

RECOMMENDATION : SECTION 106

REFERENCE: P/15/847/FUL
APPLICANT: DARLOW LLOYD CONSTRUCTION LTD.
8 VILLAGE FARM ROAD VILLAGE FARM INDUSTRIAL ESTATE PYLE
LOCATION: ST JOHNS AMBULANCE HALL BEDFORD CLOSE CEFN CRIBWR
PROPOSAL: CREATE 12 FLATS COMPRISING 3 X 2 BED FLATS AND 9 X 1 BED
FLATS IN ONE 2 STOREY BUILDING
RECEIVED: 21st December 2015
SITE INSPECTED: 27th January 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of 12 flats on this parcel of land at the junction of Cefn Road with Bedford Road, Cefn Cribwr. The site previously accommodated a St Johns Ambulance Hall, running west to east along the northern boundary, and a club house, running north to south along the western boundary. Both buildings have now been demolished and the site is enclosed by Heras fencing.

The proposed building will measure 44.5m x 7.5m and will be finished with a pitched roof reaching a maximum height of 7.6m. The building will accommodate 9 x one bedroom flats and 3 x two bedroom flats. The development will be served by 11 off street parking spaces and access will be gained via Bedford Road. Two areas of communal amenity space are proposed to the south of the building and an enhancement is proposed to the existing community planting area to the west of the site including a landscaped area.

The applicant, a construction firm, has advised the Local Planning Authority that the site is being developed on behalf of a registered social landlord, Valleys to Coast Housing Association.

RELEVANT HISTORY

P/07/1337/FUL REFUSED 04-01-2008
CHANGE OF USE OF HALL SECTION OF SITE TO WAREHOUSE STORAGE FROM
WHICH SOME RETAIL MAY BE REQUIRED

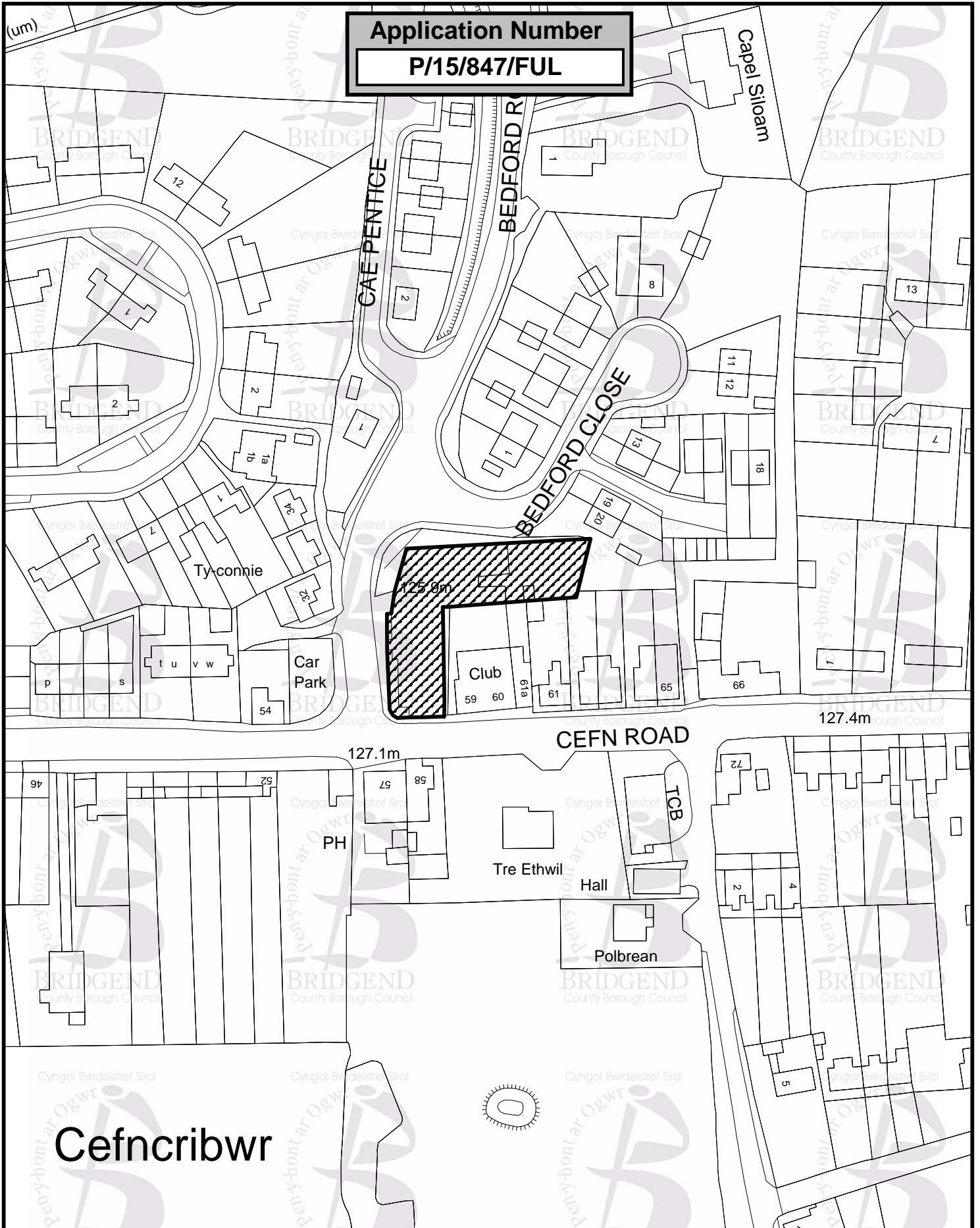
P/07/160/OUT APPROVED 24-05-2007
+conditions
DEMOLISH EXISTING CLUB HOUSE & ERECTION OF RESIDENTIAL HOUSING

P/11/87/OUT APPROVED 19-04-2011
+conditions
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (2 DWELLINGS) WITH
ACCESS OFF BEDFORD ROAD

P/13/75/FUL APPROVED 03-07-2013
+conditions
DEMOLISH EXISTING CLUB AND ERECT 3 TRADITIONALLY CONSTRUCTED
RESIDENTIAL UNITS

Application Number

P/15/847/FUL



Cefncribwr



Scale 1:1,250

Date Issued:
03/06/2016

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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PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 7th March 2016.

NEGOTIATIONS

A meeting was held with the applicant, the local Member and members of the community group Y Cefn Gwyrdd. Discussions took place in respect of amendments to the primrose garden to the west of the site and, following the meeting, amended plans were received on 12 February 2016.

The applicant was also requested to amend the level of amenity space and add some interest to the visible blank elevation; an amended plan was received on 25 February 2016.

The applicant placed an advert in the local press advertising the application as there was found to be some unregistered land on the site and signed a Certificate D.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 29th December 2015

Head Of Street Scene (Highways)

Has no objection to the proposal subject to conditions.

Head Of Street Scene (Drainage)

Requested that a condition be attached to any permission granted.

Wales & West Utilities

Advised on the position of apparatus.

Crime Prevention Design S.Wales Police

Is generally pleased with the site layout but advised that the entrance to the site should be restricted to one vehicle/pedestrian entrance.

Group Manager Public Protection

Requested that a condition be attached to any permission granted.

REPRESENTATIONS RECEIVED

Objections Were Received From The Following:, -

- A & P Davies - 6 Bedford Close
- H & J Stenner - 7 Bedford Close
- A, M & D Baldwin - 13 Bedford Close
- P Rayment - 20 Bedford Close (requested to speak at committee)
- M Thomas - 2 Heol Shon

- Y Cefn Gwrdd

A petition of 35 signatures was received which related to the loss of the planted bank to the west of the site and the visual impact of the rotary lines.

The objectors were generally in support of the site being developed for affordable housing.

Objections are summarised as follows

- Loss of planted area to the west of the site
- Lack of landscaping
- Visual impact of retaining wall and washing lines on the entrance to Bedford Close
- Highway and pedestrian safety
- Parking concerns
- Overdevelopment of site
- Land not in the ownership of the applicant
- Issues of access rights
- Impact of washing lines on visual amenities
- Living areas are north facing
- Overshadowing
- Visual impact of building
- Impact on Human Rights
- Residential amenities for the future occupiers of the flats

Letters Of Support Were Received From The Following:, -

J Mason - Y Cefn Gwyrdd, 6 Bedford Road
J Davies - 14 Bedford Road
A John - 23H Cefn Road
W Evans - 23R Cefn Road
M Reynolds - Skerview, Tyfry Road
K Burnell - Cefn Cribwr Sport & Social Club
Royal British Legion

The reasons of support are as follows:-

Highway safety improvements
The type of accommodation is required in the area
Opportunity to downsize
Enhancement to visual amenities
Off road parking
Benefits for local community
A better scheme than the schemes originally permitted on the site
Removal of fly tipping

COMMENTS ON REPRESENTATIONS RECEIVED

The amended plans reflect the discussion with the community group, Y Cefn Gwyrdd. The western boundary retaining wall has been set back from the footpath and has been stepped to include an area for planting. The amended scheme will continue to allow the community to use this area and is considered acceptable in terms of visual amenity as it will soften the impact of the wall. A condition is recommended requiring a landscaping scheme to be submitted to and agreed in writing by the Local Planning Authority.

The Transportation Development Control Officer has assessed the scheme and considers it to

be acceptable in terms of highway and pedestrian safety and parking provision.

The proposed development has sufficient space to provide an area of communal amenity space and off street parking provision. A condition is attached to the recommendation requiring a scheme showing an increased level of amenity space and an amended parking layout to be submitted to and agreed in writing by the Local Planning Authority. The development is, therefore, not considered to result in the overdevelopment of the site.

The applicant has advertised the proposal in the press and has served Notice on all known landowners associated with the site and has submitted Certificate D. The applicant has also confirmed that the boundary wall along the southern boundary of the site is within their ownership.

Right of access is a private matter between the land owner and the developer.

The rotary dryers have been removed from the layout plans, however, the erection of washing lines is not considered development.

In respect of the request for the site to be served by one means of access only, a condition will be attached to any consent requiring a scheme for boundary treatment to be submitted to and agreed in writing by the Local Planning Authority. However, a separate pedestrian access is preferred in terms of pedestrian safety.

The Local Planning Authority is satisfied that it has considered the Human Rights Act in the consideration of this application. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Local Planning Authority to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development should be allowed to proceed.

A condition is recommended requiring details of boundary treatment to be submitted to and agreed in writing by the Local Planning Authority, this will ensure that the type of boundary treatment to be erected will provide a suitable outlook for occupiers of the ground floor flats.

The impact of the development on residential amenity and visual amenity is addressed in the 'Appraisal' section of this report.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the number of objections received from local residents.

The application was deferred at the Development Control Committee on 31st March 2016 to resolve landownership issues and concerns in respect of the design of the building. The applicant confirmed that all landowners associated with the site have been formally notified of the application and Certificate B has been completed in accordance with the regulations. However, new information came to light suggesting that the highway verge is not owned by the Highway Authority and, subsequently, the suggestion was deferment again at the 12 May 2016 committee meeting to allow the applicant sufficient time to take reasonable steps (a site notice and a press notice) to identify the owner of the land. Certificate D has been completed. A notice was published in the press on 26 May 2016 and the Local Planning Authority is now satisfied that the relevant landowners have been notified of the application.

The application seeks planning permission for the erection of 12 flats on a parcel of land off Bedford Road, Cefn Cribwr.

The application site is located within the settlement boundary of Cefn Cribwr as defined by Policy PLA1 of the Local Development Plan (LDP) and, as such, the development of this site for residential purposes could be regarded as a 'windfall' site in a settlement boundary under Policy COM3 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.'

The proposed flats will be accommodated in a two storey linear building. The access to the first floor will be via the porches, which break up the expanse of the front elevation. The proposed development is considered to reflect the scale and form of the terraced properties on Cefn Road and is also reflective of the linear form of the St Johns Ambulance Hall which occupied the site prior to its demolition. Whilst there are a number of rows of terraced properties in proximity to the site, the area of Cefn Cribwr, in which the development is proposed, does not have a predominant building style and comprises buildings in a variety of designs. As such, it is considered that the proposed development is not out of keeping with the character of the area.

The rear elevation of the proposed development will be visible from Bedford Close and will be on a higher level. However, the principal elevation faces Cefn Road and the development is, therefore, considered to be more aligned to that street scene than Bedford Close. It is acknowledged that Bedford Close has its own character, although this is limited to Bedford Close itself as the dwellings around the junction of Bedford Road and Cefn Road are, again, of differing styles. Consequently, the proposed building is considered to be an acceptable addition to the area.

With regard to the design of the proposed flats, the surrounding properties are finished with a mixture of external materials, however, the proposed use of render, brickwork quoins and red/brown concrete roofs tiles would reflect the materials used in a number of the existing nearby dwellings and buildings.

In respect of the impact of the development on residential amenities, 20 Bedford Close is located to the north eastern boundary of the site, 61a, 61 and 62 Cefn Road are located to the south eastern corner of the site and the British Legion building is located to the south of the site. There are also residential properties to the west of the site along Cefn Road and to the south at Bedford Close, separated by a highway.

The proposed development will be in close proximity to the front garden and driveway area of 20 Bedford Close. The development proposes habitable room windows overlooking this area. However, as this area is already publicly visible from the entrance of Bedford Close with Bedford Road and from within Bedford Close, it is considered that the proposed development would not exacerbate the existing situation to such an extent as to warrant refusal of the scheme. In terms of overshadowing, the proposed development is on a higher level and in close proximity to No. 20. The development will not cause any adverse overshadowing to the front elevation as the dwelling is set at an angle facing away from the development and the overshadowing will only occur over the driveway area and secondary front garden. No. 20 has a large rear garden and, whilst the development will cause some overshadowing to this area, during the evening, it will not be so harmful to the residential amenities of No. 20 as to warrant refusal of the scheme.

In terms of dominance, Note 1 of Supplementary Planning Guidance 02: Householder Development states that no Extension should unreasonably dominate the outlook of an adjoining property. In this instance, given the position of the proposed building in relation to No. 20 Bedford Road, there will be no unreasonable overbearing impact to the dwellinghouse, however there

may be a limited dominating impact to part of the garden area. No. 20 Bedford Close is served by a particularly large garden area which is on a number of different levels. The area of the garden closest to the application site is at a higher level than the dwelling house and is currently occupied by a poly tunnel and trampoline, this area does not benefit from a particularly open aspect or any uninterrupted views to the west. The blank elevation of the proposed building will be approximately 3m from the garden reducing to 90cm at the closest part adjacent to the area the poly tunnel is located. Whilst it is accepted that the development will dominate the westerly view from this part of the garden it is considered that the proposed building would not dominate the overall garden area to such an extent as to warrant refusal of the scheme, given the large garden area serving No. 20 Bedford Road, the orientation of the proposed building in relation to the property and the differing levels and sections of the garden.

The first floor flat to the eastern corner of the site will overlook the rear garden areas of 61a, 61 and 62 Cefn Road. In order to overcome any overlooking concerns the applicant has proposed to obscurely glaze the kitchen window of the end first floor flat. This is considered acceptable, in this instance, as the window serves a small kitchen which would be used as a food preparation area rather than a kitchen which also enjoys habitable uses such as dining. Furthermore, there is a large outbuilding to the rear of 61 Cefn Road and the garden serving this property is of a considerable size.

There are no habitable rooms on the rear elevation of the British Legion building (59 and 60 Cefn Road) and, as such, the proposal does not raise any concerns in this respect. However, there are first floor windows on the proposed development directly facing the rear of the British Legion which may be affected in terms of noise. In order to safeguard the residential amenities of the future occupiers of the development, conditions are recommended requiring the windows to be fixed pane and requiring a scheme for the mechanical ventilation of the rooms to be submitted to and agreed in writing by the Local Planning Authority.

With regard to the residential amenities of the future occupiers of the flats, the flats are modest in scale and areas of communal open space are proposed to serve the development. The development has a slight over provision of parking spaces and, as such, a condition is recommended requiring a scheme to amend the distribution of parking and communal amenity area to be submitted to and agreed in writing by the Local Planning Authority so as to ensure that a larger area of open space can be provided. Whilst, this area is modest in scale it will provide a communal outdoor amenity option for the occupiers of the flats to sit outdoors. The planted area to the western side of the site and the creation of the memorial garden to the front of the site will also provide some outdoor amenity provision. There is also a large area of public open space at Bedford Park which is approximately 650m to the north of the site.

The rear lounge and bedroom windows of the ground floor flats will be within close proximity to the boundary of the site, however, the boundary treatment proposed is a 1m high metal railing, which will allow for an acceptable outlook from these windows. The applicant has also confirmed that the boundary wall is within his control.

Having regard to the above, the proposed development is considered to comply with Policy SP2 of the LDP and the principles contained within SPG02 and SPG08.

The application proposes 12 residential units which triggers the affordable housing requirement as outlined in Policy COM5 of the LDP. The applicant has indicated that the development will be entirely affordable housing, however, a S106 Agreement will be required to ensure that a minimum of 30% of the units will be retained as affordable housing in perpetuity in line with Local Development Plan policy.

The proposed development is considered to be acceptable in terms of parking provision and highway safety.

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 21st 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 the site 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.

In respect of the Wellbeing of Future Generations (Wales) Act 2015, Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- * A prosperous Wales
- * A resilient Wales
- * A healthier Wales
- * A more equal Wales
- * A Wales of cohesive communities
- * A Wales of vibrant culture and thriving Welsh language
- * A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that the impact of the development on the achievement of the well-being goals and objectives has been addressed in the appraisal.

Whilst determining this application Policies SP2, COM3, COM5 of the Bridgend Local Development Plan (2013), Notes 1, 2, 6, 8, 10, 11 & 12 of Supplementary Planning Guidance 2: Householder Development (2008) and Supplementary Planning Guidance 08: Residential Development (2008) were considered.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and Council's guidelines and is acceptable in terms of its impact on privacy, visual amenities and residential amenities. The proposed development is also considered to be acceptable in terms of highway safety and parking provision and will provide much needed Affordable Housing in this part of the Borough.

The representations received have been taken into account however, they do not outweigh the merits of the development and the Local Development Plan.

RECOMMENDATION

(A) The applicant enter into a Section 106 Agreement to provide a minimum of 4 units as affordable units in perpetuity 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.

(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:-

R112-05D A1 Proposed Site Plan (received 12 February 2016)

R112-06C- A1 Proposed Plans and Elevations (received on 25 February 2016)

R112-08B A3 sections Through Community Planter (received 12 February 2016)

R112-09 A2 Ground and First Floor (received on 25 February 2016)

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

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

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

3 No development shall take place until a scheme for mechanical ventilation serving the first floor south facing bedrooms of the units directly opposite the rear of the British Legion has been submitted to and agreed in writing by the Local Planning Authority. The mechanical ventilation shall be installed as agreed prior to those units being brought into beneficial use and retained in perpetuity.

Reason: In the interests of residential amenity.

4 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include proposals for surface treatment, indications of all existing and proposed trees and planting on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with 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 a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building and boundary treatment 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 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.

- 7** No development shall take place on site until a scheme for the provision of 10 parking spaces, a turning area, cycle stands and an amended amenity area has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials. The development shall be carried out in accordance with the agreed details prior to the first beneficial use of the development and thereafter retained in perpetuity.

Reason: To ensure adequate off street parking and amenity space is provided in the interests of highway safety and the residential amenities of future occupiers.

- 8** The proposed access shall be set back not less than 1 metre from the back edge of the footway with the boundary splayed at 45 degrees either side, and shall be laid out with vision splays of 2.4m x 35m measured to the centre of the carriageway to the north and 2.4m x 30m to the south before the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 9** The adjacent Cefn Road/Bedford Road junction shall be laid out with an eastern vision splay of 2.4m x 43m before the development is brought into beneficial use.

Reason: In the interests of highway safety.

- 10** 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.

- 11** The first 2m of the northern site boundary (measured from the back edge of footway) shall be reduced in height to no more than 0.9m so as to minimise potential vehicular conflict between vehicles utilising the proposed access and the adjacent northern access and shall be retained at this height (no more than 0.9m) at all times.

Reason: In the interests of highway safety.

- 12** The south facing bedroom windows serving the first floor two bedroom units directly facing the rear of the British Legion shall be fitted with fixed pane windows before the development is brought into beneficial use. The windows shall be permanently retained in that condition thereafter.

Reason: In the interests of residential amenity in respect of noise.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections raised, this application is recommended for approval because the development complies with 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 order to satisfy Condition 2, the following supplementary information is required:-
- Ground investigation report to confirm acceptability of any proposed infiltration system;
- Provide infiltration tests to confirm acceptability of any proposed infiltration system;
- Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water system;
- Provide a timetable for its implementation; and
- Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme throughout its lifetime.

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) The developer is advised that Wales and West Utilities have apparatus in the area and is advised to contact them on 02920 278835.

f) The developer is advised to contact the Highways Authority to discuss a scheme for the provision of temporary traffic and pedestrian management along Cefn Road and Bedford Road during the construction works.

g) 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