

RECOMMENDATION : GRANT WITH CONDITIONS

REFERENCE: P/16/301/FUL
APPLICANT: FILCO FOODS LTD
19 BOVERTON ROAD LLANTWIT MAJOR

LOCATION: FILCO SUPERMARKET CAR PARK HERMON ROAD CAERAU
MAESTEG

PROPOSAL: NEW BUILD 2NO. SEMI-DETACHED 2-BED HOUSES INC.
ALTERATIONS TO FILCO CARPARK SIZE

RECEIVED: 14th April 2016

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of 2 semi-detached two bedroom dwellings. The proposed dwellings measure 8m x 5m and will be finished with pitch roofs reaching a maximum height of 7.5m. The dwellings will accommodate an open plan living/kitchen/dining room and a w.c. at ground floor level and 2 bedrooms and a bathroom at first floor level. Each property will be served by an area of private amenity space and 2 off street parking spaces.

The application site is currently a car park, separated from the car park serving the supermarket to the north by a set of railings, at Hermon Road, Caerau. Access to the site will be directly off Hermon Road.

RELEVANT HISTORY

P/07/3/OUT REFUSED 23-04-2007
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 8 No. 2-BEDROOM
FLATS

P/08/457/FUL APPROVED 14-11-2008
+conditions
6 TWO BEDROOM TERRACED DWELLINGS WITH PARKING & AREA FOR COMMUNITY
PARKING

P/15/705/FUL REFUSED 11-02-2016
PROPOSED NEW BUILD 2NO. SEMI- DETACHED 2-BEDROOM HOUSES

APPEAL REF : 1546 8 FLATS AT LAND ADJ TO FILCO SUPERMARKET CAR PARK -
ALLOWED 15 NOVEMBER 2007

PUBLICITY

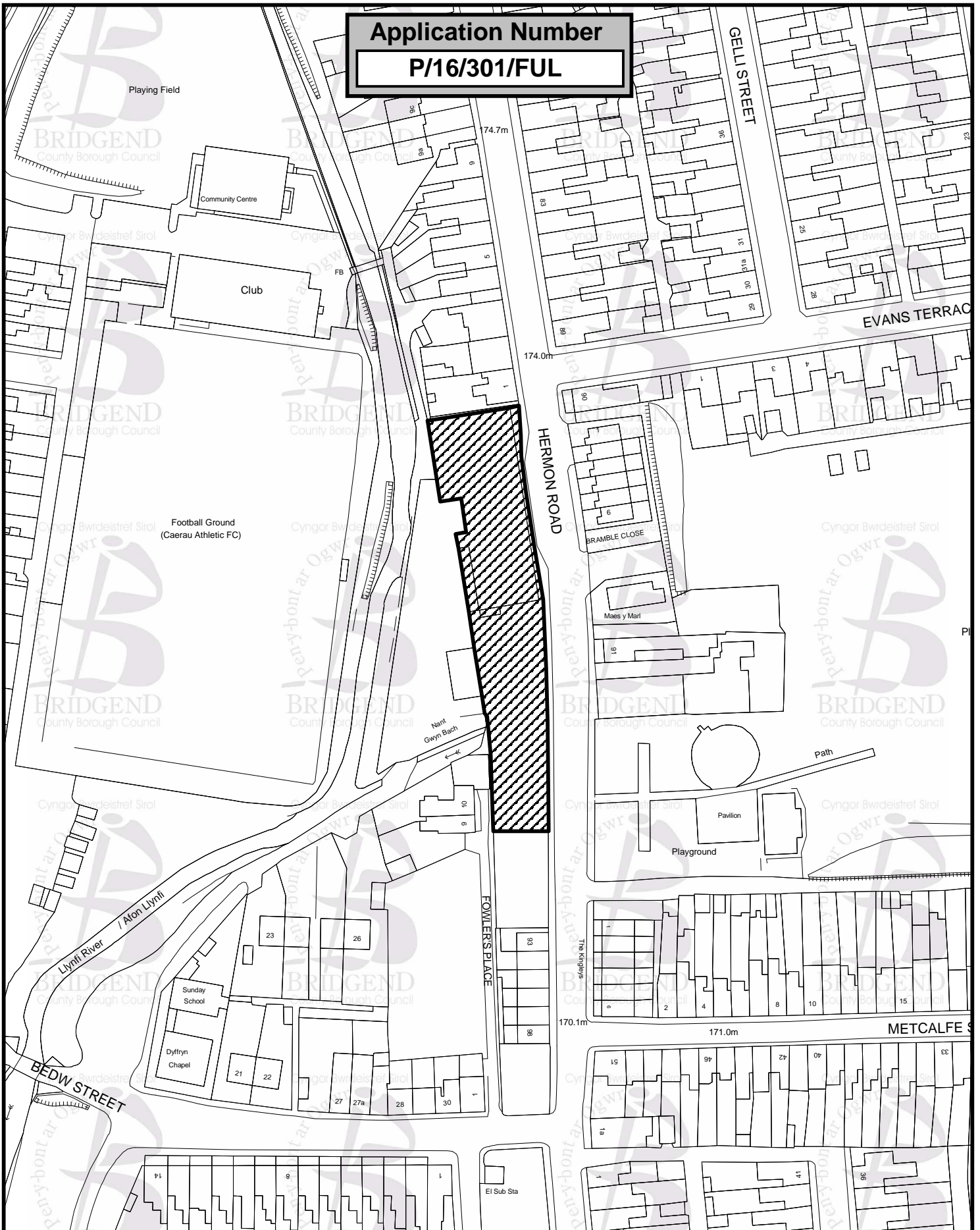
The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations expired on 11 May 2015.

Application Number

P/16/301/FUL



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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Cyngor Bwrdeistref Siro



NEGOTIATIONS

None

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 20th April 2016

Raised the following concerns:-

- Parking issues
- Over intensification of site
- Loss of access to footpath to Bedw Street
- Original plan was refused

Councillor W Davies

Objects to the proposal and requested to speak at the Development Control Committee meeting.

The objections are outlined below:-

'The site currently has limited parking provision and it is noted that the proposed development would seriously reduce off street parking. This I consider is unacceptable as it would ultimately result in an increase of on-street parking to the detriment of the free flow of traffic and highway safety.'

Councillor P J White

Considers that the application can be determined under officer delegated power.

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.

Welsh Water Developer Services

Advised on sewerage

REPRESENTATIONS RECEIVED

Objections Were Received From The Following:, -

C Parry - 9 Fowlers Place

E Roberts - 10 Fowlers Place

The objections are summarised as follows:-

- Highway and pedestrian safety
- Impact on parking provision
- Impact on access over site
- Loss of light
- Impact on privacy
- Damage to retaining wall

COMMENTS ON REPRESENTATIONS RECEIVED

The application has been assessed by the Transportation Development Control Officer who has no objection to the proposal in terms of highway and pedestrian safety and parking provision subject to conditions.

There is no formal Right of Way located on the site. Whilst, it is noted that the development would restrict access to Fowlers Place via the car park, access to Hermon Road will still be possible via Bedw Street. Furthermore, the developer could erect a boundary fence under permitted development rights which would also restrict access.

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

In regard to the stability of the retaining wall a condition could be attached to any permission requiring a certificate from a Structural Engineer certifying any retaining walls.

APPRAISAL

The application is referred to the Development Control Committee in view of the objection from the local member and the concerns from Maesteg Town Council.

The application seeks permission to erect two semi-detached dwellings with associated parking and amenity space.

The application is an amendment to a previously refused planning application for two dwellings on the site (P/15/705/FUL refers). The application was refused for the following reason:-

'The proposed development would result in an insufficient level of off street parking to serve the food store to the north of the site, resulting in additional on-street parking, and creating highway safety hazards to the detriment of highway safety and the free flow of traffic which is contrary to Policy SP2 of the Local Development Plan (2013) and SPG17: Parking Standards (2011)'

The current application differs from the previously refused application in that the red line boundary also includes the Filco supermarket store to the north of the site and further detail in respect of the floor area and operation of the store has been submitted. The red line boundary amendment allows the Local Planning Authority to control the retail floor area of Filco Stores in connection with the proposed development and the parking implications.

The application site is located within the settlement boundary of Maesteg, Nantfyllon & Caerau, as defined by Policy PLA1 of the Local Development Plan (LDP) and, as such, Policy COM3 of the LDP is relevant.

Policy COM3 states:-

'Residential developments within settlement boundaries defined by 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 LDP policy protects the building or land for an existing or alternative use.'

The proposed dwellings are considered to be compliant with Policy COM3 of the LDP. All new development in the County Borough is also assessed against Policy SP2 of the LDP, which 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 application site is currently a car park to the south of the car park serving Filco supermarket, the car parks are divided by a set of railings. 9 & 10 Fowlers Place are located to the west of the site and the car parking area serving 93 - 98 Hermon Road is located to the south of the site.

The proposed dwellings will be on a higher level than the properties to the rear, 9 & 10 Fowlers Place, however they will be located directly in front of the garage serving No. 10 rather than the dwelling house and will be some 26m north of 93 Hermon Road. As such, the proposed dwellings are not considered to give rise to any overriding concerns in respect of overshadowing or dominance.

The dwellings have been designed so as to ensure that there are no habitable room windows directly overlooking neighbouring properties at a distance less than 21m between facing windows. The proposed development is, therefore, considered not to infringe privacy standards.

In regard to the residential amenities of future occupiers of the dwellings the development is served by a sufficient level of amenity space and off street parking. In terms of the residential amenity serving unit 1, the first floor windows at 10 Fowlers Place will overlook part of the garden serving unit 1, however No. 10 is on a lower level than the application site and the site will have boundary treatment which will provide screening and a suitable level of privacy. A condition shall be attached to any consent granted requiring a scheme for boundary treatment to be submitted to and agreed in writing by the Local Planning Authority.

There are no dwellings located directly to the front of the site.

In terms of visual amenities, the properties will front Hermon Road and will form part of the street scene of that road, which is comprised of a wide variety of house types and building styles. The proposed dwellings are of a traditional design and have been finished with pitched roofs which reflect the style of roof form found on many of the dwellings on Hermon Road and are, therefore, considered to be in keeping with the street scene and character of the area.

In order to ensure that the materials used in the external surfaces of the proposed dwellings respect and enhance the character of the area a condition could be attached to any permission granted requiring details of the materials to be used in the external surfaces to be submitted to and agreed in writing by the Local Planning Authority.

In terms of highway safety and parking provision, the proposal is to build on part of an existing car park. The floor area of Filco Food stores, which is owned by the applicant, has recently been substantially reduced to reflect reduced trading conditions from 443sqm to 290sqm and the storage area has been increased, this is reflected on the submitted plans and a condition is recommended restricting the retail use.

The Transportation Development Control Officer has assessed the scheme and considers the level of parking which is to remain is appropriate to serve the reduced retail operation subject to conditions.

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 that the site is currently used as a car park it is considered 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 PLA1, COM3 & SP2 of the Bridgend Local Development Plan, Notes 1,2,6,8,10,11 & 12 of Supplementary Planning Guidance 2 and Supplementary Planning Guidance 17: Parking Standards were considered.

CONCLUSION

Notwithstanding the objections received, 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.

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 and documents:-

- Proposed Site Plan 13962 PL106 (received on 14 April 2016)
- Proposed Site Plan 13962 PL107 (received on 14 April 2016)
- Proposed Retail Unit Floor Area 13962 PL108 (received on 14 April 2016)
- Proposed Retail Floor space 13962 PL108 (received on 14 April 2016)
- Proposed Ground Floor Plan 13962 PL 110 (received on 14 April 2016)
- Proposed First Floor Plan 13962 PL111 (received on 14 April 2016)
- Proposed Elevations 01 13962 PL140 (received on 14 April 2016)
- Proposed Elevations 02 13962 PL141 (received on 14 April 2016)
- Proposed Elevations 03 13962 PL142 (received on 14 April 2016)
- Proposed Elevations 04 13962 PL143 (received on 14 April 2016)
- E-mail from agent P.J.L Architects (received 31 May 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 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.

4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales)(or any Order revoking and re-enacting that Order with or without modification), no development which would be permitted under Article 3 and Classes A, B, C & D of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling.

Reason: In the interests of visual and residential amenities.

5 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, 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 must be implemented prior to beneficial use.

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

- 6 No development shall commence on site until a ground investigation report and infiltration tests, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be implemented prior to beneficial use.

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

- 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 retail floor area of the store shall be limited to 290sqm as shown on plan ref: 13962 PL108 (received 14 April 2016) and the use of the separate static storage area shall be ancillary and incidental to the use of the existing retail store and used for no other purpose

Reason: In the interests of highway safety.

- 9 No development shall commence until a scheme for the provision of 15 off street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use and shall be retained as such in perpetuity.

Reason: In the interests of parking and highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) Notwithstanding the objections received 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 conditions 5 & 6 the following supplementary information is required:-

- Specialist ground investigation/geotechnical report to confirm acceptability of an proposed infiltration system
- Provide infiltration test 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
- 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; and
- Provide drawings showing the arrangements of the foul and surface water drainage systems.

c) A soakaway may not be viable drainage strategy for this development.

d) Any proposal to utilise a drainage connection to the culverted watercourse would require a

Flood Defence Consent to be applied for from the Flood and Coastal Management section of the Authority.

e) No surface water is allowed to discharge to the public highway

f) No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

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