

REFERENCE: P/16/606/FUL

APPLICANT: Waterstone Estates Limited
c/o Geraint John Planning Ltd, 33 Cathedral Road, Cardiff CF11 9HB

LOCATION: Former OCLP site, Elm Crescent, Bryntirion CF31 4EA

PROPOSAL: Demolition of existing buildings and construct mixed use development of 1 x A1 retail unit, 1 x flexible A1/A2/A3 unit, 18 affordable housing units with associated highway improvements, access, parking, refuse storage & landscaping

RECEIVED: 29 July 2016

SITE INSPECTED: 19 September 2016

APPLICATION/SITE DESCRIPTION

The application seeks permission for a redevelopment, which will provide:-

- 1 x A1 retail unit of 332 sq m;
- 1 x flexible A1/A2/A3 unit of 114 sq m;
- 18 affordable housing units - comprising of 14 x 1 bedroom apartments and 4 x 2 bedroom apartments;
- A realigned vehicular access onto Elm Crescent to provide access to 18 parking spaces for the residential units and an exit for retail delivery vehicles;
- A vehicular access from Brynglas to 13 x retail customer parking spaces and an entrance for retail delivery vehicles;
- 6 x retail customer parking spaces on the southern side of Brynglas;
- Refuse storage;
- An Indicative landscaping scheme

The site comprises two irregular shaped parcels of land - one parcel to the north of Brynglas containing the Former OCLP Club and its associated accesses, parking and hardstanding and the other parcel to the south of Brynglas comprising a highway verge.

The northern parcel is located in a prominent corner location and is accessed via Brynglas to the south and Elm Crescent to the north.

The site is currently vacant with the existing buildings and structures falling into a general state of disrepair.

The application is accompanied by a Design and Access Statement, a Transport Statement and a Planning and Retail Statement

RELEVANT HISTORY

None

PUBLICITY

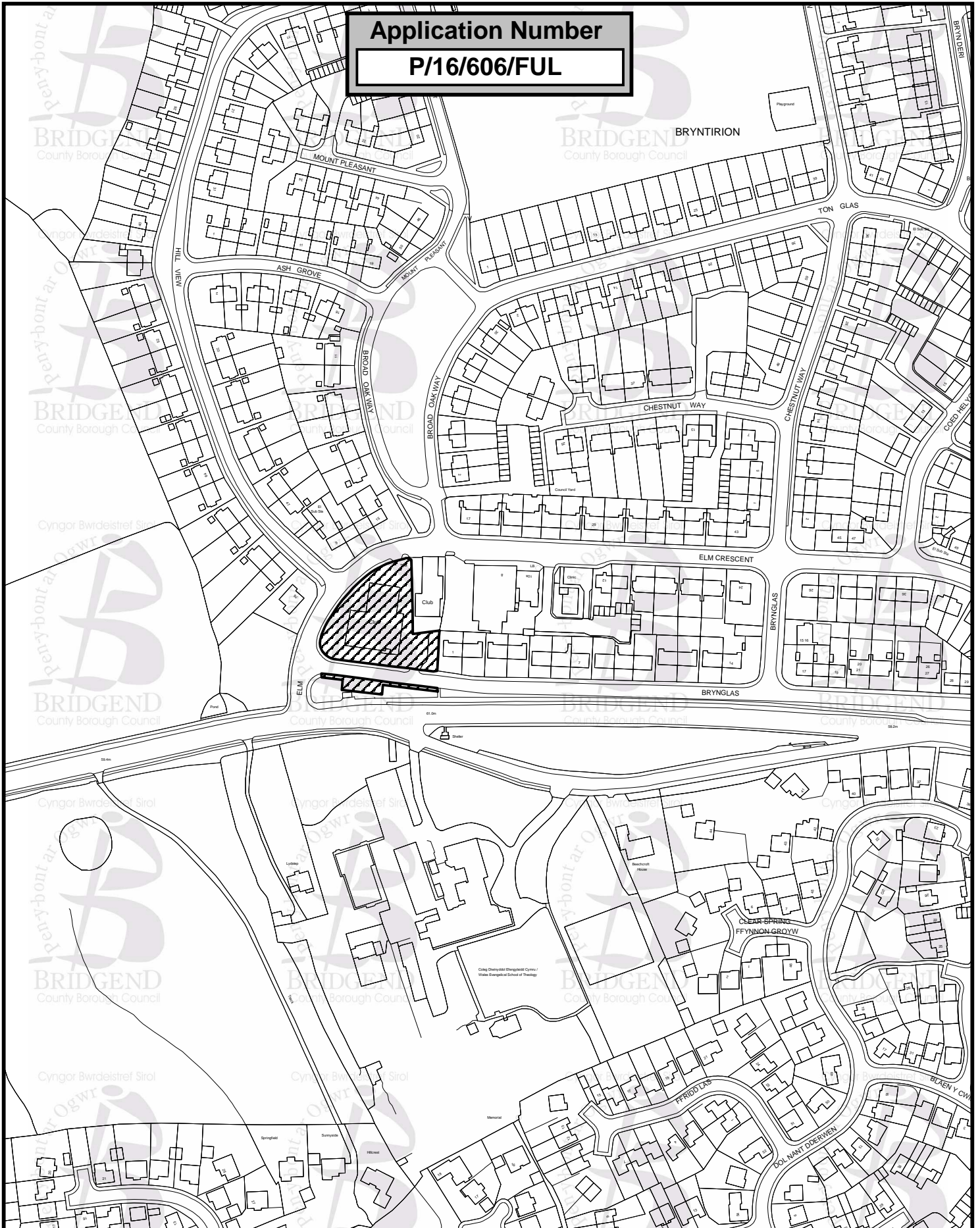
The application has been advertised on site and in the press.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 2 September 2016

Application Number

P/16/606/FUL



Scale 1:2,500

**Date Issued:
17/11/2016**

**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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CONSULTATION RESPONSES

Councillor P A Davies has not offered any observations but has raised some issues on behalf of a local resident in respect of footpaths, drop kerbs, car parking, increased traffic and use of the route by learner drivers.

Laleston Community Council does not object in principle to the provision of residential units on this site but objects to the inclusion of retail units for reasons of existing retail units nearby, insufficient car parking and overintensification of traffic movements close to residential properties and a main road junction.

Welsh Water Developer Services has no objection subject to a condition and advisory notes.

Natural Resources Wales has no objection to the proposal.

Crime Prevention Design South Wales Police makes observations in respect of Secured by Design.

Head of Street Scene (Drainage) has no objection subject to a condition and advisory notes.

Head of Street Scene (Highways) has no objection subject to a condition and advisory notes.

REPRESENTATIONS RECEIVED

C Harrison of The Dance Centre supports the proposal.

Gemma Hooper of 11 Elm Crescent objects to the development for reasons of noise, dust, disruption and traffic and to the height of the building for reasons of overshadowing and loss of privacy. She also queries the tenure of the housing.

COMMENTS ON REPRESENTATIONS RECEIVED

The objector's concerns regarding noise, dust, disruption and traffic appear to relate to the construction phase. Short term disruption is inevitable during the implementation of the scheme and is not a reason to refuse a planning application.

The final occupiers of a development is not a material consideration in the determination of the application, however, in this case, the development proposed is 18 affordable housing units.

The height of the building and an assessment of any overshadowing and potential loss of privacy is included in the Appraisal below.

APPRAISAL

The application is referred to Committee as Laleston Community Council has objected to the proposal.

The application site lies within the settlement boundary for Bridgend as designated by Policy PLA1 of the Bridgend Local Development Plan. Policy COM3 of the Local Development Plan (LDP) states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion

of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other Development Plan policy protects the building or land for an existing or alternative use.

LDP Policy COM7 seeks to protect social and community facilities unless a suitable location is available for an alternative facility or, in the view of the Local Planning Authority (LPA) the existing facility is no longer required for the current use or any other social and community uses. The building has not been used for some time and it is accepted by the LPA that the facility, in its current form, is no longer required.

Waterstone Estates Ltd has submitted a detailed justification of the retail floorspace provision within the Planning and Retail Statement which demonstrates that the amount of floorspace provided is appropriate to justify the need for two retail units as part of the development.

The proposal, as part of a mixed-use development, complies with the requirements of Policy REG 5 (Local Retailing and Commercial Development). The Retail Statement states that *the primary role is that of 'top-up' shopping and providing essential goods on a daily basis as a supplement to those provided in the immediate locality of Bryntirion. Additionally, the proposal will contribute to Bridgend's overall retail offer and will compliment residents' strong demand for goods, as stated in Bridgend County Retail Needs Planning Study 2007 to 2021.* In addition the Council has produced a Planning Statement accepting the need for additional A1/A2/A3 retail units in the local market area of Bryntirion.

With respect to the smaller flexible unit, an A3 use is possible. In terms of Supplementary Planning Guidance (SPG) 14: Hot Food Takeaway Establishments it is considered that this site falls within a Category 2 location - a small retail area in an otherwise residential area and the use should be time limited accordingly.

Notwithstanding the operational difference, each category listed shares three attributes of acknowledged importance, which determines their acceptability in a given area. These are highway safety, noise and smells/odours. The level of importance attached to each factor will vary according to the location of the proposal. For example, a takeaway in a town centre location where there is public parking and no residential properties may be considered acceptable, despite the high level of activity, because there is little effect on highway safety and residential amenity. Whereas a takeaway in a predominantly residential area, although having a significantly lower level of activity, could be considered unacceptable because of problems created by noise, smells and parking in close proximity to residential dwellings.

Given that the current use of the site as a social club has the potential to generate a degree of disturbance, particularly in the evening, it is considered that the introduction of a small A3 use will not significantly worsen this situation.

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2. Policy SP2 of the LDP states:-

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment.

The proposed building is linear in form, the main length of the building runs parallel and

faces Brynglas whilst a return elevation is provided to front Elm Crescent. This presents a scheme that provides an interaction with the street scene and reflects the corner location of the site.

The design uses varying heights on the building, ranging between 2 and 3 storeys, and this provides interest to the building and streetscene. The location of the three storey element on the same corner has the potential to create a statement landmark building on one of the gateways into Cefn Glas. The rear projection is in keeping with the scale of dwellings in the vicinity of the site.

The appearance of the proposed buildings is considered to be sympathetic to the context of the neighbouring properties and the palette of proposed materials, principally comprising buff coloured brickwork, precast stone wall banding and render, will ensure the building will complement and enhance the character of the surrounding area.

The introduction of ground floor windows, both on the retail and residential units, provides a sense of activity and passive surveillance along this boundary.

The proposed scheme has been designed to ensure that the residential amenities of existing dwellings are not adversely affected. There is an existing bungalow located across the road (17m) to the north western boundary of the site, 76 Hill View. However, given the intervening road, it is considered that the impact is not so significant. The objector's property will face the car park and is some 31m away from the building itself.

In respect of residential amenities, the layout and design of the proposed flats will not result in any unacceptable overshadowing or domination. The application proposes windows on the rear elevation which will overlook the car parking area to serve the development and all windows in the side elevations are designed at an angle so that they do not directly face existing properties.

There is little detail provided in regard to the boundary treatment proposed and, therefore, a condition is attached to the recommendation requiring details of boundary treatment to be submitted to and agreed in writing by the Local Planning Authority.

The proposal for a 100% affordable housing development has been prepared in response to the need for affordable housing in the wider area and the amount proposed accords with the Council's SPG on Affordable Housing and LDP Policy COMS – which states that 'of major importance to the LDP strategy is the delivery of affordable housing. The density proposed accords with LDP Policy COM4 – which prescribes a minimum density and states *'that it is important that new development uses land efficiently by being of a density which maximises the development potential of the land'*.

Notwithstanding the above, a S106 Agreement will be required to ensure that a minimum of 4 of the units will be retained as affordable housing in perpetuity.

Indicative landscaping is shown to the site frontage with Brynglas, in the peripheral areas of the site and in areas designated for bin storage. The indicative landscaping layout is considered an enhancement to the visual amenities of the area, however, further details will be required and this can be controlled by condition.

Very little amenity space will be provided within the site and, given the constrained nature of the site, a commuted sum secured through a S106 Agreement may be more appropriate than on-site provision. The applicant will, therefore, be required to provide a sum of £470 per dwelling towards improving public open space in the surrounding area, the nearest of which is the Bryntirion children's play area and playing fields, in accordance with Policy COM11 of the LDP.

In terms of highway safety and parking provision, the layout includes parking to the rear and to the side of the built form of the proposal. As such, the street scene would not become dominated by parking and the building would not be obscured by cars.

The proposal will replace the existing OCLP club use with 2 retail units and 18 residential units. It is considered that the club could have the potential to generate a significant amount of traffic and parking and, therefore, it is likely that the traffic generated from the proposal would not exceed the traffic generation of the existing use class.

The proposed off street parking is considered acceptable for the retail unit and accords with the Council's Supplementary Planning Guidance (SPG) 17. The proposed off street parking for the residential units is 4 spaces below the maximum calculation as per SPG17, however, this shortfall is considered acceptable given the site's sustainability credentials in terms of proximity to walking and cycling routes, bus stops and other services. Furthermore the shortfall is deemed acceptable as the parking spaces will not be numbered and will remain useable to all residents. As a result, it is considered that the parking provision for the scheme as a whole is acceptable, although the applicant will be required to submit a scheme for the parking on the highway to ensure the spaces are a correct size and can be easily utilised.

The applicant has provided swept path analyses for the proposed accesses and these are considered acceptable. In order to ensure that the accesses are safe for vehicles emerging onto Elm Crescent and Brynglas it is considered necessary to add a vision splay condition.

It is noted that the retail units will be using a demountable bollard system to ensure that delivery vehicles exit the site in a forward gear, however, to further ensure that the correct vehicles service the retail units at an appropriate time a condition is recommended to provide a Delivery Management Plan.

In order to prevent any on street parking/loading/unloading it is considered necessary to prevent inappropriate parking around the site and ensure that HGV vehicles can exit the northern site access. In this regard it is considered that the applicant should enter into a Section 106 agreement prior to consent being granted. The agreement will provide £7000 for the application of double yellow lines around the access to Hill View, Broad Oak Way and opposite the northern site access to stop vehicles from parking in that area.

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 LPAs 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"

Given the nature of this previously developed site and the Council's Ecologist and NRW's response to consultation it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

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 and SPG19.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 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.

CONCLUSION

The proposed development accords with both National and local policy and represents an opportunity to utilise a brownfield site for the delivery of affordable housing whilst providing an opportunity for additional retailing. The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

RECOMMENDATION (R34)

(A) The applicant enters into a Section 106 Agreement to provide:-

- i. a minimum of 4 units as affordable units, which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.
- ii. £8460.00 towards the improvement of recreational facilities within the Bryntirion area payable prior to the beneficial occupation of the first dwelling unit.
- iii. £7000 for a Traffic Order for the application of double yellow lines around the access to Hill View, Broad Oak Way and opposite the northern site access prior to the beneficial occupation of any part of the development.

(B) The Corporate Director Communities be given delegated 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:-

Site Location Plan Ref: 2120-100
Site Layout Plan Ref: 2120-101 Rev A
Proposed Floor Plans Ref: 2120-200-01
Proposed Elevations Ref: 2120-200-10
Drainage Plan 2120-501
Design and Access Statement
Transport Statement
Planning and Retail Statement

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

2. The site shall be developed as follows:-

- 1 retail unit of 332 sq m - Class A1 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.
- 1 flexible unit of 114 sq m - Classes A1, A2 or A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order.
- 18 affordable housing units - comprising of 14 x 1 bedroom apartments and 4 x 2 bedroom apartments.

Reason: To ensure the Local Planning Authority retain effective control over the development.

3. Any A3 use of the flexible unit hereby permitted shall not be open to customers outside the hours of 08:00 to 23:00.

Reason: In the interests of residential amenities.

4. Prior to any A3 use of the flexible unit being brought into beneficial use details of the extraction system to be installed, including odour abatement and noise levels generated by the external unit (sound power/pressure levels), a vertical section plan indicating the position and height of final openings of the exhaust ducts and details of an odour management plan shall be submitted to and agreed in writing by the Local Planning Authority. The details as agreed shall be implemented within 1 month of agreement and thereafter the equipment shall be maintained in accordance with the agreed programme and retained for the duration of the use.

Reason: To ensure that the amenities of adjoining and nearby occupiers are not prejudiced.

5. Notwithstanding condition 1, 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 buildings 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.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the Local Planning Authority. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by the Local Planning Authority prior to any development commencing on site.

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 take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable and the boundary treatments shall be retained and maintained as such in perpetuity.

Reason: To ensure that the general amenities of the area are protected.

8. No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

9. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, highway and roof/yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to beneficial occupation.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

10. The retail parking areas within the site shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter in perpetuity.

Reason: In the interests of highway safety.

11. No development shall commence until a scheme for the provision of 18 parking spaces for the residential units has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure that sufficient vision is provided at the access and shall not provide any dedication of spaces to an individual unit. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

12. No development shall commence until a scheme for the provision of 6 parking spaces on the highway and associated footway realignment has been submitted to and agreed in writing by the Local Planning Authority. The footway and parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the improvement of the footway along the southern side of Brynglas through to the footway of the A473 has been submitted to and agreed in writing by the Local Planning Authority. The footway shall be completed in permanent materials prior to the development being brought into beneficial use and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

14. No development shall commence until a scheme for the widening of the access at the northern end of the site onto Elm Crescent has been submitted to and agreed in writing by the Local Planning Authority. The widened access and revised footway 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 as such thereafter in perpetuity.

Reason: In the interests of highway safety and to ensure HGV vehicles can egress the site effectively.

15. The proposed means of access onto Elm Crescent shall be laid out with vision splays of 2.4m x 29m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

16. The proposed means of access at the southern end of the site onto Brynglas shall be laid out with 6 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 25m to the west and 2.4m x 43m to the east in both before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

18. No development shall commence until a Traffic & Delivery Management Plan for the two retail 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.

19. No development shall commence until a scheme for the provision of 4 cycle parking stands for the retail units and 11 cycle parking stands for the residential units has been submitted to and approved in writing by the Local Planning Authority. The stands shall implemented before the development is brought into beneficial use and retained thereafter in perpetuity.

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

20. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of affordable housing whilst providing an opportunity for additional retailing. The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

- b) In order to satisfy condition 9 the following information is required:-

- confirmation from Dwr Cymru Welsh Water of the acceptability of connection for both foul and surface water sewers;

- details of attenuation for surface water if required from Dwr Cymru Welsh Water.
- c) The Traffic and Delivery Management plan required to address condition 9 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 size restriction and supporting swept paths.
 - Arrangements and responsibility for opening/closing of the demountable bollards for delivery vehicles.
 - The need to review the plan in the event that any of the above arrangements changing or at the request of the Highway Authority.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None