

REFERENCE: P/16/9/FUL

APPLICANT: British Airways Pension Trustees Ltd C/O Mango Planning, Number One Waterton Park, Bridgend, CF31 3PH

LOCATION: **Bridgend Retail Park off Cowbridge Road Bridgend CF31 3XX**

PROPOSAL: Two Class A3 (Food And Drink) Units And Associated Works

RECEIVED: 6 January 2016

SITE INSPECTED: 2nd February 2016

APPLICATION/SITE DESCRIPTION

British Airways Pension Trustees Limited are seeking planning permission to construct a free standing building, measuring 334 sq.m which is to be sub-divided into two separate units and constructed over a section of the existing car park that serves the Bridgend Retail Park. The Planning and Retail Statement submitted in support of the application confirms that the units will be used for Class A3 (Food and Drink) uses as described in the schedule to the Town and Country Planning Use Classes Order 1987

The proposed units will measure 17.2m x 6m with a sloping roof reaching a height of 4.9m. The unit will be sited in the northern corner of the retail car park, adjacent to the servicing area to the rear of the SCS outlet, fronting the car park with the rear elevation facing the Tesco service road.

In addition to the new units, the submitted plans propose a paved terrace and seating area to the front of the building, laid out such that the entrance to each of the units will have level approaches and flush thresholds.

Alterations to the existing car park and landscaping areas are a significant part of the application. The Transport Statement that accompanies the application confirms that the car park will be re-configured with the development resulting in the net loss of 24 spaces bringing the total available in the retail park to serve existing and new units to 300 spaces. The new build and associated changes to the car park will also result in the loss of eight semi-mature trees that were planted on 'islands' within the existing car park and along the northern site boundary. All trees formed part of the original estate landscaping. An assessment of the trees and the justification for the works has been set out in a tree report that has been submitted with the application.

The Design and Access Statement considers the design and appearance of the new building and indicates that contemporary materials are to be used comprising glass, coated aluminium, metal cladding panels and ceramic tiles, in colours that complement the existing units. The submitted plans confirm that the majority of the principal south elevation as well as the side west and east elevations will be glazed up to 2.75m above finished floor level in proprietary polyester powder coated aluminium curtain wall system, including shopfront doors. The remaining areas of wall are to be finished in proprietary smooth fixed ceramic tiles. Above 2.75m, the whole of the elevation is finished with insulated metal cladding panels up to the overhanging eaves.

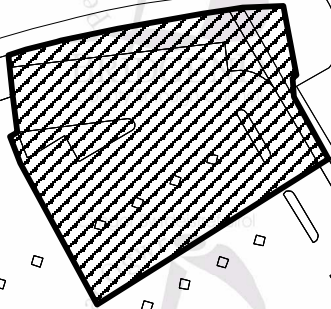
The north elevation is to be finished in proprietary modular smooth fixed ceramic tiles up to 2.75m above fixed floor level, with insulated metal cladding panels above, up to the overhanging eaves. Each of the individual units within the pod unit will have a rear steel service/escape door and frame sized to co-ordinate with the tile module.

Application Number

P/16/9/FUL

COWBRIDGE ROAD

Superstore



El Sub Sta



Scale 1:1,250

**Date Issued:
20/10/2016**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

Communities Directorate,
Bridgend County Borough
Council, Civic Offices,
Angel Street,
Bridgend CF31 4WB.

O/Drive/Plandraw/new MI layouts/
Committee DC Plan

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The roof is a simple mono-pitch which will also be finished in a light coloured profiled metal roofing system with an overhanging and contrasting colour coated metal fascia and soffit set off by an overhanging and colour coated metal fascia and soffit in a darker contrasting colour which will accentuate the roof form.

On the south side of the building, each unit will have a tubular steel feature frame standing forward of the building line to carry the respective tenant's signs and to denote the unit entrances.

The application has been accompanied by the following supporting documents:

- * Design & Access Statement prepared by Saunders Architects;
- * Planning Statement prepared by Mango Planning & Development Ltd;
- * Highway Statement and Traffic Surveys prepared by Entran Ltd and
- * Tree survey prepared by The Tree Surgeons Ltd.

RELEVANT HISTORY

No recent planning history relevant to the site.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for responses to consultations/publicity has expired.

NEGOTIATIONS

Negotiations commenced on 26th February 2016 in response to observations from the Transportation Policy and Development Section.

CONSULTATION RESPONSES

Councillor G Phillips reiterate the concerns articulated by Mr Robertshaw and the other Picton Garden residents and wishes to speak at committee.

1. Notification issues: Residents feel they have not been notified properly about this planning application and have found out almost through an accident. Certainly residents living in Picton Gardens did not receive any direct communication from BCBC about this planning application and have therefore not been given a proper opportunity to comment on the planning application and of course oppose it.

2. Access and egress issues: Mr Robertshaw and the other Picton Gardens residents were deeply concerned about access and egress issues that would be created if this planning application is successful. The Bridgend Retail Park has a far from satisfactory road and roundabout arrangement at the moment. It struggles to cope with traffic using

the park and a constant issue for residents is congestion as cars access and egress the retail park. The loss of 50 car park spaces for the two food and drink units is going to make a bad situation worse. Illegal car parking on the Picton Gardens estate is a constant problem and the loss of 50 car park spaces is going to make matters worse.

3. Congestion/rubbish and waste issues. Constant issues with congestion and food outlets have often blighted the lives of residents living on the Picton Gardens estate. There are numerous existing food and drink outlets on the Bridgend Retail Park including TESCOS, McDonalds, KFC and near to ARGOS and Dunelm stores, a COSTA coffee shop. Two more food and drink outlets will increase the rubbish on the estate and make the parking situation even worse.

Councillor Mrs E M Hughes:

1. The removal of 50 car parking spaces from the Bridgend Retail Park to accommodate the pods could impact on the streets nearby such as Picton Gardens and the street leading to the day centre in that drivers could park there and cause an increase in congestion especially in Picton Gardens which already suffers lorries entering the street at 6am on certain days and of course the evidence of McDonalds patrons parking in the street to eat their take away food and throwing rubbish onto the open front gardens.

2. Should the committee be minded to accept this application, could a stipulation be in place to modify the exit from the retail park onto the roundabout thus avoiding congestion. Due to congestion residents often have difficulty driving out of their street.

Bridgend Town Council: No objection.

Head of Street Scene (Highways): No objection subject to conditions.

Head of Street Scene (Drainage): No adverse comments.

Welsh Water Developer Services: No objection subject to conditions and advisory notes.

REPRESENTATIONS RECEIVED

Letter of objection have been received from the occupiers of 38, 41 and 42 Picton Gardens and 15 Priory Avenue. A letter of objection and attached petition, signed by 89 residents of Picton Close and Picton Gardens has also been received. The following is a summary of the objections received:

1. Extra parking overflowing onto our estate. The parking on the retail park is already under strain from the amount of existing visitors. This additional application will increase the visitors and decrease the parking spaces, so inevitably the visitors will park on the road leading up to and into our estate.

2. The additional cars and visitors from the extra retail unity will put pressure on an already congested flow of the traffic. The road infrastructure does not allow for an easy flow - there is only one entrance in and out.

3. Litter and Rodent Problems on Retail Park

4. Removal of trees from the area - increases the noise which would have been blocked out.
5. There are already issues with anti-social behaviour in the area by SCS and Homebase - this has been classed as a high priority by the local PACT group - this will only encourage more people into the area.
6. The additional outlet will further impact the value of the house prices in the surrounding areas
7. Development will encourage more school children to the area
8. Application should have been more widely publicised.

COMMENTS ON REPRESENTATIONS RECEIVED

The following comments are provided in response to the representations received:

1 & 2. The objections offered by the residents in relation to the loss of car parking to facilitate and the additional traffic that will be generated on the local highway network are the key issues in terms of the acceptability of the proposed development and are considered in detail in the following section of the report. For clarification, the development will result in a net loss of 24 spaces and not 50 spaces as quoted by an objector.

3. The propensity for hot food outlets to generate litter and possibly rodent problems has been held in court as a material planning consideration even though it is controllable by other legislation. It is however rarely sufficient reason in itself to refuse planning permission. Litter patrols are currently undertaken by McDonalds in connection with their use but this generally covers the area outside the main retail park car park. The Design and Access Statement does indicate that waste management will be down to the future tenants of the units.

4. The development will result in the removal of a number of existing trees that formed part of the original estate landscaping works. In the concluding section of the tree report that accompanied the application, the trees are considered to be of little amenity value. Whilst the loss is regrettable, the trees are not considered worthy of formal protection and as such the loss is consented by this development. Limited opportunities exist for re-planting but trees along the fence line will be retained subject to crown lifting works being undertaken.

The existing retail units will screen the units from the nearest residential properties so it is unlikely that these new uses would exacerbate any problems with noise.

5. Whilst residents have referred to problems of anti-social behaviour associated with the existing car park these are matters either for the Police or the owners of the retail park. Controls can be imposed on the uses and the hours of operation which may discourage late night activities but this would represent the limit of planning controls, in this case.

6. Property devaluation is not a material consideration in the context of this development.

7. The existing McDonalds fast foot outlet does attract children from the nearby comprehensive school and whilst a relatively direct route does exist along the A48, for a section, it does comprise grass verge on the northern side of the carriageway and passes over the frontage of a petrol filling station. Whilst the Council has previously considered upgrading the route, there does not appear to be sufficient justification for such works to be tied to this development.

8. Residents believe that the level of publicity undertaken in connection with this application was deficient. The application site is however situated on the retail park, surrounded by a number of commercial units, all of which were notified of the application. The properties on Picton Garden did not receive individual letter of notification but the application was advertised by the display of site notices on the approach to the development. The level of publicity undertaken accords with the published regulations.

APPRAISAL

The application can be determined under the present scheme of delegation granted to officers by the Council and is described in detail at the beginning of this report.

The main issues relevant to the determination of this application are:

- (i) Whether the development accords with the hierarchy of retailing in the county borough;
- (ii) Whether the development will adversely affect the amenities of the nearby residents and the visual amenities of the surrounding area generally.
- (iii) Whether the road infrastructure and retained parking are acceptable to serve the existing and new development

The application site forms part of the Bridgend Retail Park which is designated as an existing 'out-of-centre' retail facility under Policy REG10 (1) in the adopted Bridgend Local Development Plan (2013). Extensions within the boundaries of these sites will require an assessment of need, sequential test and assessment of impact as required by national policy.

The Planning and Retail Assessment that accompanied the application maintains that the nature of the proposed use is to provide an ancillary and complementary function to the existing uses within Bridgend Retail Park and as such the customer base will be drawn from existing users of the park. The agent claims that coffee shops/restaurants at such locations do not act as destinations in their own right but rather are visited in combination with other facilities nearby. There is no established methodology for assessing Class A3 proposals but the agent suggests that, in this case it is principally in qualitative terms and maintains that the development will enhance the range and choice of A3 units in this location and may discourage unsustainable trips by car to other locations.

In accordance with Policy REG 10 (1) the 'sequential test' has been applied to this proposal with the search area including Bridgend Town Centre, both in terms of existing units and new development sites and number of other surrounding district and local centres. The study concludes that no other site is sequentially preferable to the application site.

Impact has also been examined in the applicant's accompanying report and it has been concluded that given the scale of the development it is unlikely to have a material impact on the vitality and viability of any designated centre.

With reference to planning policy, it is considered that the proposed A3 units will be ancillary and provide complimentary services to customers using the Retail Park. There is therefore no more appropriate location for such facilities.

In terms of the needs test which applies to A3 as well as retail A1, it is recognised that it is difficult to establish a methodology for determining need for A3 uses. The applicant states that the need in this case is a qualitative one as the retail park does not currently offer such facilities as that proposed by this application. Taking into consideration changing shopping patterns, it is considered that the proposed development should enhance range and choice on the Retail Park.

In terms of the sequential test, the role of the proposed A3 units is intrinsically linked to the activity at the existing Retail Park and it is accepted that the proposal could not be located elsewhere. It is considered that the proposal will not impact negatively upon the viability of the town centre as a whole and there is no objection to the development when considered against the retail policies of the Bridgend Local Development Plan.

All development is required to create high quality, attractive, sustainable places and Policy SP2 of the Bridgend Local Development Plan identifies 15 criteria which are the starting point for the assessment of all applications. Having good road connections within and outside the site, to ensure efficient use; avoiding or minimising noise, soil and water pollution, safeguarding and enhancing biodiversity and green infrastructure, safeguarding the amenity of neighbouring uses/occupiers and incorporating appropriate arrangements for the disposal of foul sewage and surface water are the relevant criteria for the purposes of this application. Tree loss is considered in Policy ENV6 which confirms that proposals for development will be required in the first instance to retain, conserve, restore and enhance wherever possible existing woodlands and trees.

The design of the 'pod' is functional and subject to the agreement of finishes, the building should fit in well with the surrounding retail units. The loss of a number of trees that formed part of the original estate landscaping is however regrettable as they assist in breaking up the large car park which dominates the retail park. The trees do not, however, provide such outstanding amenity value as to warrant protection. Opportunities to re-plant are limited although it may be possible to enhance the planting on the northern boundary which faces the Tesco Retail Unit and to the front of the 'pod'. Planting along the rear boundary will in time help to screen the servicing area at the rear of the building.

Whilst objections have been received from the residents of the adjacent housing development (Picton Gardens), the 'pods' will be some considerable distance from the properties and should not, have any significant impact on the living conditions and well-being of the existing residents. Subject to conditions that will cover re-planting, finishes, hard landscaping, drainage and pollution control, the proposal broadly accords with Policy SP2 of the Bridgend Local Development Plan.

All development proposals are required to promote, amongst other things, safe forms of transport through good design. Land-use transportation solutions will be required to deliver a more effective, efficient and accessible transport system by following a range of principles which include reducing congestion, the need to travel, reliance on the

private car and providing appropriate standards of car parking, (Strategic Policy SP3 of the Bridgend Local Development Plan (2013) - paraphrased).

In accordance with Welsh Government guidance the Council has adopted parking standards that endorse maximum levels of parking provision in developments, (SPG 17: Parking Standards). All development proposals will be expected to have due regard to, and, where appropriate, conform to its up to date and/or adopted parking standards.

Current car parking provision on the retail park has been considered in the Transport Statement by way of two 'accumulation exercises' (counts) undertaken on Saturday 19th September 2015 and Saturday 7th May 2016, (worst-case scenarios). Both studies confirm a total of 324 spaces on site with a peak in occupancy (66% - 214 spaces) occurring at 13:45 and 14:45 on the 19th and (64% - 207 spaces) at 13:15, 13:45 and 15:15 on 7th. The Transport Study concludes that capacity exists within the car park to serve the existing and proposed development. Whilst the outcomes of the parking study are not disputed it should be noted that when assessing the existing retail park against the current car parking standards (SPG: 17), the provision is deficient in the range of some 150 spaces. Despite this shortfall, the technical evidence suggests spaces are available and will still be post-development. Whilst the car park and associated road network is congested at peak times, there is no evidence to indicate that parking is being displaced to the roads outside the park. Any parking on the approach to Picton Gardens is generally associated with visitors to McDonalds and this again is during weekends and bank holidays. Resisting this application on the basis of the deficiencies of the car parking facilities would be difficult to sustain at appeal. A suitably worded condition to limit the A3 uses to a coffee shop/café/sandwich bar type of use will be imposed which will ensure that the retained parking levels will be appropriate to the combination of the surrounding existing, and proposed, uses. In considering the suitability of the car park to accommodate delivery vehicles and HGV refuse vehicles, the Council will require a scheme that details a revised circulation plan of the car park, swept paths to show HGV's can use the revised circulation route and the re-positioning / widening of the barrier at the entrance of the retail park (which currently reduces the width of the highway).

With regards to the servicing vehicles for the units using the main car park, it is considered that a suitable traffic and delivery management plan will be required in order to mitigate any concerns of conflict with customer vehicles at peak times within the retail park. It should be noted that the timings of the deliveries / servicing vehicles must consider not only the operational hours of the proposed units but also the normal operational hours of the surrounding units. The Traffic and Delivery Management Plan will also enable suitable control over the size of commercial vehicles to those which are proven to be acceptable by the submitted details above.

Bridgend Retail Park is located on land between the A48 and A473, two Core Road Networks in the County Borough. Policy PLA5 identifies the aforementioned corridors as the main routes for the movement of people and goods and confirms that development which would: a) adversely affect safe and efficient movement in these corridors; and/or b) create or exacerbate harm to the environment along them; and/or c) not be capable of mitigation will not be permitted.

Whilst the Head of Street Scene (Highways) initially had concerns regarding the traffic generation of the development and its impact on the highway network serving the site, it is now clear that the units are of such a size and proposed use that they are considered not to be materially detrimental to the existing conditions. Notwithstanding the above, the existing traffic movements through the retail park, and between the individual

parcels, suffer from congestion at peak times. It is considered that a scheme of Yellow Box road markings, lane markings and direction arrows on the internal roundabouts would assist with preventing exit blocking of the roundabouts and thus aid through movements. It is considered that this may benefit the traffic flows through the retail park and onto the Classified Routes A48 and A473 beyond the retail site. Accordingly the Council will require the applicant to enter into a section 106 agreement to the value of £5000 to secure such improvements to the capacity of the two roundabouts within the retail site, to ensure the free flow of traffic in the area.

CONCLUSION

This application is recommended for approval because the development accords with the hierarchy of retailing in the County Borough established in the policies of the Bridgend Local Development Plan (2013) and will not adversely affect the amenities of the nearby residents and the visual amenities of the surrounding area generally. Furthermore and most critically, the road infrastructure and retained parking is adequate to serve the existing and new development.

RECOMMENDATION

(A) The applicant enters into a Section 106 Agreement to pay a sum of £5,000 to secure such improvements (Yellow Box road markings, lane markings and direction arrows) to the capacity of the two roundabouts within the retail site, to ensure the free flow of traffic in the area.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:-

1. The development shall be carried out in accordance with the following approved plans and documents: Drawing No.1852-P-150, 152 and 153 received on 6th January 2016.

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

2. 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 building 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.

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.

3. The premises shall be used as a Cafe/Coffee Shop/Sandwich Bar and not as a restaurant where meals are prepared and served to customers and for no other purpose including any other purpose in Class A3 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.

Reason: To ensure that the uses are operated in a manner that is ancillary and complementary to the function of existing uses on Bridgend Retail Park and in the interests of highway safety.

4. The uses hereby permitted shall not be open to customers outside the following times:-

08:00 to 20:00 Monday to Saturday and 09:00 to 16:00 on Sunday

Reason: To ensure that the uses are operated in a manner that is ancillary and complementary with the function of existing uses on Bridgend Retail Park.

5. No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

7. No development shall commence until a scheme for the provision of 4 cycle parking stands has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of promoting sustainable means of travel to / from the site.

8. No development shall commence until a scheme for the revised car park circulation plan and associated road markings has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

9. The revised and approved parking arrangement shall be implemented in accordance with the submitted plans with the spaces clearly demarcated in permanent materials before the development is brought into beneficial use and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

10. No development shall commence until a scheme for the provision of extended / relocated security gate at the site access has been submitted to and approved in writing by the Local Planning Authority. The revised gate arrangements shall be implemented before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

11. No development shall commence until a Traffic & Delivery Management Plan for the two units has been submitted to and agreed in writing by the Local Planning Authority. All servicing and delivery vehicles movements to the stores shall be made in accordance with agreed Traffic & Delivery Plan once the development is brought into beneficial use.

Reason: In the interests of highway safety.

12. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because the development accords with the hierarchy of retailing in the County Borough established in the policies of the Bridgend Local Development Plan (2013) and will not adversely affect the amenities of the nearby residents and the visual amenities of the surrounding area generally. Furthermore and most critically, the road infrastructure and retained parking is adequate to serve the existing and new development.

The Traffic and Delivery Management plan required to address condition 11 above will need to contain sufficient information in respect of:

- opening hours of adjacent retail units which operate from the car park
- proposed delivery schedules
- proposed delivery vehicle / service vehicle sizes
- supporting swept paths diagrams
- arrangements for opening /closing gates to the car park out of hours
- the need to review the plan in the event that any of the above arrangements change or at the request of the Highway Authority

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None