

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO COUNCIL

18 SEPTEMBER 2012

### REPORT OF INTERIM CORPORATE DIRECTOR - COMMUNITIES

#### REPORT OF A DEPARTURE PLANNING APPLICATION 12/796/FUL

#### **1. Purpose of Report.**

- 1.1 On 22 August 2013 the Development Control Committee considered planning application P/12/796/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 a Section 106 Agreement and 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* is the most pertinent.

#### **3. Background.**

- 3.1 Planning application P/12/796/FUL for the development of a residential/commercial development on land at Ty Draw farm, North Cornelly has been submitted to the Local Planning Authority. The Development Control Committee has resolved not to refuse this application.
- 3.2 The 'hybrid' application is submitted by agents Barton Willmore on behalf of South Wales Land Development Ltd.

#### **4. Current situation/proposal.**

- 4.1 The application seeks consent for a mixed use development on 6.5ha of land at Ty Draw Farm, North Cornelly. The site, which is currently a field used for grazing, slopes from north to south and is crossed by the remains of old hedgerows. To the east of the site is an area of woodland planted as a screen to the adjacent dual carriageway, while to the west the site is bounded by the Broadlands (North Cornelly) estate.

The proposal is a 'hybrid' application. The residential part is made in full whilst the business use is made in outline.

The residential element of the proposal includes the construction of 94 dwellings made up of 2, 3 and 4 bed houses and 1 bed flats. The design of the dwellings include 15 different house types, generally all being 2 storey, but including 13 units 2.5 storeys high. All units would be constructed using a mix of brick, smooth render and stone finishes. All dwellings are shown with an adequate level of private amenity space. Detached garages would be provided to some of the 3 bed and 4 bed units.

The layout includes an area of public open space on the eastern boundary of the site and another area centrally located within the site. Existing hedgerows would be retained and any gaps in-filled with new planting. Additional landscaping has been included in the design of the site layout.

Access to the site would be taken off Fairfield, the main road into North Cornelly, to serve an internal network of roads and culs de sac. Parking would be provided either by detached garages or on driveways. Some courtyard style parking would also be provided.

The north eastern part of the site is shown as being developed for a commercial/industrial use, however, this part of the proposal is in outline only and a schematic layout and sections have been submitted. As part of the main site development, it is proposed to create a plateau on the northern part of this area and provide an access off the main estate road to a level which would enable any future developer to be able to come onto the site and complete the industrial development on that section as part of an approval of a reserved matters application.

#### 4.2 RELEVANT HISTORY

P/00/813/OUT	Non-determination.	07-01-2005
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(Appeal)

RESIDENTIAL DEVELOPMENT (APPROXIMATELY 150 HOUSES)  
(APPLICATION IN OUTLINE)

P/12/606/SOR	EIA not required	24-09-2012
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REQUEST FOR SCREENING OPINION FOR PROPOSED MIXED USE  
DEVELOPMENT

P/98/831/OUT	REFUSED	02-11-1999
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CONSTRUCTION OF FARM VILLAGE & RELATED RESTAURANTS AND  
HOTEL

#### 4.3 PUBLICITY

The application has been advertised on site. Neighbours have been notified of the receipt of the application. The application has been advertised in the press

as a departure. The period allowed for response to consultations/publicity expired on 6 November 2012.

#### 4.4 NEGOTIATIONS

Discussions took place between the applicant's agent and the Council's Highways and Drainage sections in respect of the proposed layout, highway design and drainage proposals. Other negotiations have taken place in respect of the provision of affordable housing, educational contributions and a contribution towards the provision of play equipment in the locality.

#### 4.5 CONSULTATION RESPONSES

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

The members of Cornelly Community Council object to the above mentioned Planning Application for the following reasons:

i) Bridgend County Borough Council, its predecessor Ogwr Borough Council and Cornelly Community Council, have consistently for well over 20 years resisted the allocation of land at Ty Draw Farm, Pyle for housing. This judgement has been made on the basis that the land should be reserved for special employment purposes given its highly accessible location next to the M4 and its local importance and potential towards tackling economic disadvantage and deprivation in the local area.

ii) The extant Development Plan the Council's Unitary Development Plan allocates the land for special employment purposes under Policy E6(5) Ty Draw Farm, North Cornelly. On 16 August 2005 the National Assembly for Wales refused an application by the WDA for consent for 150 houses reference (APP/F6915/A105/I 175 163). The Council at that time argued that the WDA had not exactly extended itself in advertising and marketing the site and that this, at least in part, contributed to the lack of take up.

iii) In the Council's emerging Local Development Plan that will replace the UDP, the protection of the site at Ty Draw Farm at Policy SP9 (4) for special employment purposes, forms the backbone of the Council's land use regeneration strategy for tackling the regeneration of the economically deprived western half of the County Borough. On any reading of the LDP and its evidence base, one would conclude that the allocation of the whole site as a Strategic Employment Site is seminal to the strategy and objectives of the Plan.

iv) While the Council has requested the Local Development Plan Inspector to consider a part allocation of the Ty Draw site for housing, Robert Mellor the Inspector has not yet agreed to this and his report is awaited. The allocation of the land in the LDP remains for special employment purposes and development control decisions need to be made in accordance with the development plan unless material considerations demand otherwise. Indeed Cornelly Community Council has robustly objected to the de-allocation of the

land for special employment purposes and has presented written evidence and appeared in front of the Inspector at the Local Development Plan Inquiry. Approval of any application on the site for alternative uses would be prejudicial to the current Development Plan and the strategy base of the emerging LDP. Cornelly Community Council wrote to Development Control on 4 March 2013 requesting that the Council take no decision on the planning application on the grounds of prematurity until the LDP is resolved.

Taking a positive decision on June 27th in advance of the council possibly receiving the LDP Inspector's report, let alone resolving to adopt it, is premature.

v) The economic conditions for residents of North Cornelly and Pyle/Kenfig remain very challenging. Economic deprivation at North Cornelly is high as measured by many indicators where the proportion of residents suffer disproportionality more pressures than the County Borough average.

vi) The whole site is required for employment purposes for badly needed jobs in the western portion of the County Borough. The development would not guarantee the provision of employment generating businesses/uses on the 2.23 hectares of land that is not to be allocated for housing. It appears from the developer's planning statement that the proposal goes as far as only providing serviced plots. This does not guarantee that the 81 uses would be built and consequently there is no guarantee that the assumed benefits of a mixed use scheme would accrue to the local population.

vii) Any substitution of housing for previously designated employment land would obviously reduce employment opportunities in close proximity to areas of high deprivation. It would also increase the extent of out commuting as those lost jobs would not be replaced by equally advantageous sites in close proximity to the residents in North Cornelly/ Pyle/Kenfig Hill.

viii) Not only do the potential economic fortunes and improved physical access to employment of the population of North Cornelly, Pyle and Kenfig depend on the development of the site. The LDP clearly sees the development of the site as supporting the provision of jobs for Porthcawl. Without access to the number of jobs presumed at a full take up of employment land as envisaged in the LDP strategy, the growth potential of Porthcawl would not be optimised.

ix) The site does not enjoy high levels of accessibility by walking and cycling to facilities at North Cornelly, especially healthcare facilities.

#### **Councillor M W Butcher**

Considers that the application should be reported to Committee and be the subject of a site panel visit due to the site being allocated for Bi employment and not designated for housing, and in view of concerns expressed by residents.

## **Cllr J H Tildesley**

This land must be kept for employment purpose's as per Inspectors findings on last appeal.

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

No objection subject to conditions.

## **Destination & Countryside Management**

No objection subject to conditions.

## **Head of Street Scene (Technical Services)**

Nos. 91, 92, 93, 94, 51, 52, 53, 54, 55, 39, 40, 35, 36, and 37 are situated on what appears to be private drives which are not made up to highway adoptable standards and will, therefore, be not accessible to waste/recycling vehicles. Residents will have to carry their waste out to the point at which the private drive meets the adopted highway.

To ensure that adequate provision is made for the collection of household refuse and recycling materials, no development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority showing the provision of a household refuse and recycled materials collection area at the entrance to the private drive. The applicant is advised that the collection area required shall be of sufficient size to cater for all the dwellings on the private drive and shall be completed in permanent materials.

The purchasers of the dwellings on the private drive shall be advised of the waste collection/recycling arrangements as part of the sales advice package.

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

No objection subject to a condition.

## **Natural Resources Wales**

No objection subject to conditions.

## **Head of Property & Finance**

No comments to make.

## **Corporate Director Children**

Whilst the primary and secondary schools (Corneli and Cynifig) have spare capacity the Welsh medium school Ysgol V Ferch O'r Sger is full. Analysis of the area shows that traditionally 16% of the Cornell catchment choose Welsh

medium education. It is likely that this development will contribute an extra 3 children ( $94 \times 0.22 \times 16\%$ ) which may require installing temporary accommodation at the school. We would therefore require a contribution for 3 places which equates to a total of £48,939).

### **Head of Parks & Playing Fields**

An equipped children's play area to the Council's LEAP standard (based on the Council's policy of 1 No. LEAP per 100 dwellings) is required as there are almost 100 dwellings. It appears that there is a lack of suitable open space on the proposed development for the installation of a LEAP play area making the payment of an in lieu of on-site provision sum necessary. The current calculation/value for the in lieu of on-site provision sum is £40,000. The sum should be stipulated for use within the North Cornelly area for the provision of children's play equipment.

### **Communities - Housing Manager**

Require the provision of 12 affordable units with a mix of 6 No. 1 bed flats and 6 No. 2 bed houses.

### **Welsh Water Developer Services**

No objections subject to conditions.

### **Crime Prevention Design S.Wales Police**

Has provided advice on crime prevention matters and commented on the detailed design layout.

### **Group Manager Public Protection**

Recommend conditions to control noise levels within the future dwellings and their gardens and to control noise levels from the proposed industrial development.

## **4.6 REPRESENTATIONS RECEIVED**

Objections have been received from the occupiers of the following properties:

Nos. 35, 39 and 65 Mountain view; and  
Nos. 11, 23, 27 and 31 Llwyn On, North Cornelly.

Their objections can be summarised as follows:

- i) In recent years the size of the village (Cornelly) has doubled and services cannot cope with any more people here, eg surgeries, shops, schools etc.
- ii) New access would be to the detriment of highway safety.
- iii) Loss of green belt open land/public open space for housing.
- iv) Insufficient amenities for people already here.

- v) Mix of house types do not provide for families with children.
- vi) Village Farm Industrial estate already has vacant units for sale/lease.
- vii) Increased burden on public transport.
- viii) Loss of open field does not contribute to biodiversity.
- ix) Large number of empty dwellings in the Bridgend area.
- x) Applicants statement regarding the creation of employment is vague.
- xi) Impact on the amenity of neighbours.
- xii) Impact/increase of flooding.
- xiii) The design of the dwellings does not include a 'green' solution to sustainability.

#### 4.7 COMMENTS ON REPRESENTATIONS RECEIVED

i) Consultation has been carried out with the Corporate Director Children in respect of the impact on local schools. The local Health Board has not commented on the application while the Corporate Director Children has requested that the applicant contribute £48,000 towards providing additional places at Ysgol y Ferch o'r Sker.

ii) In respect of the access to the site there is no objection from the Highways Section subject to conditions.

iii) The site is not designated as Green Belt and is not public open space.

iv) Open space is provided within the site. Although the proposal does not include an equipped play area the Head of Parks and Playing Fields has requested that the developer contribute a sum of £40,000 as an in lieu payment toward the upgrade/maintenance of other equipped playgrounds in North Cornelly.

v) The mix of house types includes 2, 3 and 4 bed properties which are suitable for families with children, including those families on the housing waiting lists.

vi) It is accepted that the Village Farm Industrial Estate has some vacant unit/sites. However, the whole of the application site is allocated for industrial development in the Bridgend Unitary Development Plan while the current proposal shows only a portion of the site being developed for industrial development. As such a smaller number of commercial/industrial units would be provided as a result of this proposal than if the whole site was developed for commercial/industrial uses.

vii) There is currently a public transport route passing the proposed site entrance and the Highways Section has requested that an upgrade of existing bus stops be carried out to improve the sustainability of the site.

viii) The Phase I Habitat Survey submitted with the planning application revealed a limited range of habitats, principally comprising grazed, semi-improved grasslands with residual boundary hedgerows. The report concluded that the semi-improved grassland habitat present on site to have a

low intrinsic ecological value. However, it is intended to plant additional trees on the site and to strengthen existing hedgerows with new planting and it is considered that this would improve biodiversity levels.

ix) It is accepted that the site has been allocated for commercial/industrial development for many years and that the Council has resisted proposals for residential development in the past.

The site was formerly in public ownership (Welsh Government) but is now privately owned. In this regard there is no prospect of any public regeneration funding to facilitate the delivery of the site solely for employment purposes in the foreseeable future.

Development of the site will require considerable investment in terms of the provision of an appropriate access given the difficult geology and topography of the northern part of the site.

Given the requisite infrastructure costs it is unlikely that the site will come forward in the short to medium term for employment only purposes, especially given the choice and availability of other more easily developable employment sites elsewhere within the County Borough.

The lack of readily available employment land in the west of the County Borough is acknowledged, however, this can be remedied in the short to medium term by the release of this site in the Local Development Plan as a new proposed mixed-use development, enabling part of the site for strategic employment purposes and providing 94 additional dwelling units within the short term, contributing to the additional identified needs and which partly offsets the slower than anticipated delivery of housing in Porthcawl, as part of the Porthcawl Waterfront Development. This is on the basis that Porthcawl and Pyle/North Cornelly are considered as a primary linked settlement in the context of the Wales Spatial Plan.

The LDP Inspector's report has been released and is binding but has yet to be formally approved by Council. The report accepts the mixed use allocation for this site.

A significant material consideration in this regard is the very advanced stage of the Local Development Plan (LDP) preparation. Following on from the LDP Inspector's Preliminary Findings report which was issued in January 2013, the Council resolved at its meeting on the 29th January 2013 to change the allocation at Ty Draw Farm to a mixed use site incorporating strategic employment uses and 94 residential dwellings to satisfy, in part, a shortfall in housing supply which he had identified. The LDP is expected to be adopted by Council at its meeting on the 18th September 2013. After this point this application will be in full accordance with the development plan.

x) The employment element of the application is in outline and further details will need to be submitted.



xi) The impact on the amenity of neighbours is fully addressed in the Appraisal Section.

xii) The scheme includes a 'stormcell' attenuation scheme which is designed to control outfall into the existing surface water sewer and thereby prevent flooding.

xiii) TAN 22 - Sustainable Buildings requires all new dwellings to achieve a certain code level. This is to ensure that they are constructed to a certain standard in relation to sustainability.

xiv) It is accepted that the site is located at the eastern edge of the North Cornelly, however, it is within 375m of existing bus stops and the Highways Section has recommended that a combined cycle/footway be provided north eastwards from the site towards the A48. A footpath leading to an existing bus stop is also required to improve links to bus services.

#### 4.8 APPRAISAL

The application is reported to Committee as the development does not accord with the current development plan, which is the Bridgend Unitary Development Plan (BUDP), and due to the number of objections received including Cornelly Community Council.

However, a significant material consideration in this regard is the very advanced stage of the Local Development Plan (LDP) preparation. Following on from the LDP Inspector's Preliminary Findings report which was issued in January 2013, the Council resolved at its meeting on the 29th January 2013 to change the allocation at Ty Draw Farm to a mixed use site incorporating strategic employment uses and 94 residential dwellings to satisfy, in part, a shortfall in housing supply which he had identified. The Inspector's Report has now been received by the Council and has been published. In this report, the Inspector has agreed to the change in allocation at Ty Draw Farm in order to make the LDP sound. The recommendation to make this change is now binding on the Council. The LDP is expected to be adopted by Council at its meeting on the 18th September 2013. After this point this application will be in full accordance with the development plan.

The application site is located within the settlement boundary of North Cornelly and as such the development of this site for residential purposes could be regarded as 'windfall and small scale housing' in main settlements under Policy H3 of the BUDP, albeit that the site is also allocated for employment purposes.

Policy H5 of the BUDP permits the re-use of vacant or under-utilised land for residential purposes subject to criteria in relation to design, protection of residential amenity, provision of a satisfactory means of access, parking, utility services and amenity space.

Policy EV45 relating to new development design is also relevant.

The site is allocated in the adopted Bridgend Unitary Development Plan (BUDP) as a Special Employment Site under Policy E6 (5). As such the current proposal for a mixed development of residential and industrial is out of accord with the current Development Plan. The site remains allocated as a Strategic Employment Allocation under Strategic Policy SP9 of the emerging Bridgend Local Development Plan (LDP).

The Council's Supplementary Planning Guidance SPG 02 includes advice on the protection of privacy and suggests that the minimum distance between directly facing habitable rooms should normally be 21m. The layout of the site shows dwellings along the western boundary of the site adjacent to the existing dwellings on Mountain View and Llwyn Onn. Due to the length of the gardens on the existing properties adjacent, all off the dwellings are positioned at least 21m away and in some cases are between 40m to 50m apart. As such it is considered that there would not be any loss of privacy to habitable room windows.

The SPG also advises that to prevent overlooking of neighbours' gardens a separation distance of at least 10.5m is required. The submitted layout shows this separation distance being achieved on all of the dwellings along the western boundary of the site.

The retention of existing vegetation along the western boundary of the site would further assist in protecting the privacy of existing adjacent dwellings. The separation distances referred to above are also achieved on the proposed dwellings within the submitted layout.

Access to the site would be taken off Fairfield, which is the main route from the A48 leading into North Cornelly. The internal highway network would consist of a series of circular routes together with 3 culs de sacs. One of the cul de sacs would be a private drive. At the southern end of the site a turning head will be provided. Parking will be provided either within integral garages, detached garages, driveways or in courtyard type parking.

The submitted information shows foul drainage and surface water being discharged to existing separate sewers located on the western boundary of the site adjacent to No 25 Mountain View.

Dwr Cymru Welsh Water (DCWW) originally objected to the application as it was considered that the development would overload the existing public sewerage system. Following discussions with the applicant DCWW agreed that there could be a connection to the existing foul sewer on the western boundary of the site in order to overcome any objection.

Before being discharged, surface water would be attenuated through a 'Storm cell' system. The originally submitted drainage details showed the system discharging at a rate of 32.3 litres per second (l/ps). However, following discussions between the applicant and DCWW they have now accepted a total discharge rate of 30 l/ps. The applicant submitted an amended scheme

which showed the use of a larger 'Storm cell' system to achieve the required discharge rate. This larger 'Storm cell' system would attenuate flows from a 1:100 + 30% flood event, which takes account of possible future climate change.

The principle of storing attenuated 1:100 + 30% flows within the site is considered acceptable and it is agreed would contribute to the Code for the Sustainable Home requirements. The Council's Drainage Engineer has no objection to this arrangement.

In respect of the provision of amenity space it is considered that each dwelling would be provided with an adequate amount of amenity space. In addition, 2 areas of public open space would be provided within the site.

The Head of Parks and Playing Fields has advised that in lieu of the provision of an equipped play area on the site, a contribution of £40,000 should be made by the developer towards the provision/upgrading of existing play facilities in the area.

Policy EV20 of the BUDP refers to the general protection of biodiversity. The application was supported by a Phase 1 Habitat Survey which identifies the site as having a limited range of habitats, principally comprising grazed, semi-improved grasslands with residual boundary hedgerows. The report concluded that the semi-improved grassland habitat present on site to have a low intrinsic ecological value. Notwithstanding this overall assessment, the report identified the trees and hedgerows on the site as being the most significant ecological feature on the site.

It is intended to retain some of the hedgerows on the site and to strengthen them with new planting. It is also intended to plant additional trees on the site and it is considered that this would improve biodiversity levels.

An area at the north part of the site was considered to offer suitable habitat for reptiles. The Council's ecologist has advised that if this area is to be cleared a further survey is required to determine their presence or not as recommended in the submitted ecological report.

The Council's ecologist has also highlighted the importance of the adjacent woodland area for birds and bats. He has suggested that any lighting proposed should be designed and sited so as to maintain dark corridors within the retained and proposed landscaping.

Natural Resources Wales (NRW) has requested that a 10m wide buffer zone be maintained alongside watercourses, woodland and surface water. There are, however, no watercourses or surface water features within the site.

The layout plan for the residential element of the scheme shows an area of public open space separating some of the residential development from the adjacent retained woodland. However, further to the south the residential development is shown within 5m of the woodland area, however, in this area

only 2 culs de sacs, which may include lighting, would infringe the 10m buffer requested by NRW. The Council's ecologist has not objected to this arrangement but his suggestion that all lighting to be designed and sited so as to limit any potential impact on wildlife in the woodland would be beneficial.

The industrial development is in outline at this stage and its future design could take into consideration the need to maintain an appropriate gap. However, the developer of the residential development would, through a Section 106 Agreement, be required to prepare a plateau and associated access on the northern end of the site to a level which would enable a future developer to develop the site with minimal engineering works.

Policy EV28 of the BUDP states:

DEVELOPMENT PROPOSALS WHICH, EVEN AFTER MITIGATION MEASURES ARE TAKEN INTO ACCOUNT, WOULD STILL HAVE AN UNACCEPTABLY NOISY IMPACT, OR WHICH WOULD, THEMSELVES, SUFFER FROM UNACCEPTABLE EXPOSURE TO NOISE, WILL NOT BE PERMITTED.

The development of 94 residential units and an area of industrial development could increase noise levels in the area. However, the site is close to the dual carriageway leading from the A48 to the M4 motorway which itself generates a high level of noise. In view of this a noise assessment was submitted with the application.

The World Health Organisation (WHO) regulations require external noise levels not to exceed 55dB over 50% of the garden areas in new properties. Public Protection has advised that the noise survey report submitted showed that the majority of the proposed dwellings complied with this limit although the report did show that several of the dwellings would not comply. The WHO regulations are advisory only and the Public Protection Section has advised that it is possible to reduce noise impact by constructing noise barriers adjacent to the affected dwellings. The applicant has submitted a plan which shows the construction of a fence along part of the eastern boundary of the site. Public Protection also advised of the need for a barrier on the north western boundary of the site to protect future residents from traffic noise off Fairfield. This barrier is also shown on the submitted plan.

There is likely to be a need for a fence to the west of the proposed industrial area to protect the amenity of future residents living adjacent. This can be required by condition.

The new access into the site would be separated from existing dwellings on Mountain View and Llwyn Onn by the new dwellings proposed adjacent to the western boundary of the site and as such any noise arising from the movement of vehicles in and out of the site would not significantly affect the occupiers of adjacent dwellings.

Public Protection has also advised that a noise impact assessment will also need to be carried out to ensure that any noise from the commercial development would not affect nearby residents in the new dwellings being proposed.

Policy H7 of the BUDP advises that where a local need is demonstrated the Council will expect an appropriate level of 'affordable housing' to be provided on suitable sites capable of accommodating 15 or more units or exceeding 0.5 ha in area. The application site, therefore, falls within this category. Supplementary Planning Guidance SPG 13 - Affordable Housing provides guidance on the level of affordable housing required.

Discussions have taken place between the Council's Housing Strategy Team Leader on the number, size and tenure of the affordable units and it has been agreed that 12 units would be required with a mix of house types comprising of 6 No. 2 bed units and 6 No. 1 bed units. The provision of these affordable units can be covered by the Section 106 Agreement.

#### 4.9 CONCLUSION

Although the proposed development does not fully accord with the Bridgend Unitary Development Plan, this application is recommended for approval because the development complies with Council's guidelines and does not adversely affect highway safety, privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. In addition, the construction of 94 dwellings would address the identified shortfall of land allocated for residential development in the Local Development Plan.

#### **5. Effect upon Policy Framework & Procedure Rules.**

Whilst this application is deemed to be out of accord with the Development Plan, the application is recommended for approval because the development complies with Council's guidelines and does not adversely affect highway safety, privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal. In addition, the construction of 94 dwellings would address the identified shortfall of land allocated for residential development in the Local Development Plan.

#### **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/12/655/FUL subject to:

A) The applicant enter into a Section 106 Agreement to:

i) Provide a contribution of £48,939 towards educational provision within the catchment area that this development will fall within.

ii) Provide 12 dwellings as affordable units which shall be transferred to a Registered Social Landlord and delivered in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

iii) Provide a contribution of £40,000 as an in lieu off-site contribution towards the provision and/or upgrading of play facilities within the North Cornelly/ Pyle area.

iv) Ensure that the land identified as Plateau 1 and coloured brown on Plan No. 12190-SK100A is re-profiled in accordance with a scheme and Method Statement to be submitted to and approved in writing by the Local Planning Authority, no later than 2 years from the date of the occupation of the first dwelling on the site.

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, subject to the following conditions.

1. Construction of any 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 I - 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)

2. Unless otherwise agreed in writing none of the dwellings hereby permitted shall 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 Enel - Dwelling Emission Rate has been achieved for each 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)

3. No works development shall commence on site until a scheme has been submitted to and approved in writing by the Local Planning Authority showing the existing 30mph speed restriction along Fairfield being extended up to the A48/A4229 roundabout and the internal access roads serving the site being subjected to a 20mph speed restriction. The submitted scheme shall include all appropriate signing and carriageway markings and shall be fully implemented as approved, including the completion of the necessary traffic orders, prior to any of the dwellings being occupied.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

4. No development shall commence on site until a scheme to encourage reduced vehicle speeds along Fairfield in a westbound direction as they leave the A481A4229 junction has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include a Stage 2 Safety Audit and shall be implemented in full prior to any of the dwellings being occupied.

Reason: In the interests of highway safety.

(Policy T2 - Bridgend Unitary Development Plan)

5. The proposed means of access shall be laid out with vision splays of 2.4m x 70m in both directions before any of the dwellings are occupied and retained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

6. No structure, erection or planting exceeding 0.9m 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.

(Policy T2 Bridgend Unitary Development Plan)

7. Notwithstanding the submitted drawings, no development shall commence until a scheme for the provision of a 1.8m wide footway (with tactile paving and dropped kerbs at all appropriate crossing points) along the southern edge of Fairfield between the site access and the bus stop to the west has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the approved dwellings.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

8. Notwithstanding the submitted drawings, no development shall commence on site until a scheme for the provision of a 2.5m wide shared walking/cycling route (with tactile paving and dropped kerbs at all appropriate crossing points) between the site (from a safe position to the south of the southern employment site access) and Heol Tydraw to the east has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the approved dwellings.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

9. Notwithstanding the submitted drawings, no development shall commence on site until a scheme showing the reinstatement of the highway verges as a result of the removal of the laybys to accommodate the shared walking/cycling route to the east of the site access has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of any of the approved dwellings.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

10. No development shall commence on site until a scheme showing two crossing points over Fairfield, together with any necessary road widening works (one either side of the site access) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a Stage 2 Safety Audit. The approved scheme shall be implemented prior to the occupation of any of the approved dwellings.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

11. Notwithstanding the submitted drawings, no works shall commence on the construction of the proposed roads until full engineering details comprising longitudinal and cross sections, constructional details, street lighting, surface water drainage, traffic calming, retaining structures (embankments or walls) supporting the highway or land alongside have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall also include a supporting Stage 2 Safety Audit for approval by the Local Planning Authority. The construction of the roads shall be implemented in accordance with the approved engineering details and completed to binder course level of bituminous material prior to the first dwelling being occupied in any one particular street to be completed and shall be completed prior to



beneficial occupation of the last dwelling in such street or otherwise in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To ensure safe and satisfactory vehicular and pedestrian access to the dwellings in the interests of public and highway safety.

(Policy T2 Bridgend Unitary Development Plan).

12. No development shall take place until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall necessary due to differences in level including that having an influence on the highway will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall then be constructed in accordance with the agreed details prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

(Policy T2 - Bridgend Unitary Development Plan)

13. Notwithstanding the submitted plans, the proposed access roads, footways, parking facilities and turning areas as shown on drawing number 12190-100 shall be at a gradient not steeper than 8.3% (1 in 12) unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

14. No dwelling shall be occupied until the individual drive and parking bays serving the dwelling concerned have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) at a minimum length of 6m if fronting a garage and 4.8m otherwise, with a minimum width between boundary walls of 3.3m for a single drive/parking bay and 5.7m for a double drive/parking bay arrangement or otherwise in accordance with the approved layout.

Reason: To ensure the provision and retention of sufficient off-street parking, compliance with the Disability Discrimination Act and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

15. No development shall commence until a scheme for the provision of temporary traffic and pedestrian management along Fairfield during the construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before and during the approved works.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

16. No development shall commence on site until a scheme for the provision of a site compound and car park for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to commencement of works on site and maintained for the duration of the construction works.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

17. No development shall commence on site until a scheme detailing wheel washing facilities as a means of preventing mud and debris from construction traffic being carried out onto the existing maintainable highway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be provided and retained for the duration of the development, including any earthworks/muck shift operation, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety by preventing mud and debris from lorries and other construction traffic being carried out onto the existing highways.

(Policy T2 Bridgend Unitary Development Plan)

18. No development shall commence on site until there has been deposited with the Local Planning Authority a comprehensive site investigation report prepared by a professional Geotechnical Consulting Engineer confirming that proper site investigations have been carried out to establish what ground precautions are necessary in relation to the structural design of the dwellings and the design, construction and maintenance of the proposed highways and associated retaining walls, sewers and attenuation structures. The report shall include geotechnical engineering recommendations detailing such ground precautions that shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason: To ensure a satisfactory development of the site in the interests of highway and public safety.

(Policy T2 Bridgend Unitary Development Plan)

19. Notwithstanding the submitted drawings, no works shall commence on the construction of the roads until such time as a comprehensive traffic calming scheme, including full engineering details, has been submitted to and approved in writing by the Local Planning Authority for traffic calming restricting 85% tile traffic speeds to 15 - 20 m.p.h. The traffic calming facilities

shall be implemented in accordance with the approved engineering details and completed within the same programme identified for the associated streets.

Reason: In the interests of highway safety.

(Policy T2 Unitary Development Plan).

20. No development shall commence on site until details of a surface water drainage scheme to prevent surface water run-off from driveways, parking bays and private access roads discharging onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme before the associated dwelling is occupied

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

21. The 1.8m closed board fencing shown as a dashed blue line on Plan PL-03 Rev. X shall be erected prior to the occupation of any of the dwellings located adjacent to the fence and shall be maintained in perpetuity.

Reason: - In the interests of residential amenity.

(Policy EV45, EV27 and EV28 of the Bridgend Unitary Development Plan).

22. Notwithstanding the submitted information, no development shall commence on site until a scheme detailing the future maintenance/management responsibilities for the surface water drainage attenuation system has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage attenuation system shall thereafter be maintained /managed in accordance with the approved scheme.

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

(Policy EV19 Bridgend Unitary Development Plan)

**The following conditions relate specifically to the proposed commercial/industrial area.**

23 Application for the approval of the reserved matters in relation to the commercial use shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

Reason: The condition is imposed in accordance with Section 92(2) (a) of the Town and Country Planning Act 1990.

24. The commercial development hereby permitted shall be begun not later than whichever is the later of the following dates - (i) the expiration of five years from the date of this permission (ii) the expiration of two years from the date of the approval of the reserved matters or in the case of approval on different dates the final approval of the last such matter approved whichever is the later.

Reason: The condition is imposed in accordance with Section 92(2) (b) of the Town and Country Planning Act 1990.

25. The employment use on this site shall be limited to a B1 use as defined in the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order.

Reason: (To ensure that the site is developed for suitable employment purposes and in the interests of residential amenity)

(Policy E6 and H5 Bridgend Unitary Development Plan)

26. No development shall commence on site until a comprehensive noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include:

- a) a review of the type of operations at the site and the noise levels/noise impact likely to be generated from those operations;
- b) details of fixed plant, including the location and noise levels to be emitted from the plant;
- c) hours of operation; and
- d) details of deliveries including their timing.

The noise assessment shall include details of any mitigation measures necessary to ensure that the noise limits specified in condition 26 are not exceeded. Any mitigation measures required shall be implemented in full prior to any of the commercial/industrial units being brought into beneficial use.

Reason: In the interests of residential amenity.

Policy EV45, EV27 and EV28 of the Bridgend Unitary Development Plan.

27. The commercial/industrial units shall be designed and operated to ensure that the rating level (when assessing the noise using BS4142) of the cumulative noise generated from operations on site measured (or where this is not possible, calculated) as an A-weighted equivalent continuous sound pressure level (LAeq), as measured in free field conditions at the boundary of any residential premises shall not exceed the following:

Daytime (0700-1900 hrs)    Evening (1900- 23.00hrs)    Night (23.00-7.00hrs)

Reason: In the interests of residential amenity.

Policy EV45, EV27 and EV28 of the Bridgend Unitary Development Plan.

28. 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 unless otherwise agreed in writing by the Local Planning Authority.

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

(Policy EV45 of Bridgend Unitary Development Plan).

29. No works shall commence on site until full engineering details comprising longitudinal and cross sections, constructional details, street lighting, surface water drainage, any retaining structures (embankments or walls) supporting the highway or land alongside have been submitted to and approved in writing by the Local Planning Authority. Such details shall also include a supporting Stage 2 Safety Audit for approval by the Local Planning Authority. The construction of the roads shall be implemented in accordance with the approved engineering details and completed to at least binder course level of bituminous material prior to the first commercial/industrial unit being occupied on any one particular road to be completed and shall be completed prior to beneficial occupation of the last unit on such road in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To ensure safe and satisfactory vehicular and pedestrian access to the commercial/industrial units in the interests of public and highway safety.

(Policy T2 Bridgend Unitary Development Plan).

30. No development shall commence on site until a scheme for the provision of a site compound and car park for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to commencement of works on site and maintained for the duration of the construction works.

Reason: In the interests of highway safety.

(Policy T2 Bridgend Unitary Development Plan)

31. No development shall commence on site until a scheme detailing wheel washing facilities as a means of preventing mud and debris from construction traffic being carried out onto the existing maintainable highway has been submitted to and agreed in writing by the Local Planning Authority. The

facilities shall then be provided and retained as approved for the duration of the development including any earthworks/muck shift operation.

Reason: In the interests of highway safety by preventing mud and debris from lorries and other construction traffic being carried out onto the existing highways.

(Policy T2 Bridgend Unitary Development Plan)

32. 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 trees and hedgerows 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.

(Policies EV20 and EV45 Bridgend Unitary Development Plan)

33. Construction of the commercial development hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that it will achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard and achieve the mandatory credits for 'Excellent' under issue Enel - Reduction of CO2 Emissions.

Reason: - In the interests of sustainability.

(Policy U1 Bridgend Unitary Development Plan)

34. Unless otherwise agreed in writing by the Local Planning Authority, construction of the commercial development hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that it will achieve Building Research Establishment Environmental Assessment Method (BREEAM) 'Very Good' standard and achieve the mandatory credits for 'Excellent' under issue Ene1 - Reduction of CO2 Emissions.

Reason: - In the interests of sustainability.

(Policy U1 Bridgend Unitary Development Plan)

THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS:

a) Although the proposed development does not fully accord with the Bridgend Unitary Development Plan, this application is recommended for approval because the development complies with Council's guidelines and does not adversely affect highway safety, privacy or amenities nor so significantly harms neighbours' amenities as to warrant refusal. In addition, the construction of 94 dwellings would address the identified shortfall of land allocated residential development in the Local Development Plan.

b) The applicant should be advised that the speed restriction scheme referred to in Condition 3 will also require the applicant to fully fund the legal/consultation procedures required to secure the necessary 20mph and 30mph traffic orders.

c) The applicant should be advised that the traffic calming scheme referred to in Condition 4 is envisaged to consist of a comprehensive gateway feature in the form of, but not necessarily limited to, contrasting anti-skid surfacing, carriageway markings (roundels, hatched markings, dragon's teeth, etc.), signage and a prominent entrance feature.

d) The Highway Authority will require the Developer to enter into legally binding Agreements (Section 111/38 Licence Agreement, Section 38 Road Agreement and Section 104 Sewer Agreement) including appropriate bonds to secure the proper implementation of the proposed highway and sewer works.

e) The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials, although compacted chippings would not be considered acceptable as they are likely to be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmacadam should not be considered as a first option.

f) The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

g) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980,

h) All lorries should be suitably sheeted, as agreed in writing by the Local Planning Authority, before leaving the site.

i) Off street parking (both operational and non-operational) and cycle parking facilities for the proposed Bi employment area must be provided to the satisfaction of the LPA and your attention is drawn to SPG17 - 'Parking Standards 2010'.

j) The scheme submitted to satisfy Condition 17 should comprise details of a mechanically operated wheel wash including a temporary access road completed in

permanent materials (concrete or tarmac) that shall be located at least 15 - 20 metres from the edge of carriageway to ensure that when mud is washed off the wheels it can also be washed off the wash station.

k) The applicant is advised that the development should be designed and constructed in accordance with the January 1993 Mid Glamorgan County Council Design Guide for Residential and Industrial Estate Roads which has been adopted by Bridgend County Borough Council.

l) The shared surface sections of access streets including the abutting pedestrian footways shall be laid out close to the same level to create a shared surface environment for safe use by pedestrians and vehicles and the carriageway and footway surfaces shall be finished in Street Print creating a paviour block effect or similar approved with a granite sett rumble strip at each entrance to the shared surface street for driver awareness of entering a different environment where pedestrians will be encountered in the carriageway.

m) The road proposals shall be the subject of staged road safety audits as defined in Design Manual for Roads and Bridges completed in accordance with the Department of Transport Departmental Standards HD 19/03.

n) Details of any retaining walls within the site to be submitted to the Authority shall comprise location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment supporting or having an influence on the abutting highway the design details, duly certified by a professional structural engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/05 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.

o) Commuted sums to cover the extraordinary long term maintenance costs of any highway structures will be a prerequisite of the adoption of the road works as highways maintainable at the public expense.

p) In accordance with the Bridgend County Borough Council Design Guide road gradients shall be such that the maximum gradient of 1:12 is not exceeded. A 10m near level platform (1:20 or 1:25 maximum) shall apply at junctions. Access roads shall have a minimum gradient of 1:125.

q) Timber bollards shall be provided at appropriate centres along the edge of the adopted country lanes abutting public open spaces to prevent vehicles overrunning the verge area to allow vehicles to pass or parking on the verges. A commuted sum to cover the extraordinary long term maintenance costs of these bollards will be a prerequisite of the adoption of the road works as highways maintainable at the public expense.

r) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under Section 163 of the Highways Act 1980.



s) It is a requirement under Section 153 of the Highways Act 1980 that any doors (including garage doors) must be located and fitted so as not to open out over the highway.

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

u) Land drainage run off shall not be permitted to discharge either directly or indirectly into an existing or proposed public sewerage system.

**MARK SHEPPARD  
CORPORATE DIRECTOR COMMUNITIES**

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**Background documents**

Planning Application file P/12/796/FUL

Bridgend Unitary Development Plan