

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

18 SEPTEMBER 2013

REPORT OF THE INTERIM CORPORATE DIRECTOR - COMMUNITIES

REPORT OF A DEPARTURE PLANNING APPLICATION P/13/98/FUL

1. Purpose of Report.

- 1.1 On 25 July 2013 the Development Control Committee considered planning application P/13/98/FUL as a departure from the Development Plan. The Development Control Committee resolved not to refuse permission so the application has been referred to Council which is requested to grant planning permission subject to conditions.

2. Connection to Corporate Improvement Plan/Other Corporate Priority.

- 2.1 The delivery of the County Borough Council's planning functions has links to most of the Council's corporate priorities as outlined in the Corporate Improvement Plan. The objective of *A Diverse and Sustainable Economy* are the most pertinent.

3. Background.

- 3.1 Planning application P/13/98/FUL, for the construction of a log cabin building for use as staff accommodation in connection with a horse racing and training rural enterprise, has been submitted to the Local Planning Authority for determination. The Development Control Committee has resolved not to refuse this application.

4. Current situation/proposal.

- 4.1 The application is made by Mr. Alec Mckenzie (agent), on behalf of Mr. John Flint (the owner of the rural enterprise) and seeks consent to construct a 2-bedroom log cabin building for use as staff accommodation in connection with a horse racing and training rural enterprise located on land to the west of Woodland Park, Kenfig Hill.
- 4.2 The submitted plans show a log-cabin structure with a footprint of 9.5m x 15.1m with a pitched roof reaching a maximum height of 5.5m to ridge (2.5m to eaves). It would contain two bedrooms, lounge, kitchen, bathroom and an office. The application was subject to a site visit undertaken jointly by both the Case Officer and the Development Control Manager. The application was reported to the Development Control Committee since the development is

deemed to be out of accord with the adopted Bridgend Unitary Development Plan (BUDP).

4.3 RELEVANT HISTORY

| | | |
|--|-------------------------|------------|
| P/06/1409/FUL | APPROVED +conditions | 29-12-2006 |
| RETENTION OF AGRICULTURAL BUILDING, BLOCK OF 5 STABLES & SECURE STEEL CONTAINER | | |
| P/11/397/FUL | APPROVED +conditions | 25-07-2011 |
| NEW STABLE BLOCK | | |
| P/11/462/FUL | REFUSED | 12-08-2011 |
| LOG CABIN BUILDING FOR STAFF ACCOMMODATION | | |
| P/94/506/OUT | REFUSED | 22-08-1994 |
| DETACHED HOUSE OR BUNGALOW FOR USE IN CONNECTION WITH RIDING FACILITIES ETC | | |
| P/95/459/FUL | REFUSED | 15-09-1995 |
| AGRICULTURAL BUILDING TO KEEP HORSES, SHEEP, FEED AND AGRICULTURAL MACHINERY | | |

4.4 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/publicity expired on 13
March 2013.

4.5 NEGOTIATIONS

The following were requested:

1. Additional information concerning the functioning and operation of the rural enterprises.
2. An amended plan to reduce the size of the residential curtilage and to include all structures/buildings that are currently located within the application site.

4.6 CONSULTATION RESPONSES

Town/Community Council Observations
Notified on 13th February 2013

Head of Street Scene (Highways)

No objections to the proposal subject to a condition and advisory notes.

Destination & Countryside Management

No objections to the proposal subject to advisory notes.

Crime Prevention Design S. Wales Police

Provided a series of observations concerning the overall design of the scheme.

Environment Agency Wales

No objections to the proposal subject to advisory notes. A copy of their comments has been forwarded in full to the applicant's agent on 10 July 2013.

Countryside Council for Wales

No objections to the proposal subject to an advisory note.

Group Manager Public Protection

No objections to the proposal subject to an advisory note.

4.7 REPRESENTATIONS RECEIVED**Billy Morgan, 70 Woodlands Park**

Supports the proposal. Commented that a log cabin would be more in keeping with rural surroundings rather than caravans or portacabins.

Janet And Peter Arbery, 46 Woodlands Park

Objects to the proposal:

1. This design is for a family house for Mr Flint son.
2. Once one log cabin has been, a second application will be submitted for his other son's dwelling.
3. A bedsit design would be more than ample to accommodate the trainer such as a Doctor has when on call.
4. Mr Flint already lives in a bungalow that backs on to the stables and has rear access onto the land.
5. Mr Flint is one of the trainers so lives on the land so the supporting letters and paragraph underlined is not relevant. Mr Flint's sons are the other trainers.
6. The road access and lane has already suffered from the daily transfer and return of horses to the field approx. mile down the road which has already been filled at our council owing to the turning of trailers and horseboxes churning the road up.
7. You cannot use this road during certain times as it is blocked with these vehicles.
8. There is not enough room for the services for this dwelling and will have the danger of seeping into an already water logged area so is poison waiting to happen.

9. This is a green belt area and dwelling must not be built.

Mrs Gillian Grey, 73 Woodlands Park

Objects to the proposal which have been summarised as follows:

1. Accommodation and office lies in a rural area designated as green wedge and recreational/leisure purposes. The proposal is contrary to the Bridgend Unitary Development Plan and represents a significant development creep.
2. The functions at the site have grown from personal needs of the applicant to a fully operational business.
3. Several structures at the site are not shown on the plan. Also the plan does not show the location of properties on Woodlands Park and consequently the distances between the development and those properties cannot be calculated.
4. Limited details provided in respect of vehicular access and drainage.

The Owner And/Or Occupier, 45 Woodlands Park

Stated that there should be no access from the site into Woodlands Park. Also commented that the site address is incorrect since the stable is currently accessed from Waunbant Road and not Woodlands Park.

4.8 COMMENTS ON REPRESENTATIONS RECEIVED

In response to the objections and comments made:

1. The application seeks consent for a dwelling to be used for staff in connection with the rural enterprise. A planning condition would be imposed to that effect on any consent given.
2. Any further applications for residential development on the site would be assessed on their own merits and in context to the relevant national and local policies that are adopted at that particular time.
3. Although the applicant lives within the adjacent residential site, there has been a demonstrated need for on-site accommodation to enable the proper functioning of the enterprise. This matter is explained at greater depth within the appraisal section of the report.
4. Due to the nature and scale of the enterprise, which currently involves up to 35 horses and prospects for expansion, the types of activities and labour-requirements that would occur on- site throughout the rolling 12-month horse training/racing season during both day and night time, and finally the level of care that would be expected to be provided per horse, it is considered that the size of the accommodation proposed in this current application is acceptable.
5. The Group Manager Transportation and Engineering (Highways) has no objections to the proposal. It is therefore considered that the proposal would

not have any significant adverse effect on highway/pedestrian safety. Obstructing the roads is primarily a policing matter and consequently it cannot be considered as a strong material consideration in the determination of this planning application.

6. Drainage is primarily a matter covered by the Building Regulations and would require separate consent. Notwithstanding the above, should any planning consent be given for the development, a condition would be imposed for all drainage details to be submitted prior to the commencement of development.

7. The site lies within an area of Green Wedge as defined by Policy EV11(4) of the BUDP. The Policy states that development which is inappropriate to the purposes of the designation will not be permitted. The purpose of this policy is to prevent the coalescence of settlements.

Although this proposal would introduce a residential use to the current complex of buildings, it is not considered that in this particular instance that this development in itself would lead to the coalescence of settlements. This is an established rural enterprise which already benefits from a number of buildings and structures. It is also not considered that the granting of a new residential development in a green wedge and the broader countryside would set an undesirable precedent for other similar development because the need for this facility has been explicitly justified to meet the particular requirements of this rural enterprise, in accordance with the provisions of TAN6. Furthermore, having regard to the near-adopted Local Development Plan, the green wedge designations of the County-Borough have been reviewed and the application site has been omitted to lie outside this designation. It is, therefore, considered that the proposal satisfies Policy EV11 and EV13 of the BUDP.

8. The site is allocated in the BUDP for the general provision of playing fields and associated facilities under Policy RC6(15). The Council has not expressed any intention of purchasing or developing this land for recreational purposes and in the near-adopted Local Development Plan, this designation has been reviewed and has been omitted. Regard is also given to the consultation response of the Parks and Playing Field Section concerning the approved stables in 2011 who did not offer any objections to that particular proposal (P/11/397/FUL refers).

9. The application plans have been amended to include all the structures that currently located within the application site. Whilst the properties on Woodlands Park have not been shown on the plan, it is possible to measure the distance between the proposed accommodation and those neighbouring dwellings. In this respect, the distance would be approximately 90m between the proposed accommodation and the objector at No.73 Woodlands Park.

10. The proposal would involve utilising existing access arrangements. No access would be provided from Woodlands Park.

4.9 APPRAISAL

The application site is located in the countryside outside the designated settlement boundary of Kenfig Hill as defined in the BUDP. Given the countryside location, the development will be considered against Policy EV1 of the adopted Bridgend UDP, which strictly controls development in the countryside, except where it can be justified in terms of agriculture, forestry, countryside recreation etc. The site also lies within an area of Green Wedge as defined by Policy EV11(4) of the UDP.

The proposal, which is in connection with an established private rural enterprise, is not strictly within the definition of agriculture or sport and recreation, and therefore has been advertised as being out of accord with the BUDP.

Notwithstanding to the above, it is acknowledged that there are comparable similarities between the activities associated with equine management and those which fall within the agriculture and recreation. This was the view that the Council recently took when planning permission was granted for a new stable block at the application site (P/11/397/FUL refers). Furthermore, this coincides with the Inspector's decision in allowing an appeal at Penylan Farm, Heol-y-Cyw for a manager's accommodation in connection with a livery (P/07/927/FUL refers). The Inspector considered that whilst "the appeal site is not in agricultural use, but I would consider that it would be reasonable to apply similar financial and functional test as would be applied to the case of a new dwelling in the countryside for the purpose of agriculture. Policy EV4 of the UDP refers to such tests."

Policy EV4 of the BUDP states that "new dwellings for the purposes of agriculture or forestry will be permitted provided both a financial and functional need for the development have been demonstrated". Furthermore, Policy ENV1 of the near-adopted Local Development Plan considers development in connection with "rural enterprises" as being acceptable in principle.

Notwithstanding the above, this current application seeks to introduce a completely different use at the site, being for all intents and purposes, a dwelling in the countryside albeit for staff use in connection with an existing rural enterprise. As such, the Council would expect a compelling written justification to demonstrate the need for the facility and how it complies with National and BUDP Policies, where the presumption is against inappropriate development in the countryside.

Regard is given to the planning history of this particular site:

In 1994, an application was submitted in outline form (by the same applicant as this current application), for a detached house or bungalow for use in connection with riding facilities (P/94/506/OUT refers). The rural enterprise

was at its infancy during this time. Within the Case Officer's report, it was explained:

"The applicant's agent has submitted a letter supporting the application. In that letter he explains that the applicant has a successful part time business involving the training, breeding, and exporting of horses, and he wishes to take on the business full time. It is claimed that the horses and the business is of high value, and that 24 hours supervision is needed to deter vandalism and to ensure the safety of the horses. The applicant is stated to have been involved with horses all his life. His livelihood and business are dependant on his ability to secure his premises and keep his animals safe. He presently employs two teenagers, and would take on permanent staff if he were able to capitalize on better premises and facilities."

The application was considered unacceptable and was refused for the following reasons:

1. The site lies in a rural area and the proposal which constitutes an undesirable sporadic development outside any existing settlement boundary would be prejudicial to the character of the area in which it is intended that the existing uses of land shall remain for the most part undisturbed, would be contrary to established national, regional and local planning policies and would set an undesirable precedent for further applications for similar development in this area to the detriment of visual amenities.
2. There is no justification on agricultural grounds for a departure from the policy of the Local Planning Authority as expressed in Reason 1 above.
3. The proposed access lacks adequate visibility for vehicles, particularly slow moving vehicles drawing trailers/horse boxes, emerging from the site, which will create hazards to the detriment of highway safety.

More recently, an application submitted in 2011 for staff accommodation at the site was refused on multiple grounds (P/11/462/FUL refers). This was predominantly due to the lack of sound justification for its functional or financial need to enable the Local Planning Authority to outweigh several of its countryside protection policies.

This current application is a far more comprehensive submission and enables the Council to properly assess the application against the relevant policies, especially the tests outlined in Technical Advice Note 6: Planning for Sustainable Rural Communities.

Cherry Tree Stables is a British Horseracing Authority Licenced Racing Yard currently stabling up to 35 horses. Notwithstanding the above, part of the licence requires accommodation to be provided at the site. This has been supported and evidenced in letters from the National Trainers Federation, The British Horseracing Authority and the British Equine Veterinary Association. This application, therefore, aims to address this licencing shortfall.

The applicant, who is the owner of the stables, has provided a detailed account of the functioning of the enterprise. It would appear from the evidence submitted that the owner has credibility within the horse training and racing profession and is currently within the top 80 jump trainers within the UK and races throughout the Country. The 2012-13 season involved in excess of 250 races (flat and jump combined), thereby representing a significant part of the activities associated with the overall enterprise. His two sons are also professional jockeys who form part of the workforce and operation of the enterprise.

The main thrust of the application for the need of the accommodation is predominantly due to the level of care and attention that is necessary to be immediately available to the horses (currently a total of 35) at any time during the day and night. The nature of the enterprise, involving both training and racing of horses involves significant amounts of preparation, maintenance and care, especially due to the number of horses at the stables and that they are frequently injured from racing activities. Due to the nature of the enterprise and that the 'end-product' is racing, it is imperative that medical treatment is not delayed as this threatens the viability and proper functioning of the enterprise.

This is a relatively unique enterprise within the County Borough where the skills and labour required for its proper functioning predominantly comes from specialist schools that cannot be locally sourced. This provides added justification in support of the need for staff accommodation.

There is demonstrated evidence that the absence of on-site staff accommodation inhibits the growth of the rural enterprise which began approximately 10 years ago. This would result in the business either remaining stagnant or may decline over time as a result of the owner, who lives in the adjacent residential site of Woodlands Park, being unable to continue his normal labour-intensive days, which includes night-time management and tending to the horses.

In the absence of on-site accommodation, the level of care offered at night is very limited. This is especially at times when the owner attends races throughout the Country and needs to stay overnight but there are a number of horses left at the stables which require attention. It is acknowledged that there is an expectation within the racing culture and profession for the owner to attend the races.

The employment of additional staff alone would not be sufficient for the proper functioning of the enterprise and a reasonable case has been made that staff must be available on-site any time during the day and night to tend to the horses. Paragraph 4.8.1 of TAN 6 acknowledges situations where works are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate action.

As a secondary matter, it is acknowledged that the horse training profession can be susceptible to fear of, or incidences of crime. In the absence of robust security measures and surveillance, horses could be stolen due to their monetary value or tampered with, such as being administered with unauthorised substances which could hinder or improve their racing performance. The applicant has made references to the site experiencing acts of trespass and vandalism and despite CCTV being installed within the site, crime poses a significant threat to the functioning of the enterprise. Matters of crime or fear of crime are recognised as material planning considerations and Policy EV46 of the BUDP supports proposals which would reduce the incidence and fear of crime. Providing accommodation for staff at the site would allow natural surveillance to the site, thereby significantly improving the security of the enterprise.

In light of the above, it is considered there is a clearly established functional need for the accommodation and consequently the proposal satisfies this particular test of TAN6.

With the functional requirements established, it is necessary to calculate the number of workers needed to meet it. Due to the nature of the enterprise, this test is not as quantifiable when compared to a dwelling for an agricultural worker. This test is, therefore, assessed based on all the evidence submitted.

The application seeks consent for accommodation that would include 2 bedrooms. Due to the nature and scale of the enterprise, which currently involves up to 35 horses and prospects for expansion, the types of activities and labour-requirements that would occur on-site throughout the rolling 12-month horse training/racing season during both day a night time, and finally the level of care that would be expected to be provided per horse, it is considered that there is a requirement for a full-time worker and consequently the test has been met.

National advice confirms that the rural enterprise should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time. In this respect, a balance sheet and accounts has been provided which has been undertaken by a chartered certified accountant. This has been supplemented by the owner's business plan showing the potential prospects of the enterprise.

It is the intention of the owner to expand the enterprise and paragraph 3.1.3 of TAN6 advises Planning Authorities to support "the expansion of established business that are currently located in the open countryside provided there are no unacceptable impacts on local amenity". On the basis of the submitted information it would appear that enterprise is profitable and is capable of being sustained for a prolonged period. The proposal therefore satisfies the financial test.

On visiting the application site, it was apparent that almost all the buildings were used as stables or storage of feed and ancillary equipment and consequently were not deemed to be suitable for conversion. There is a small

hut used as an office and a static caravan situated on the site, but the office is too small and of substandard quality for residential use. The caravan is used solely as changing rooms/amenity block for all the staff working at the enterprise (male and female), and whilst it could be used for residential purposes, a replacement facility would need to be provided within the site to serve the non-resident staff. Such an arrangement would have a negligible effect on the provision of buildings within the site.

In assessing the application it became apparent that the owner lives at No. 71 Woodlands Park. This property backs onto the application site but the stables and complex of buildings are located on the opposite end of the field. There is a distance of approximately 70m between the owner's dwelling and the nearest building within the enterprise.

The owner purposefully lives as close as possible to the enterprise and this, in most cases, would be considered as good practice and management. However, as outlined in the evidence submitted by the applicant and summarised earlier in the report under the functional need test, the current arrangement is inadequate for the proper functioning of the enterprise and there is a demonstrated need for direct on-site provision of accommodation.

Due to the above, it is considered that there is no other dwellings or buildings suitable for conversion to meet the needs of the enterprise.

In accordance with Policy EV5 and TAN6, any planning permission granted will be subject to a condition limiting the occupancy of the dwelling to persons solely in connection with the enterprise.

The acceptability of any countryside development rests with other relevant BUDP policies and satisfying other national and local guidance. In this respect, the proposed development has been assessed against other normal planning requirements, namely Policies EV7, EV11, EV17, EV20, EV45 and RC6 of the BUDP and national policy and guidance.

Notwithstanding the rural location of the development, the proposed scale and siting of the dwelling should not detract from the quality of the environment.

Policy EV7 of the BUDP states that: "Where the development is acceptable in principle in the countryside, it must have a scale, siting, design and external appearance, which will be compatible with the landscape and any existing related structure; maintain or enhance the quality of the environment; and sustain the biodiversity of the countryside".

The proposed accommodation would have a low-key appearance, be mainly constructed of wood and have a character typical of a log-cabin structure. Eaves and ridge heights are kept relatively low, whilst the building would have a standard rectangular shape and a traditional pitched roof. It would also be sited adjacent to the complex of existing buildings serving the enterprise, rather than forming a new and isolated pocket of development within the field.

The materials to be used would be consistent with other structures within the complex; however, the precise finishes (such as the type of wood, slate and their colours) have not been stated. A condition would, therefore, be necessary so that such details can be agreed.

The proposed accommodation would be well-screened from public views. The site is enclosed by trees covered by a tree preservation order and mature hedgerows, whilst the entrance point is secured by a large gate approximately 2.5m tall. The land within the development site also gradually slopes downwards from the north-east (highest point) to the south-west (lowest point). The submitted plan has been drawn on a flat and level surface and does not reflect the slope of the land. Furthermore, no indication has been given as to whether the land would be excavated or made up. A condition for the levels of the building to be agreed is therefore necessary to minimise the impact of the structure within the landscape. The proposal, therefore satisfies criterion 1 and 2 of Policy EV7 of the BUDP and the design criteria of Policy EV45.

The site lies within an area of Green Wedge as defined by Policy EV11(4) of the BUDP. The Policy states that development which is inappropriate to the purposes of the designation will not be permitted. The purpose of this policy is to prevent the coalescence of settlements and to assist in safeguarding the countryside from encroachment.

Policy EV13 of the BUDP is also relevant to this particular application. This policy states that, "The extension of ribbon and/or sporadic development or its intensification within, or surrounding, isolated pockets of development in the countryside will not be permitted".

Whilst a stable block was recently granted at the application site (P/11/397/FUL refers), it was considered that this structure, which had the same use and was of a similar scale, design and appearance of other buildings in the complex, did not lead to the coalescence of settlements or result in countryside encroachment to such a degree as to warrant refusal of the scheme. It is also considered that the proposal did not entail an extension of ribbon and/or sporadic development or its intensification within, or surrounding, isolated pockets of development in the countryside.

Although this proposal would introduce a residential use to the current complex of buildings, it is not considered that in this particular instance that this development in itself would lead to the coalescence of settlements (the main reason for the designation for the green wedge). This is an established rural enterprise which already benefits from a number of buildings and structures. It is also not considered that the granting of a new residential development in a green wedge and the broader countryside would set an undesirable precedent for other similar development because the need for this facility has been explicitly justified to meet the particular requirements of this rural enterprise, in accordance with the provisions of TAN6. Furthermore, having regard to the near-adopted Local Development Plan, the green wedge designations of the County-Borough has been reviewed and the application

site has been omitted to lie outside this designation. It is, therefore, considered that the proposal satisfies Policy EV11 and EV13 of the BUDP.

Notwithstanding the above, it is considered necessary, in the interests of visual amenity and to safeguard the countryside in its own right from further development, to remove all relevant permitted development rights associated with the residential unit.

The Council's Ecologist has been consulted with regards to this particular application and he has no objections to the proposal subject to advisory notes. The proposed building would be situated at a distance of 180m from a SSSI and 120m from a SAC which lies outside the application site. In view of this distance and Natural Resources Wales has no objections to the proposal subject to a series of advisory notes, it is not considered that the proposed development would have any significant adverse effect on biodiversity or ecology. The proposal satisfies Policies EV45 and EV20 and criterion 3 of Policy EV7 of the BUDP and that the Council has reasonably exercised their duties under the NERC Act (2006).

Since the proposed development is well-screened and would be located approximately 80m from the nearest residential property, it is not considered that the proposed development would have any significant adverse effect on the residential amenities of neighbouring properties. This also satisfies the criteria of Policy EV45 of the BUDP.

The Group Manager for Transportation and Engineering (Highways) has no objections to the proposal subject to conditions and advisory notes. In his assessment notes, it is explained:

"The LPA has advised that the proposal, which constitutes a rural enterprise, must be assessed against appropriate national and local planning policies, namely PPW, TAN 6 - Planning for Sustainable Rural Communities.

In this respect, whilst it is acknowledged that the site lies in a relatively unsustainable location, the proposal represents a sustainable live/work arrangement, and given the existing daily level of traffic generation which arises from the applicant and other members of staff having to travel throughout the day and night to the site in order to provide care and security, I consider that on balance, the proposal in this instance is unlikely to generate a significant increase in daily vehicle movements to and from the site.

I am also mindful that the site is provided with an acceptable means of access, turning and parking facilities."

It is therefore considered that the proposal would not result in any significant adverse effect on highway/pedestrian safety.

4.10 CONCLUSION

Whilst the proposal is deemed to be out of accord with the adopted Bridgend Unitary Development Plan, this application is recommended for approval on

the basis that there is a clear functional need for the dwelling in the location proposed. The activities associated with this rural enterprise has been established for at least three years, has been profitable for at least one, is currently financially sound and has a clear prospect of remaining so. The proposal has satisfied the overriding requirements set out in Technical Advice Note 6 and would not be so detrimental to the countryside protection policies of the Unitary Development Plan, visual amenity, highway safety, ecology/biodiversity or residential amenity so as to warrant refusal.

5. Effect upon Policy Framework & Procedure Rules.

Whilst the proposal is deemed to be out of accord with the adopted Bridgend Unitary Development Plan, this application is recommended for approval on the basis that there is a clear functional need for the dwelling in the location proposed. The activities associated with this rural enterprise has been established for at least three years, has been profitable for at least one, is currently financially sound and has a clear prospect of remaining so. The proposal has satisfied the overriding requirements set out in Technical Advice Note 6 and would not be so detrimental to the countryside protection policies of the Unitary Development Plan, visual amenity, highway safety, ecology/biodiversity or residential amenity so as to warrant refusal.

6. Equality Impact Implications

6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Financial Implications.

7.1 None.

8. Recommendation.

That the Council resolve to approve planning application P/13/98/FUL subject to the following conditions:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan numbers:

Location Plan (received 11 February 2013)

12/019/1 - Proposed staff accommodation and office building (received 24 June 2013)

12/019/2 - Plan of residential curtilage (received 17 July 2013)

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
(Policy EV45 Bridgend Unitary Development Plan)

3. No development shall take place until details of the proposed floor levels of the building 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
(Policy EV45 Bridgend Unitary Development Plan).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 (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 and E of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of the dwelling without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and to safeguard the countryside from inappropriate development.
(Policies EV7 and EV45 - Bridgend Unitary Development Plan).

5. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene 1 - Dwelling Emission Rate, has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability.
(Policy U1 Bridgend Unitary Development Plan)

6. Unless otherwise agreed in writing the dwelling hereby permitted shall not be occupied until a Code for Sustainable Homes 'Final Certificate' has been submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason: - In the interests of sustainability
(Policy U1 Bridgend Unitary Development Plan)

7. Notwithstanding the details submitted, 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 (surface) water will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any of the dwelling hereby approved.

Reason: To ensure that effective drainage facility are provided for the proposed development and that flood risk is not increased (Policy EV17 - Bridgend Unitary Development Plan).

8. The occupancy of the dwelling shall be restricted to:

- a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such a person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers,

- b) a person or persons who would be eligible for consideration for affordable housing under the local authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

Reason: The site is not one which would be approved for residential development except in connection with the rural enterprise use of the land. (Policies EV1, EV4 and EV5 of the Bridgend Unitary Development Plan).

9. The proposed parking spaces and turning area as shown on drawing number 12/019/1 (received 24 June 2013), shall be laid out in accordance with the approved layout prior to the development being brought into beneficial use and retained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

- a. Whilst the proposal is deemed to be out of accord with the adopted Bridgend Unitary Development Plan, this application is recommended for approval on the basis that there is a clear functional need for the dwelling in the location proposed. The activities associated with this rural enterprise has been established for at least three years, has been profitable for at least one, is currently financially sound and a clear prospect of remaining so. The proposal has satisfied the overriding requirements set out in Technical Advice Note 6 and would not be so detrimental to the countryside protection policies of the Unitary Development Plan, visual amenity, highway safety, ecology/biodiversity or residential amenity so as to warrant refusal.

- b. Council records indicate that the property is situated on or near made up ground. Whilst there is no evidence to suggest contamination of the soil, the

presence of any significant unsuspected contamination which becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority.

c. Due to the location of the site, there are numerous opportunities to support Bridgend's biodiversity within the fabric of the building and associated infrastructure. The applicant/developer is encouraged to raise the ecological/biodiversity values of the site by installing bat and bird boxes within the development site. Any external lighting must be low intensity and low-level to avoid undue light spillage.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

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Background documents

Planning Application file P/13/98/FUL
Bridgend Unitary Development Plan
Technical Advice Note 6