

# **DRAFT NOTE**

## **Permitted Development and the Southern Pedestrian Access**

R D L Burns  
Freelance Planning Support

# Headings

<b>A</b>	<b>Recent Planning History</b>	<b>1</b>
<b>B</b>	<b>After the Response</b>	<b>1</b>
1	Virtual Meeting 14th April 2021	1
<b>C</b>	<b>Meeting evaluation &amp; Risk Issues</b>	<b>2</b>
1	Risk	2
2	Active Travel	2
<b>D</b>	<b>Permitted Development</b>	<b>2</b>
1	Source Regulation	3
<b>E</b>	<b>Southern Pedestrian Access S01 Principles</b>	<b>3</b>
1	Legend	3
2	Warning	4
3	Design Comments	4
4	Tree Database & Landscaping	4

## **A Recent Planning History**

Before the letter to the Local Planning Authority, the Council had received several Project Manager and Town Clerk reports regarding possible pedestrian access options and information of past access points.

Council resolved that a new access point at the Northern apex part of the site being close to the Town centre and a traffic light-controlled crossing seemed the better option. This option provided a more efficient route (desire line) for citizens needing to get to the new Town Hall. The Project Manager (PM) was required to contact the LPA to determine whether the Planning Authority would favourably consider this proposal.

Meetings occurred with an exchange of emails. The information included drawings of the layout of structures and the local impact on the site's arboricultural aspect.

That process recorded as PE/389/2020, which followed on from P/20/82/LAP, providing lawful use of the site for "... the proposed use of the building for Town Council duties the relocation of the Evergreen Hall activities".

The discussion's conclusion resulted in a letter from the LPA dated 16<sup>th</sup> November 2020 stating the following.

"...As a result of the above, and based on our discussions during the meeting, we would recommend that the pedestrian access to the site is retained via the established access road off Sunnyside Road which will be improved as a result of the Linc development. "

## **B After the Response**

The Project Manager further researched planning issues and prepared a note concluding that the Town Council as a Local Authority as defined in The Town and Country Planning (General Permitted Development) Order 1995 could benefit from Part 12, Development by Local Authorities Class A as follows.

"a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;"

The PM advised that he be allowed to discuss with the LPA, which resulted in further emails and virtual meetings.

### **1 Virtual Meeting 14th April 2021**

The Mayor, Town Clerk, Facilities Manager and Bob Burns (freelance Planning support) met Rhodri Davies (RD) Planning and Robert Morgan (RM) Highways and in a long meeting discussed the above letter from RD the Highway concerns (RM) particularly:

- i Pedestrian safety, vehicular parking/traffic and carriageway surfaces
- ii Active Travel Policy
- iii Permitted Development (PD)
- iv PD procedural next steps
- v Southern pedestrian access and memorial gate
- vi Sunnyside Lane & Linc Cymru railings
- vii Layout and general criteria regarding vi
- viii Park Street Air quality, traffic management, traffic restrictions drop-offs
- ix Legal responsibilities PD and pedestrian access

The meeting did not reach a specific agreement but seemed to acknowledge that the North access proposal's safety issues were significant.

## C Meeting evaluation & Risk Issues

### 1 Risk

There is no escaping the fact that the Town Council has been officially informed that the proposal to create Northern pedestrian access, although potentially worthy from a policy point of view, has substantial detractors. Some of those detractors can be defined as foreseeable risks,

Location	Risk
Park Street	Drop Offs
	Free Flow Traffic
Rear Lanes	Drop Offs
	Parking
	Defined as Carriageway
	Substandard
	Not Illuminated
	Bad Surface
	Trips
	Falls
	Conflict with vehicles

### 2 Active Travel

The primary policy referred to at the virtual meeting was Active Travel and that policy is currently the subject of consultation the status of the consultation is below.

**Second Phase Consultation** *March to April 2021: Validation of the draft network: Based on your feedback from the first consultation we will come up with a draft network map and want to hear your thoughts on the proposed plans.*

**Third Phase Consultation** *July to October 2021: Final statutory consultation on the proposed Active Travel Network Map, which will have considered the feedback of the first two rounds of consultation. After this, the final network map will be submitted to Welsh Government for approval.*

The current relevant 'Useful routes for pedestrians Map' can be accessed with [BCBC Map 2](#) and contact information Email: [traffic&transportation@bridgend.gov.uk](mailto:traffic&transportation@bridgend.gov.uk). The latest Ministerial Reports at [BCBC Annual Reports 2016 to 2017](#).

The BCBC Active Travel Report can be found at <https://www.bridgend.gov.uk/my-council/equalities-and-engagement/consultations/closed-consultations/active-travel-2015/>

## D Permitted Development

Town Council staff generally understood (from previous reports from the PM that the Town Council could take advantage of the Permitted Development right as identified above. The usual route for that aspect was to write to the LPA seeking confirmation. Research shows that writing in that form is usual.

Because of the 'risks' identified in discussions and without the confirmation of independent legal advice retained by the ton Council there is an added risk. That risk evolves from the Town Council

seeking to take advantage of the Permitted Development provision, knowing that the risks have been pointed out and decides to disregard them.

1 Source Regulation

PART 12
DEVELOPMENT BY LOCAL AUTHORITIES
Class A

A. Permitted development

The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—

(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;

(b) lamp standards, information kiosks, passenger shelters, public shelters and seats, telephone boxes, fire alarms, public drinking fountains, horse troughs, refuse bins or baskets, barriers for the control of people waiting to enter public service vehicles, and similar structures or works required in connection with the operation of any public service administered by them.

A.1 Interpretation of Class A

For the purposes of Class A—

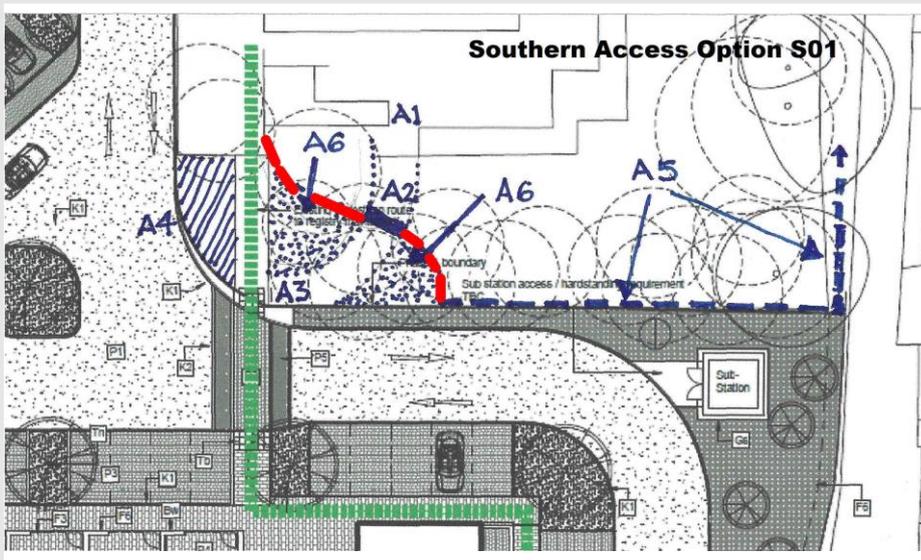
"urban development corporation" has the same meaning as in Part XVI of the Local Government, Planning and Land Act 1980(32) (urban development).

The reference in Class A to any small ancillary building, works or equipment is a reference to any ancillary building, works or equipment not exceeding 4 metres in height or 200 cubic metres in capacity.

E Southern Pedestrian Access S01 Principles

Figure 1: South Pedestrian Access Possible Layout shows a set of potential positions as a starting point for further discussion with the legend below.

Figure 1: South Pedestrian Access Possible Layout



1 Legend

<b>A1:</b>	The general location of ramped access to Town Hall ground level.
<b>A2:</b>	Memorial Gate size and design to be determined.
<b>A3:</b>	General location of the starting point of a pathway to A1
<b>A4:</b>	Existing tarmac surface.
<b>A5:</b>	New Railing to secure site Possible Galvanised Bow Topped.
<b>A6:</b>	Retain trees where appropriate and supplement with new landscaping.
<b>Full Redline:</b>	New Railings to incorporate Memorial Gate (refer to Design Comments)

## 2 Warning

The figure is not a scaled image; all positions must be determined by survey and discussion with the Authorities.

## 3 Design Comments

**Estimate:** Between A3 and A1, a change in the level of 0.35 metres = gradient 1:12

**Red Line railings:** A5 railings could/should be Bow Top Galvanised railing to match the Linc Cymru railing along Sunnyside Lane.

**A4** Used as drop off area – Surface to be marked as such.

**All Heights:** To be agreed.

**A1** This area is currently paved, and the whole paved area needs maintenance

## 4 Tree Database & Landscaping

Although the trees on Town Council land are not subject to Tree Preservation Orders, the Southern access being permitted development is high. The Town Council recognises the need to exercise good practice in so far as the local environment is concerned will ensure that the Railings, Memorial Gate and all associated work are carried out with minimal effect of the trees.

*Table 1: Trees affected - BTC Tree Database*

Tree Ref No	Description	Category	Context	Number Single Trees or part of a Group
G1	Group of Whitebeam (Sorbus aria) and Cherry (Prunus spp)	C	Remove any dead, dying, or dangerous specimens. Monitor remaining trees for health.	8
T2	Swedish Whitebeam (Sorbus intermedia)	C	Monitor for health	1
T3	Swedish Whitebeam (Sorbus intermedia)	C	Monitor for health	1
<b>Total</b>				<b>10</b>

A localised landscaping plan will be prepared based upon the above concerning trees and the street scene, local residents, accessibility, gradients, and creating a Community Council presence at this location.