

**RECOMMENDATION : GRANT WITH CONDITIONS**

**REFERENCE:** P/15/322/FUL  
**APPLICANT:** TONDU IV LIMITED  
C/O STANSGATE PLANNING 9 THE COURTYARD TIMOTHYS BRIDGE  
ROAD STRATFORD UPON AVON

**LOCATION:** LAND SOUTH WEST OF MAESTEG ROAD TONDU

**PROPOSAL:** ERECT 2 X A1 UNITS & 2 X A3 UNITS WITH ACCESS, PARKING, ETC.

**RECEIVED:** 15th May 2015

**SITE INSPECTED:** 8th June 2015

**APPLICATION/SITE DESCRIPTION**

The application seeks full planning permission for the erection of 2 x A1 units and 2 x A3 units on this parcel of land off Maesteg Road, Tondu.

The A1 and A3 units will be accommodated within one commercial building which will measure 85m x 24m and will be finished with a domed roof reaching a maximum height of 8.4m. The design of the commercial building includes a stepped down section which will measure 5.8m in height. A canopy will run along the front elevation of the commercial building.

The commercial buildings will comprise:-

Unit 1 - A1 Use at 1162 m2  
Unit 2 - A3 Use at 116m2  
Unit 3 - A3 Use at 116m2  
Unit 4 - A1 Use at 419.80m2

The application proposes retaining walls along the eastern and southern boundaries of the site. Access will be gained via Ffordd Antwen, the central estate road, from the traffic light controlled junction at the A4063. Pedestrian access will be gained via Ffordd Antwen and from the footpath which runs to the rear of the site and links with the subway under the railway line at Bridgend Road, Aberkenfig.

The application site is located on a parcel of land which was identified for commercial development and a health centre in the original outline consents on the land (P/04/818/OUT & P/08/156/OUT refer).

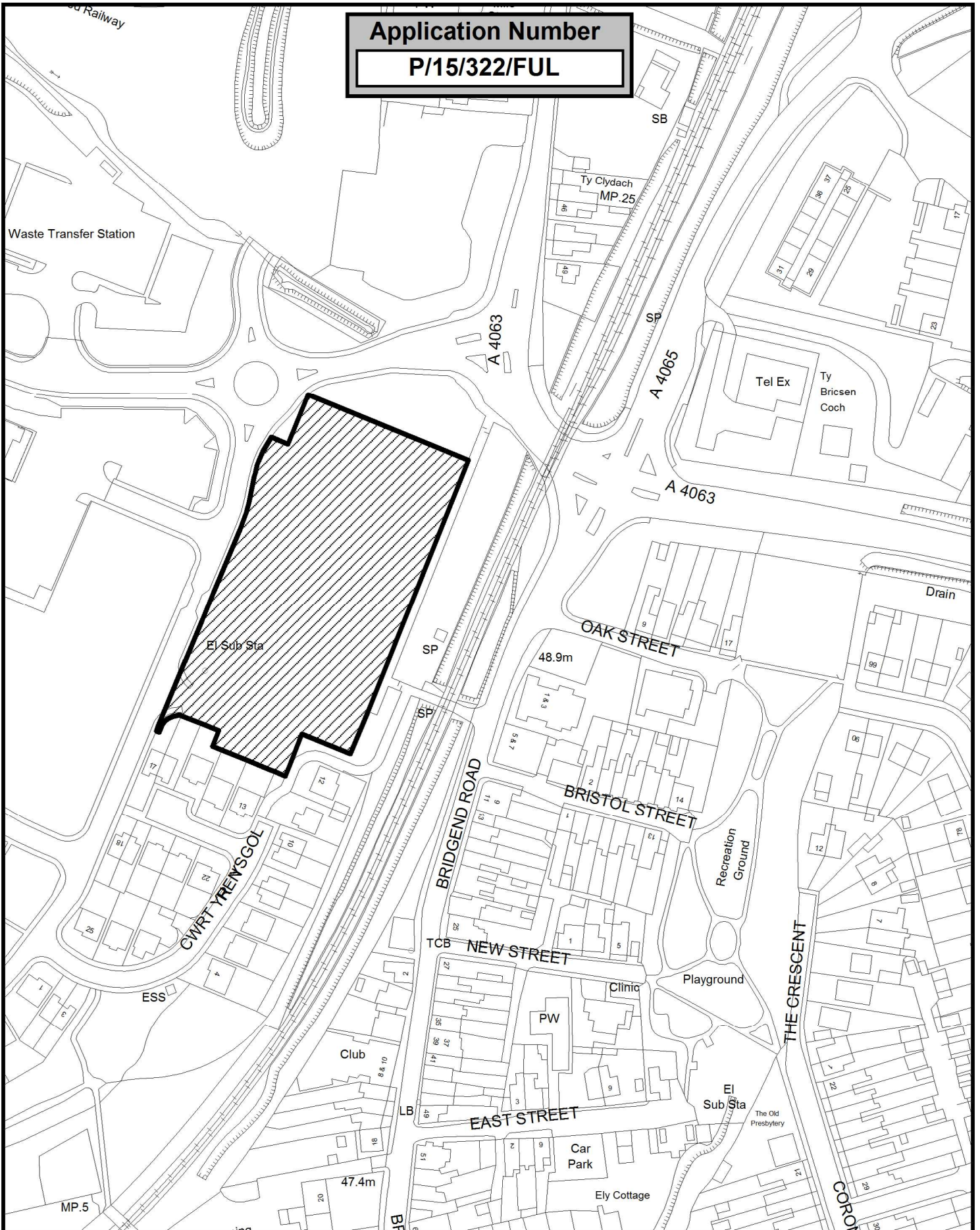
**RELEVANT HISTORY**

**P/04/818/OUT** APPROVED 22-12-2005  
+conditions  
WASTE TRANSFER, HOUSES, ROAD, SHOPS, HOTEL, RESTAURANT LEISURE, MED  
CENTRE, CRECHE, ETC.

**P/08/156/OUT** APPROVED 23-05-2008  
+conditions  
ERECT SHOPS, RESTAURANT & MEDICAL CENTRE WITH PARKING ACCESS &  
SERVICING

Application Number

P/15/322/FUL



Scale 1:1,750

Date Issued:  
05/10/2015

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
Bridgend County Borough  
Council, Civic Offices,  
Angel Street,  
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O:/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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## **PUBLICITY**

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

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 2 October 2015.

## **NEGOTIATIONS**

The agent was requested to amend the design of the proposed commercial buildings. Amended plans were received on 2 June 2015.

The agent entered into detailed discussions with the Highways Authority with regard to the access and parking layout. An amended plan was submitted on 15 September 2015, which is in accord with the advice provided by the Highways Officer.

## **CONSULTATION RESPONSES**

### **Town/Community Council Observations**

Notified on 27th May 2015

Objects to the proposal as it would reduce the amenity value of the site and another takeaway unit in the area would be inappropriate to the general street scene.

### **Councillor M Winter**

Considers that the application should be referred to the Development Control Committee and a site panel visit be under taken for the following reason:-

Over intensification of fast food outlets in this area and made reference to a number of appeal decisions in Aberkenfig.

### **Head Of Street Scene (Highways)**

Has no objection to the development subject to conditions.

### **Economic Development**

Has no objection to the proposal.

### **Head Of Street Scene (Drainage)**

Requested that a condition be attached to any permission granted.

### **Rights Of Way Team**

Has no objection to the proposal.

### **Welsh Water Developer Services**

Advised on sewerage

**The Coal Authority**

Has no objection to the proposal.

**Bridgend & District Ramblers**

Have no objections to the proposal.

**Group Manager Public Protection**

Requested that conditions be attached to any permission granted.

**Crime Prevention Design S.Wales Police**

Advised on design.

**Destination & Countryside Management**

Raised no objection to the proposal and requested that notes be attached to any permission granted.

**REPRESENTATIONS RECEIVED**

Objections to the proposal were received from:-

G Spanswick - 10 Cwrt Yr Hen Ysgol  
D Morris - 12 Cwrt Yr Hen Ysgol  
H Deeks - 13 Cwrt Yr Hen Ysgol (requested to speak at Committee)  
D Sage - 14 Cwrt Yr Hen Ysgol (requested to speak at Committee)

Concerns were raised by:-

R Hailstone - 16 Cwrt Yr Hen Ysgol

The objections and concerns are summarised as follows:-

- Disturbance caused by the development in terms of noise, pollution and nuisance.
- Saturation of A3 uses in Aberkenfig
- Visual Impact
- Highway safety
- Adverse impact on residential amenities, including privacy, overshadowing and dominance
- Request for rear boundary fence to be replaced with brickwork wall
- Adverse impact on wildlife
- A query was raised in relation to the end users of the commercial units

**COMMENTS ON REPRESENTATIONS RECEIVED**

The Public Protection department has assessed the scheme and considers it to be acceptable in terms of the noise, pollution and nuisance subject to conditions.

Given the close proximity of the delivery yard to the residential properties to the south, a condition shall be attached to any permission granted limiting the delivery times to 07:30-19:00 Mondays to Fridays and 08:00-13:00hrs on Saturdays, Sundays and Bank Holidays.

Whilst it is noted that there are numerous existing A3 uses within the centre of Aberkenfig, the application site is located approximately 500m from the junction of Bridgend Road with Pandy Road, which acts as the central point for commercial activity in Aberkenfig village and the A3

uses will also serve the new residential development to the south and west of the site. Given the spatial distance and the fact that the site is accessed via a different highway network, distinct separation is provided between the site and the other A3 uses in Aberkenfig village. Consequently, the proposed A3 uses are not considered to result in a saturation of A3 uses to the detriment of the viability and vitality of Aberkenfig village. Additionally, the extant consent (P/08/156/OUT refers) granted outline permission for a considerably larger A3 space of 742 square metres on the site. In regard to the appeals referred to, these relate to premises within Aberkenfig Village, where there is a saturation of A3 uses, however, given that the application site is some distance from these premises and will serve the new residential development the appeals are not considered to affect the consideration of this development.

The application site is located within the Commercial area of Aberkenfig as defined by Policy SP10 of the Local Development Plan and, as such, an A3 use at this location is considered acceptable.

The design is considered to represent a modern commercial building and reflects the design of the existing Lidl store directly opposite the site.

The Transportation Development Control Officer has assessed the scheme and has verbally advised that the development is generally acceptable in terms of parking provision and highway safety.

The proposed building will be some 40m from the rear boundaries and 50m from the rear elevations of the properties of Cwrt yr Hen Ysgol and the car parking area will be some 21m from the rear elevations of the properties on Cwrt yr Hen Ysgol. A ramp is proposed along the rear boundary of 13 Cwrt yr Hen Ysgol providing pedestrian access to the site from the footpath to the east. The ramp will be 0.5m from the rear boundary fence, however, in order to ensure that the residential amenities of No. 13 are not adversely affected by the proposal, a condition shall be attached to any permission granted requiring a boundary treatment scheme to be submitted to and agreed in writing by the Local Planning Authority.

The application site is currently unused land and the occupiers of 13-17 Cwrt yr Hen Ysgol are likely to have become accustomed to the land being unoccupied. However, the outline consent for the entire site, including the properties at Cwrt yr Hen Ysgol, identified this area for commercial development and this has been the intention since the inception of the development of the site in 2003. Furthermore, the properties on Cwrt yr Hen Ysgol are a sufficient distance away from the site and have rear boundary treatments which will provide the properties with adequate privacy to ensure that residential amenities are not so adversely affected as to warrant refusal of the scheme.

The proposed commercial building will be some 40m directly north of the rear boundaries of the properties of Cwrt yr Hen Ysgol and, as such, will not cause any unacceptable levels of overshadowing or dominance.

With regard to the request that the developer replaces the timber fences at the rear of the properties on Cwrt yr Hen Ysgol with brickwork walls, there is no requirement for the developer to do this under the terms of the planning permission. However, a condition is attached to the recommendation requiring details of a boundary treatment scheme.

The Ecologist has assessed the proposed development and considers the scheme to be acceptable in terms of ecology and biodiversity.

The Local Planning Authority is not aware of who will occupy the units and the end users are not material to the consideration of the application.

## APPRAISAL

The application is referred to the Development Control Committee for determination at the request of the local Member and in view of the number of objections received.

The application seeks planning permission for the erection of a commercial building comprised of 2 x A1 units (general retail) and 2 x A3 units (food and drink).

The application site forms part of a wider outline planning consent for residential development, waste transfer site, shops, restaurant, hotel and a medical centre (P/04/818/OUT refers).

The wider site is allocated under Policy PLA3(10) as a strategic regeneration mixed use development scheme. This area is part of the Valleys Gateway Strategic Regeneration Grants Area and offers opportunities for comprehensive development in order to meet the LDP vision and objectives.

A further outline planning permission, with design and landscaping reserved for future consideration, was granted at this site in 2008 for shops, restaurant and medical centre (P/08/156/OUT refers). A subsequent application was approved in 2013 to renew the 2008 outline planning permission (P/13/113/RLX refers).

The principle of the development has been established with the granting of the original and subsequent outline consents. The application proposes a layout which is very similar to that approved under P/08/156/OUT where layout was not reserved for future consideration. The differences now being proposed include the removal of the medical centre, the replacement of a larger A3 unit (742 square metres) with two smaller A3 units (232 square metres in total) and alterations to the car parking layout.

The site can be seen as both an extension to the existing retail and commercial area of Aberkenfig and as a commercial area to serve the new housing development. As the development is similar to an edge of centre retail development it is important that pedestrian and cycle links are available via the spine road and also from Aberkenfig via the sub way under the railway off Bridgend Road. It is considered that sufficient linkages have been provided on the submitted plan to protect the vitality and viability of the centre of Aberkenfig.

The application site is located within the district centre of Aberkenfig as defined by Policy SP10 of the Bridgend Local Development Plan (LDP). The development for A1 and A3 uses is, therefore, considered to be acceptable in terms of Policy SP10 of the LDP.

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'

There is a large residential allocation as defined by Policy COM3(31) of the LDP to the south and west, north/west of the site. Residential dwellings have been erected to the south of the site and the majority of these residential dwellings are occupied.

The proposed development has the appearance of a modern commercial building, with a canopy feature to add some interest. The building reflects the design of the Lidl building directly opposite the site and, as such, is considered not to have an adverse impact on visual amenities. The front elevation of the building will only be visible from within the site, however, the northern side elevation will be visible from the A4063, Maesteg Road, when travelling in a southerly direction. The side elevation will be set in some 28m from the highway and will include an advertisement and a combination of materials and, as such, the proposed development is considered to be

acceptable in visual terms when viewed from the A4063.

A store and bin area are also proposed to the south of the site, however, a condition is attached to the recommendation requiring a scheme for boundary treatment which will effectively screen the store from public view and from residents to the south.

It is proposed to erect a boundary treatment above the retaining walls surrounding the site. However, limited details in terms of visual appearance of the boundary treatment has been submitted and, in order to ensure the boundary treatment is acceptable in terms of visual amenity, as above, a condition shall is attached to the recommendation requiring details of the boundary treatment to be submitted.

The development proposes 112 parking spaces with associated landscaping and trolley store to the front of the development.

The position of the access, pedestrian access/ramp and general position and layout of the car park remains the same as that previously approved, although the delivery yard and turning circle have been positioned approximately 5m further away from the properties to the south. The proposed development is considered to be acceptable in terms of highway safety and parking provision.

The development proposes a delivery area and turning area to the rear of the building and, whilst this is within relatively close proximity to the nearest residential dwelling, 12 Cwrt yr Hen Ysgol, it will be some 8m to the north and will be screened in part by the proposed store. Appropriate boundary treatment will also ensure that the delivery turning area is screened from No. 12 and will not adversely affect the residential amenities of No. 12 to an unacceptable degree.

A condition is attached to the recommendations restricting the deliveries to the site between the hours of 07:30-19:00 on Mondays to Fridays and 08:00-13:00 Saturdays, Sundays and Bank Holidays, in order to ensure that the residential amenities of the properties to the south of the site are not adversely affected.

The proposed development includes two A3 units and, as such, Supplementary Planning Guidance 14: Hot Food Takeaway Establishments (SPG14) is relevant. The application site is considered to fall within Location Category 2, a location in a small retail area in an otherwise residential area and in accordance with Note 2 of SPG14, a condition is recommended limiting the opening of the A3 units to no later than midnight.

A condition is recommended limiting the hours of operation of the units, again, to ensure that the residential amenities of the properties to the south are not adversely affected.

Whilst determining this application Policies PLA(10), SP2, SP3 & SP10 of the Bridgend Local Development Plan and Supplementary Planning Guidance 14: Hot Food Takeaway Establishments were considered.

## **CONCLUSION**

Notwithstanding the objections received this application is recommended for approval because the site forms part of a Strategic Regeneration Grant Area and is allocated for mixed use development in the Local Development Plan and the development accords with the previous Outline consent, Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

## 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:-

T2181-PA-02 H (received 15 September 2015)

T218-PA-03E (received 2 June 2015)

T2181 PA-04A (received 18 May 2015)

Materials Schedule (received 4 June 2015).

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

- 2 Delivery and waste vehicle movements associated with the development hereby approved shall be restricted to between the hours of 07:30 and 19:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays, Sundays and Public, Statutory and Bank Holidays.

Reason: In the interests of residential amenities.

- 3 The units hereby permitted shall not be open to customers outside the following times:-

Monday - Saturday 07:00-00:00(midnight)

Sundays and Bank Holidays 08:00 - 00:00(midnight)

Reason : In the interests of residential amenities.

- 4 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 and these works shall be carried out as agreed. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc). 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.

- 5 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.

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

- 6 No development shall commence on site until a surface water drainage system has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed building.

- 7 No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground



movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 8** The development shall not be brought into beneficial use until a scheme for the air conditioning units has been submitted to and agreed in writing by the Local Planning Authority, the scheme shall include noise levels and the performance of any acoustic enclosure. The scheme shall be implemented as agreed.

Reason: In the interests of residential amenities.

- 9** The development shall not be brought into operation until an odour mitigation scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed and maintained in perpetuity.

Reason: In the interest of residential amenities.

- 10** No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The agreed Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing and control of HGV construction traffic to/from the site (avoiding school opening and closing times)
- ii. the parking of vehicles of site operatives and visitors
- iii. loading and unloading of plant and materials
- iv. storage of plant and materials used in constructing the development (site compound)
- v. wheel washing facilities

Reason: In the interests of highway safety.

- 11** The proposed 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 for parking purposes in perpetuity.

Reason: In the interests of highway safety.

- 12** The proposed means of access shall be laid out as approved with vision splays of 2.4m x 43m in both directions / frontage before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

- 13** The proposed delivery vehicle yard / turning facility and rear access lane shown on drawing T2181-PA-02H shall be completed in permanent materials in accordance with the approved layout prior to the approved development being brought into beneficial use. The delivery yard / turning area shall be used solely for the benefit of turning of delivery vehicles and for no other purpose and permanently retained as such thereafter.

Reason: In the interests of highway safety.

- 14** No development shall commence until a scheme for the provision of 6 cycle parking stands 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 as such thereafter.

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

\* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received this application is recommended for approval because the site forms part of a Strategic Regeneration Grant Area and is allocated for mixed use development in the Local Development Plan and the development accords with the previous Outline consent, Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

b) In respect of condition 6, the developer shall ensure that an assessment is carried out into the potential for disposing of the surface water by means of a sustainable drainage system, in accordance with the principles set out in accordance with TAN 15 (or any subsequent version) and results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) 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.

ii) Provide a timetable for its implementation; and

iii) 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.

iv) Provide a ground investigation report sufficient to support the design parameters and suitability of the proposed system.

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) Foul Water and surface water discharges shall be drained separately from the site.

f) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

g) The development site is crossed by a 150mm public sewer with the approximate position shown on the Statutory Public Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to it apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer.

h) Where it can be reasonably predicted that reptiles could be killed or injured by activities such as site clearance, earthworks or construction operations etc., to carry out such activities in the absence appropriate mitigation could legally constitute intentional or 'reckless' killing and injury.

i) If at any time nesting birds are observed, works, which may disturb them, must cease immediately and advice sought. Any active nests identified should be protected until the young have fledged. Where a Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, should be devised and implemented.

j) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
None