take issue with the single story extensions. Neither does it raise any concern regarding the physical impact of the development on the amenities of the occupiers of any neighbouring properties.

Main Issue

5. In the context of the above, the main issue in this case is the effect of the proposed two storey extension on the living conditions of neighbours, with particular regard to privacy.

Reasons

6. The siting of the appeal property is such that its rear elevation is angled towards the neighbouring dwelling to the south at 6 Bower Street, albeit from a position further back in its site than No 6 when seen from the rear garden. The effect of this siting relationship is that the outlook from the rear facing habitable room windows of the appeal property is not only over its own rear garden but also towards the conservatory and private rear amenity space of No 6. As such, the privacy of the occupants of No 6 is already affected to a greater extent than that normally experienced between neighbouring residential properties.
7. I do not dispute that the outlook from the first floor habitable room window of the proposed extension would result in views of the rear garden of the neighbouring property from a closer proximity than is currently the case. Nevertheless, the amended position of the window is such that a distance in the order of 10.5 metres would be maintained between the window and the boundary when taken in a straight line. In this regard, my attention has been drawn to the Council's Supplementary Planning Guidance '*SPG 02 Householder Development*' (SPG), which advises that '*To reduce the loss of privacy it is recommended that the minimum distance from the new habitable room window to the boundary should be 10.5 metres.....*'¹. I therefore consider that, overall, the proposal would comply with the advice in the SPG. Whilst I acknowledge that there would be an angled view of the neighbour's garden that would not achieve the separation distance referenced in the SPG, given the siting relationship that I have described and that the overlooking would not be direct, I do not find that it would result in additional harm to the living conditions of the occupiers of No 6 that could justify the refusal of planning permission.
8. Turning to the conservatory, I have already noted that there are views into the space from the habitable room windows of the existing dwelling. Although I accept that the extension would bring the conservatory into closer proximity, the viewing angle from the habitable room window would change from that which currently exists given the siting relationship and the extension's projection.
9. The Council's argument is that the proposed first floor bedroom window would afford views into the neighbour's conservatory, failing to meet the required 21 metre separation distance referred to in the SPG. However, from my reading of Note 6 of the SPG to which the Council refers and which deals with privacy, the 21 metres relates specifically to the minimum distance between directly facing habitable room windows in adjacent properties (my emphasis). That is not the case here.
10. The outlook from the first floor window in the two storey extension would be at an oblique angle rather than increasing the direct line of sight of the neighbours' conservatory. Hence, I do not consider that the outlook towards the conservatory would be altered to a significant degree such

¹ Paragraph 4.6.3 of the SPG

that there would be any material impact on the privacy of the occupants of No 6 over and above that of the existing situation.

11. Accordingly, the proposal would accord with the requirements of Policy SP2 of the adopted Bridgend Local Development Plan, which *inter alia* seeks to ensure that the amenity of neighbouring uses and occupiers is not adversely affected. It would also be consistent with the advice in the SPG, Technical Advice Note 12 '*Design*', Planning Policy Wales and Future Wales in terms of the need to protect the living conditions of neighbours.

Conclusions

12. For the reasons I have given, and having regard to all matters raised, the appeal is allowed.
13. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

Melissa Hall

Inspector



Penderfyniad ar yr Apêl	Appeal Decision
Ymweliad â safle a wnaed ar 10/11/2021	Site visit made on 10/11/2021
gan A L McCooey BA (Hons) MSc	by A L McCooey BA (Hons) MSc
Arolygydd a benodir gan Weinidogion Cymru	an Inspector appointed by the Welsh Ministers
Dyddiad: 09/12/2021	Date: 09/12/2021

Appeal Ref: APP/F6915/A/21/3281824

Site address: Land adj. Farm Foods, Pentre Felin Retail Park, Tondu CF32 9GP

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 prior approval under the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended.
- The appeal is made by Hutchison UK Ltd against the decision of Bridgend County Borough Council.
- The development proposed is a 20m Phase 8 Monopole with wraparound cabinet at base and associated ancillary work.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) grants planning permission for certain classes of development subject to standard conditions. The appeal relates to an application for prior approval under such provisions, meaning that the principle of development is already established by law. The provisions do however require Local Planning Authorities (LPAs) to assess such developments on the basis of their siting and appearance. I shall consider the appeal accordingly. The LPA determined that Prior Approval was required for the siting and appearance of the development and that such approval was refused on the basis that the proposed siting would conflict with Council Policy and guidelines with the scheme raising highway safety concerns.

Main Issue

3. The main issue is the effect of the proposed equipment on highway safety and the provisions and allocations of the Local Development Plan.

Reasons

4. The mast and ancillary development is to be sited on a grassed area between the above retail park and the A4063, close to its junction with the A4065. The LPA confirmed that the parcel of land has been provided to the Highway Authority for highway improvements as part of a major development nearby, allocated under Policy PLA3 (10) of the Local Development Plan. Policy PLA8 (3) provides for the associated highway improvements to the A4063 involving the site and adjoining land. Outline planning permission and reserved matters consent have been granted for the development and associated highway improvement affecting the appeal proposal. The implementation of the associated highway improvements are an essential part of the overall development. The Council and the developer of the allocated site (the developer) have confirmed their commitment to the scheme. The relevant planning permissions are in place and the details required by conditions have been approved. It has been demonstrated that the developer is progressing the delivery of the approved development.
5. The proposed siting would be within the area subject to highway improvements. The developer has objected to the proposal and has provided the approved detailed plans of the highway works. The location of the proposal as submitted has been superimposed on the approved highway layout plan. This shows that the mast and ancillary development would be close to the new footway in an area required for forward visibility. Any obstacles to visibility in these splays are not permitted because they would be detrimental to highway safety. The appellant has provided a plan (Figure 2.1) purporting to show that the proposal would be outside the area. However, the location shown on this plan does not accord with the plans submitted with the application. As the Council points out the location shown in the appellant's Figure 2.1 is to the south and west of the actual application siting. I must deal with the appeal on the basis of the information that was before the Council when it made its determination. The evidence of the Council and the developer clearly demonstrates that the proposal would prejudice the implementation of the required highway improvements for the reasons given. This would be detrimental to highway safety and to the relevant policies of the Local Development Plan.
6. In addition, were the proposal to be constructed as submitted then it would have to be re-located when the highway scheme is implemented. This would both delay the scheme and temporarily affect the appellant's network coverage and customers. There would also be the associated financial and environmental costs of relocation.
7. I have taken into account the policy and government support for improvements to telecommunications infrastructure (especially 5G technology), and the benefits such technology brings, as outlined in the submissions. I give these matters significant weight in this decision. However, they do not outweigh the issues identified above.
8. The alternative options and locations considered prior to the submission of the application have been supplied and are noted. However, no consideration has been given to amending the proposed siting within the immediate vicinity in order to avoid the identified highway safety problems. The developer has indicated that this may be possible and has stated a willingness to work with the appellant to resolve the siting issue. The agent has supplied information on several other issues that are not in dispute in this case and do not form part of the reasons for refusal. This information is not relevant to the identified main issue.

Conclusion

9. Having taken all relevant matters into consideration, I conclude that the appeal should be dismissed for the reasons given above.
10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

A L McCooey

Inspector

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TRAINING LOG

All training sessions will be held on the Microsoft Teams platform.

<u>Subject</u>	<u>Date</u>
Minerals update	26 January 2022
Listed Building Consent delegation from CADW	2 March 2022
Tree Policy - Green infrastructure	13 April 2022
Public Rights of Way / Bridleways	25 May 2022
Amenity space – Building in gardens workshop	6 July 2022
Building in Conservation Areas	17 August 2022

(Members are reminded that the Planning Code of Practice, at paragraph 3.4, advises that you should attend a minimum of 75% of the training arranged).

Recommendation:

That the report of the Corporate Director Communities be noted.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

BACKGROUND PAPERS

None

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