

Application Ref: **P/15/368/OUT**

Applicant: JRT, MARDAN (STEVENAGE) LTD C/O C2J ARCHITECTS UNIT 1A
COMPASS BUSINESS PARK PACIFIC ROAD OCEAN PARK CARDIFF

Location: **LAND AT PARC EWENNI EWENNY INDUSTRIAL ESTATE BRIDGEND**

Proposal: **CONSTRUCTION OF UP TO 240 RESIDENTIAL UNITS, 1123 SQ. METRES OF A1/A2/A3/D1/D2 DEVELOPMENT, PUBLIC OPEN SPACE AND HIGHWAY WORKS**

The above mentioned application was considered by the Development Control Committee held on 7 January 2016 (see copy of the original report attached as Appendix 1) when it was resolved to grant outline consent, subject to the applicant entering into a Section 106 Agreement to :-

1. Provide 20% of the residential units as affordable housing units in accordance with the Authority's adopted Supplementary Planning Guidance 13 with the type of units, location within the site, affordable tenure, transfer price and timescale for the transfer to a Registered Social Landlord agreed with the Council.
2. Provide a financial contribution in accordance with the formula and cost guidance contained in Supplementary Planning Guidance 16 towards the provision of additional nursery and primary school places in the school(s) identified as serving the Parc Afon Ewenni Regeneration site.
3. Provide outdoor recreation space in accordance with Policy COM11 of the LDP with arrangements for future management and maintenance to be agreed in writing with the Council.
4. Provide £8,000.00 to fund necessary Road Traffic Orders and signage to achieve appropriate speed restrictions within the development site.
5. Either provide a financial contribution of £475,793.25 to cover the cost of the provision of an active travel route from the application site to the signalised junction of the A473 with the Bridgend Retail Park or alternatively provide the route in accordance with a scheme agreed with the Local Planning Authority in conjunction with the Highway Authority.

The timing of the payment of the financial contributions identified above were to be the subject of negotiation during the drafting of the Agreement with the agreed timing included within the terms of the Section 106 Agreement.

On completion of the required Agreement, the Corporate Director Communities was granted plenary powers to issue notice of the granting of an outline planning permission subject to the conditions contained in the Committee Report. The applicant's agent was advised of the resolution and requested to confirm the applicant's willingness to enter the required legal agreement.

No agreement was received from the applicant's agent but in June 2016, a consultant acting for the developers contacted the Section 106 Officer advising that he had been appointed to review the viability of the proposal. Subsequently a viability appraisal demonstrating that, due to the level of costs involved in developing the land combined with the Section 106 obligations required by the Authority, the development was not viable. A

further appraisal appeared to demonstrate that even with the removal of the proposed Section 106 contributions, the developer's profit margin would be lower than the average developer profit achieved on normal development sites. Initially, the agent requested the Council to review the proposed obligation.

The Council appointed an independent assessor to review the viability appraisal submitted by the developer. Whilst this independent review identified a number of concerns relating to the land valuation, the assessment of the area capable of development as opposed to the overall site area and the quantum of development proposed by the application also concluded that the viability of the site was compromised. In light of the foregoing, the advice of the independent assessor on reduced obligations in respect of affordable housing, the education contribution and the active travel element was sought. Two scenarios were considered :-

Appraisal 1 : 5% affordable housing, 50% Active Travel contribution

Appraisal 2 : 5% affordable housing 50% Active Travel contribution and 50% Education contribution.

The advice confirmed that the profit on cost needs to be at a minimum of 20% and that the land values need to be a minimum of £300,000.00 per acre. The sensitivity analysis that accompanied the appraisals highlighted that there would need to be an increase in sales value of approximately 7% in respect of Appraisal 1 or just under 6% increase in sales values for Appraisal 2. In light of the foregoing, it is considered that it is appropriate to revise the Head of Terms proposed to be included within the Section 106 Agreement.

Following further exchanges between the applicant's agent and the case officer, the consortium has requested that the Heads of Terms be amended to:-

- Provide 5% of the residential units as affordable housing units with the type of units, location within the site, affordable tenure, transfer price and timescale for the transfer to a Registered Social Landlord agreed with the Council.
- Provide a 50% financial contribution in accordance with the formula and cost guidance contained in Supplementary Planning Guidance 16 towards the provision of additional nursery and primary school places.
- Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing with the Council.
- Provide £8,000.00 to fund necessary Road Traffic Orders and signage to achieve appropriate speed restrictions within the development site.
- Either provide a financial contribution of £208,000.00 towards the provision of an active travel route from the application site to the signalised junction of the A473 with the Bridgend Retail Park or alternatively provide the route in accordance with a scheme agreed with the Local Planning Authority in conjunction with the Highway Authority.
- Provide internal road infrastructure through the development site up to the boundary line of:

- (i) The adjoining land to the east of the application site owned by the Local Planning Authority; and
- (ii) A point that is 0.5 metres away from the application site boundary with the land to the west owned by South Wales Police.

It is noted that these terms are those considered by the assessor as Appraisal 2 referred to above and it is therefore considered reasonable, in light of the viability issues, to agree to amend the Heads of Terms.

Furthermore, the process of redeveloping the former depot element of the wider mixed use allocation within the LDP, immediately to the east of the application site, is at a relatively advanced stage and there is a high level of certainty that this will be carried forward for residential use.

The extension of the access through the site and into this land will remove the need to establish an additional, separate access and will provide a much larger developable area whilst removing a non-conforming industrial use. The advantage is that a larger part of this allocated area will be developed strategically in accordance with the aims of the adopted LDP and masterplan.

It is therefore considered that, whilst the reduced contributions is not an ideal situation, this must be looked at in terms of the overall redevelopment of the allocated land and needs to be balanced against the provision of serviced access into the adjoining site. It is considered that the negotiated outcome will assist in facilitating the provision of a crucial part of the infrastructure to the benefit of the regeneration of this area in the wider interest and will not prevent future development from focusing on the provision of other contributions in terms of affordable housing and education.

In view of the above the amended heads of terms is considered acceptable.

RECOMMENDATION

That the terms of the required Section 106 be amended to:-

- Provide 5% of the residential units as affordable housing units with the type of units, location within the site, affordable tenure, transfer price and timescale for the transfer to a Registered Social Landlord agreed with the Council.
- Provide a 50% financial contribution in accordance with the formula and cost guidance contained in Supplementary Planning Guidance 16 towards the provision of additional nursery and primary school places.
- Provide outdoor recreation space in accordance with Policy COM11 of the Bridgend Local Development Plan with arrangements for future management and maintenance to be agreed in writing with the Council.
- Provide £8,000.00 to fund necessary Road Traffic Orders and signage to achieve appropriate speed restrictions within the development site.
- Either provide a financial contribution of £208,000.00 towards the provision of an active travel route from the application site to the signalised junction of the A473 with the Bridgend Retail Park or alternatively provide the route in accordance with a

scheme agreed with the Local Planning Authority in conjunction with the Highway Authority.

- Provide internal road infrastructure through the development site up to the boundary line of:
 - (iii) The adjoining land to the east of the application site owned by the Local Planning Authority; and
 - (iv) A point that is 0.5 metres away from the application site boundary with the land to the west owned by South Wales Police.

**MARK SHEPHARD
CORPORATE DIRECTOR**

Background papers

Appendix 1 : Copy of original report to DC Committee 7/1/2016

RECOMMENDATION : SECTION 106

REFERENCE: P/15/368/OUT

APPLICANT: JRT,MARDAN (STEVENAGE) LTD, LODGEGROUND
C/O C2J ARCHITECTS UNIT 1A COMPASS BUSINESS PARK PACIFIC
ROAD OCEAN PARK, CARDIFF

LOCATION: LAND AT PARC EWENNI EWENNY INDUSTRIAL ESTATE BRIDGEND

PROPOSAL: CONSTRUCTION OF UP TO 240 RES. UNITS, 1123M.SQ OF
A1/A2/A3/D1 /D2 DEVELOPMENT, PUBLIC OPEN SPACE & HIGHWAY
WORKS

RECEIVED: 3rd June 2015

SITE INSPECTED: 10th July 2015

APPLICATION/SITE DESCRIPTION

This application was included on the agenda for the November Committee but a request to defer consideration was granted at the meeting. Reproduced below is the original report. The observations of the Highways Department have now been received and are included within the Consultation Responses with the additional suggested conditions and planning obligation relating to the provision of an active travel route linkage from the application site to the wider community.

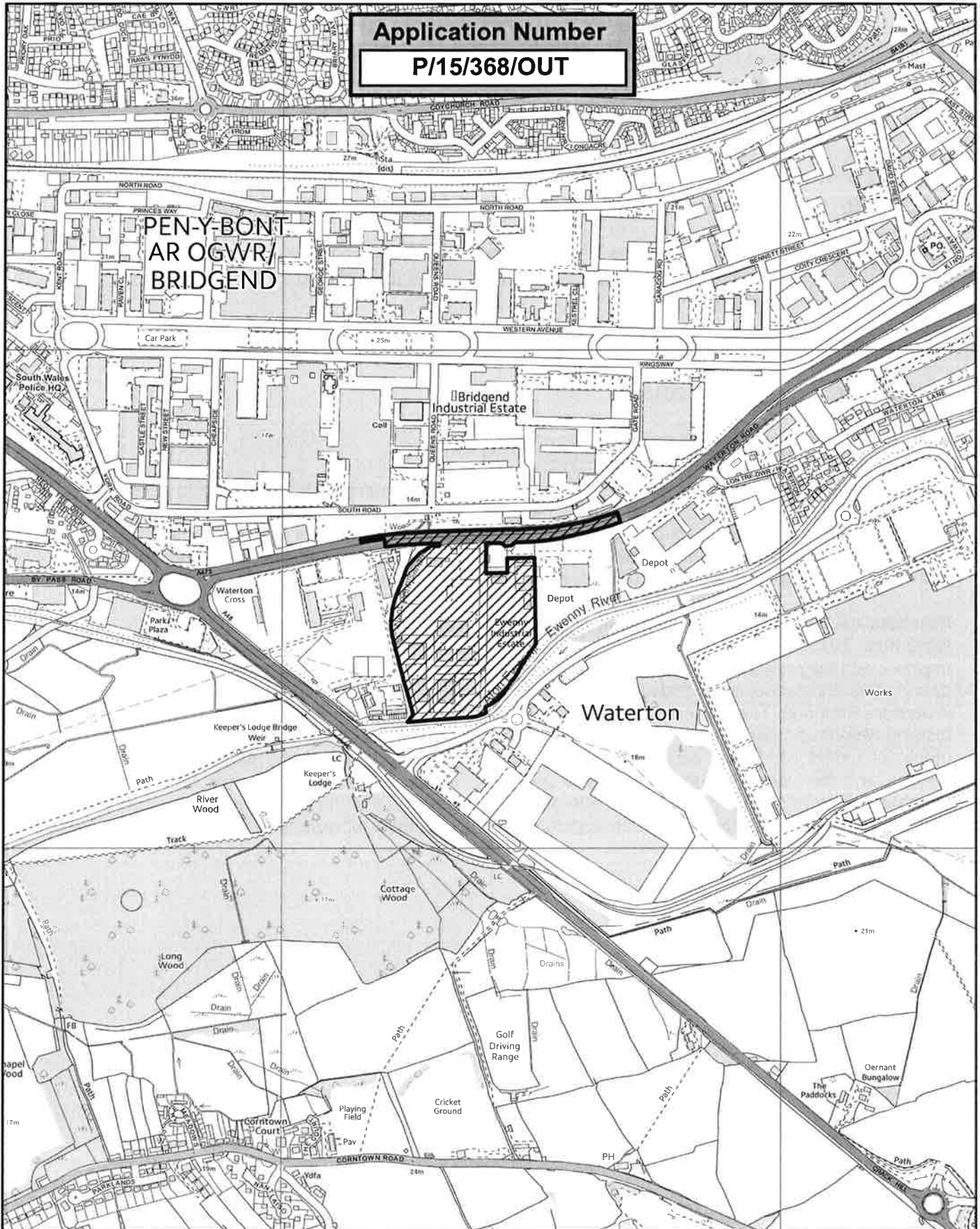
Members will recall that a Development Control Committee Site Visit was undertaken on 25 November 2015. The application proposes the construction of up to 240 residential units together with the provision of 1,123sq.m.of A1/A2/A3/D1 and D2 development, provision of public open space and associated highway infrastructure on land on the southern side of the A473 at Waterton, Bridgend. The site encompasses the car sales enterprise on the western side of the existing western access, the Penybont Gym and commercial unit, all of the units on the Eweny Industrial Estate which are accessed from a secondary access point to the west of Travis Perkins and the John Raymond Transport Depot but excludes the Travis Perkins Builders Merchants. The application is in outline with all matters reserved for future consideration apart from access. The application has been accompanied by a number of reports in respect of the following matters:-

- * Transport Assessment
- * Flood Consequences Assessment
- * Drainage Strategy Report
- * Utilities Report
- * Air Quality Assessment
- * Environmental Noise Assessment
- * Phase 1 Geo Environmental Report
- * Extended Phase 1 Habitat Survey and Bat Emergence Check.

The Indicative Site Layout, which forms part of the submission, indicates that access into the site will be obtained via a new traffic light controlled junction located adjacent to the watercourse that runs along the western site boundary and approximately where the car sales building currently exists. A principal spine road leads in a southerly direction from the access point until it meets an internal spine road running east-west, which provides linkages into future developments to the west on the South Wales Police Ground and to the east on Council owned land. A commercial hub containing A1/A2/A3 uses and retaining the existing Penybont Gym facility is shown on the western side of the north/south spine road. Residential development is proposed to surround this commercial hub with an area of approximately 1.8 acres of public

Application Number
P/15/368/OUT

**PEN-Y-BONT
 AR OGWR/
 BRIDGEND**



Page 32

Scale 1:10,000

Date Issued:
18/11/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard
 Corporate Director-Communities

Communities Directorate,
 Bridgend County Borough
 Council, Civic Offices,
 Angel Street,
 Bridgend CF31 4WB.

*O/Drive/Plandraw/new MI layouts/
 Committee DC Plan*

(c) Crown Copyright and database rights
 (2015) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron
 (2015) Rhif Trwydded yr Arolwg Ordnans
 (100023405)

(c) Cities Revealed Aerial Photography
 copyright, The GeoInformation Group (2009)

Cyngor Bwrdeistref Sirol
 Pen-y-bont ar Ogwr

BRIDGEND
 County Borough Council

within the Local Development Plan and predicts a flow. This prediction does not take into account the redevelopment of the eastern section of the LDP allocation. In addition predictions are based on peak hours whereas there are also high volumes at other times and therefore consider that overall usage should be used.

4. Issues for new residents at Parc Afon Ewenni - some of roads appear not to include turning facilities; footpath connections between the different roads should be included; parking spaces for retail area/gym appear too limited; lack of children's play area; any previous contamination by Ordnance Factory should be dealt with prior to occupation of the site; noise barrier/mitigation would need to be incorporated into redevelopment; visual screening around Travis Perkins and central gym/retail area should be included in the scheme and that residential properties are provided with adequate rear private amenity space rather than at the front of the property.

Head Of Street Scene (Highways)

The proposed development has been supported by a transportation assessment, which has been independently checked by the Council's consultants. Whilst the conclusions indicate that the proposed signalised junction at the site access and the wider highway network will accommodate the development traffic, there will be a delay to through traffic along the A473. It should be appreciated, however, that the current extant uses on the site could generate a significant increase in traffic, particularly heavy goods vehicles along the A473 corridor if returned to full use. With the current multiple accesses onto the westbound carriageway, these movements need to utilise the roundabout junctions at Waterton and Coychurch to undertake "U" turns to access/egress the site, which currently affect the efficiency of the two signalised roundabouts. The proposed access arrangements are considered to improve the current situation by reducing the number of access point, providing an all movement junction to reduce "U" turn movements at the Waterton and Coychurch roundabouts whilst also providing controlled pedestrian/cycle crossing facilities across the dual carriageway.

Whilst the submitted Transport Assessment addresses issues of vehicular movements generated by the development, its content does not fully accord with the Planning Policy Wales and TAN18 in relation to sustainable travel and the provisions of the Active Travel Act have not, therefore, been adequately considered. Despite pre-application advice in this regard and requests for further information, the developer has not provided suitable proposals for the linkages to the wider urban area in accordance with Policy PLA8 of the Local Development Plan. In this respect, the requirements of Policy PLA7 and feasibility work already carried out by the Council's consultants together with the location of reasonable public transport provision, retail and employment facilities and onward links to community facilities have been considered and it has been judged appropriate to require the developer to either provide the linkage or provide a financial contribution to the Authority for the provision of this facility. Without such links, the site would not be considered appropriate for residential use, being remote from services and requiring children residing on the site to be transported to schools.

The assessment of the Transport Assessment indicated that junction design will need to be amended to include for an increase in capacity by providing an extended right turn lane of 45m on route A473 into the site. It is considered that this can be addressed by the imposition of an appropriately worded condition.

The residential site will ultimately need to be covered by a 20mph speed restriction and the developer will also be required to fund the necessary Traffic Orders and signage via a planning obligation.

In light of the foregoing and the fact the development is in outline with all matters reserved other than means of access, the Highways Authority raises no objection subject to conditions.

Head Of Street Scene (Drainage)

No objection subject to condition.

Natural Resources Wales

No objection subject to conditions.

Welsh Water Developer Services

No objections.

Crime Prevention Design S.Wales Police

Detailed observations providing advice on designing out crime and security issues are submitted for the information and consideration of the developer.

Group Manager Public Protection

Concern raised regarding the assessment of potential noise from adjacent Police facility with regard to dogs and firearms training.

REPRESENTATIONS RECEIVED**The Concerns And Objections Received From Local Residents, Can Be Summarised As Follows:-**

Objections received from 6 Duffryn Close, 25 Waterton Close and 15 Waterton Close:-

1. Access from the development site onto the A473 via new traffic light controlled junction will be problematic and cause significant delays for traffic approaching the Waterton roundabout from the east particularly the residents of Waterton Close.
2. It is suggested that access to the development site should be re-directed to the A48.
3. A roundabout controlled junction at the access to the development site would be more appropriate.
4. The additional traffic and the access proposals will represent a safety hazard to school children crossing the A473 and walking to school in Coychurch.

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the concerns and objections raised by the Ward Member and local residents:-

Proposed Traffic Lights - The Transport Assessment demonstrates that, even at peak times, journey times will not be so significant as to warrant refusal of the scheme. Whilst the Masterplan Framework and Delivery Strategy for the wider Parc Afon Ewenni Regeneration Area prepared in November, 2011 contained a suggestion for a roundabout controlled access to the east of the application site, this framework has not been formally adopted as Supplementary Planning Guidance. The Transport Assessment is considered to demonstrate that the proposed traffic lights will adequately control traffic flows. With regard to the future impact in the event that the Council owned land to the east of the application site is redeveloped, this would be a matter to be assessed at that time.

Displacement of traffic - It is considered that both existing users of the A473 and future traffic generated by the proposed development will access both of these alternative routes via the traffic light controlled junction as there will be no direct access across the River Ewenny to the south.

Transport Assessment - Any future redevelopment of the land to the west owned by the South Wales Police Authority or similarly land to the east owned by this Council will have to provide their own transport assessments based on the traffic conditions prevailing at the time of submission.

Internal Issues within Development Site - The application is in outline with all matters other than access reserved for future approval and, therefore, the submitted layout is purely indicative. Appropriate road widths, car parking levels, turning facilities would be matters to be resolved at reserved matters or detailed application stages should this application be approved. Issues relating to contamination, noise mitigation and the provision of adequate screening/landscaping can be satisfactorily addressed by appropriately worded conditions in the event that this submission is favourably recommended.

APPRAISAL

The application is referred to Committee to consider the concerns and objections raised by the Ward Member and local residents.

During the site inspection, it was noted that the land is reasonably flat in nature. Other than the car sales enterprise, much of the northern section of the site is vacant and is already hard surfaced. Much of the southern section of the site is occupied by the existing unit occupied by Penybont Gym and Econotherm Ltd and the remaining six units on the Ewenny Industrial Estate. The eastern sector of the site is currently occupied by John Raymond Transport Depot which comprises lorry parking and staff car parking with three buildings abutting the eastern site boundary. A landscape buffer of mature trees separates the application site from the River Ewenny, which runs to the south of the site and similarly a buffer runs along the western site boundary adjacent to the watercourse that runs in a north/south direction and joins the River Ewenny in the south western corner of the site. An area of grassland/open space lies immediately to the east of application site and surrounds the County Supplies Building.

The indicative site layout shows access obtained by a single traffic light controlled junction with the A473 located slightly to the west of the existing westernmost access. A commercial hub centred on the retained Penybont Gym/Econotherm building is to be surrounded by residential development but an area of public open space will occupy the southernmost section of the site adjacent to River Ewenny.

The application site forms one part of a larger regeneration and mixed use development scheme as allocated by Policy PLA3(4) of the Bridgend Local Development Plan (LDP). The aim of this allocation is the regeneration of a brownfield and under-utilised site within defined settlements that provides an appropriate mix of land uses. The Policy requires implementation of the identified schemes to be in accordance with a master plan/development brief and/or appropriate planning/highway agreements. In this case, a Masterplan Framework and Delivery Strategy document was prepared in November, 2011 but this has not been formally adopted as Supplementary Planning Guidance. Notwithstanding that the application site forms only part of the overall allocation, it is considered that the indicative layout is generally compatible with the uses proposed within the Development Framework Plan contained in that document.

The allocation proposes to deliver a mix of uses comprising residential development (COM1(3)), improvements to the transport network (PLA8(4)), B1/B2/B8 employment development (REG1(6)), a small scale local service centre (REG5(5)), a community building (COM9(6)) and accessible natural greenspace (COM13(7)).

The application includes for the provision of up to 240 dwellings, the provision of 1123sq.m. of A1/A2/A3/D1/D2 development, public open space and associated highway infrastructure. Taking each of the elements in turn, the residential development is considered to be of an acceptable density and is considered to be in accordance with the LDP.

The application triggers Policy COM5 of the LDP, which in this location requires 20% of dwellings to be provided as affordable housing to be transferred to a registered social landlord (RSL) with an appropriate tenure to be agreed between the applicant and the Housing Strategy Department. As the application is in outline and the total number of units is not yet known, the affordable housing requirement should be expressed as a percentage in a Section 106 Agreement.

The application is also subject to the requirements of Supplementary Planning Guidance (SPG) 16 Educational Facilities and Residential Development. The Children's Directorate have been consulted to ascertain the impact the proposed development will have on local education facilities. According to the formula contained in the SPG, the proposal will generate up to 12 Nursery, 53 Primary, 43 Secondary and 9 Post 16 age children. Local Primary Schools are all at capacity and are forecast to remain so for the foreseeable future. A contribution based on the formula and cost guidance in SPG16 is therefore likely to be requested for Nursery and Primary age children from this site. There is, however, sufficient capacity to accommodate Secondary and Post 16 age children generated by the development. It is important to note that the Section 106 Agreement will need to specify how a contribution would be used to provide additional capacity.

With regards to the A1/A2/A3/D1/D2 development, Policy REG5 recognises the important role local shopping and commercial facilities play in serving their communities, especially in areas of housing growth. Policy REG5(3) therefore facilitates the provision of a new locally scaled service centre of up to 2,000sq.m. to serve the wider regeneration site. As such, whilst agreeing the acceptability of this element of the application in principle, it is important to ensure that any consent is conditioned or appropriately tied to a legal agreement to ensure that the commercial elements of the scheme are implemented and not left vacant after the residential development is constructed. As a minimum, this should secure the provision of serviced land ready for construction, ensure appropriate highway access is provided and ensure that the developer carries out any profiling or levelling of the land as deemed necessary.

With regards to the public open space to be provided as part of the proposals, Policy COM 11 of the LDP requires the provision of a satisfactory standard of outdoor recreation space, which is defined as 2.4 hectares per 1000 people. For a proposal of up to 240 dwellings, this amounts to approximately 1.3 - 1.4 hectares to consist of a combination of outdoor sport, children's play space, allotment provision and accessible natural green space. BCBC's open space audits reveal a general deficit of facilities per head of population in this location. The provision of such facilities must also be considered in the context of the wider regeneration scheme.

Finally, with regard to the delivery of Policy PLA8(4) (requiring improvement to the local highway network) as part of the PLA3(4) mixed use development the Highway Department's assessment of the impact of the proposals on the surrounding highway network has now been completed and concludes that subject to appropriate planning obligations relating to road traffic orders and the provision of an active travel route, required by Policy PLA7(4) and conditions, the development is acceptable.

Policy SP14 acknowledges that the provision of planning obligations can affect the viability of residential development and, therefore, the aforementioned requirement can be subject to negotiation.

The application has been accompanied by a Flood Consequences Assessment(FCA) given that the River Ewenny abuts the southern boundary and the Nant Pont Y Sanau runs along the western site boundary. The assessment confirms that the site is predominantly outside the area which is susceptible to flooding with the layout designed so that any highly vulnerable development will not be located within the identified C2 Flood Zones of the above mentioned watercourses. Natural Resources Wales has confirmed that it agrees with the conclusions of the FCA that the site is not at risk of flooding from fluvial sources.

In respect of ecological and environmental issues, a detailed Extended Phase 1 Habitat Survey and Bat Emergency Check were submitted with the application. The Survey confirms that no evidence of protected species was recorded on the site. Given the site is already largely hard surfaced, there will be no significant loss of natural habitats and the indicative layout shows the retention of the trees and hedgerows currently existing along the application site boundaries. In this regard the development proposals are considered to be compatible with Policy ENV6 of the LDP which requires the retention, conservation or enhancement of existing natural features.

Policy ENV7 of the LDP states that development proposals will only be permitted where it can be demonstrated that they would not cause or exacerbate an existing unacceptable risk of harm to health, biodiversity and/or local amenity due to air pollution, noise pollution, contamination and water pollution. In this regard the submission has also been accompanied by a Geo-environmental Site Assessment to identify possible land contamination hazards and geotechnical hazards. The report considered the previous history of the site and noted that the former Royal Ordnance Factory occupied the land immediately to the north of the site and includes an area south of the A473 potentially used as a "Burning Ground" for the destruction of any rejected munitions. The report concludes that there is a low/medium risk from unexploded ordnance on the site and Natural Resources Wales considers that the biggest risk from a pollution viewpoint would occur during the construction phase. A number of conditions requiring a pollution prevention method statement and further contamination investigation studies have been recommended to ensure that these issues are adequately addressed. Similarly, a condition requiring a comprehensive and integrated drainage system for the development can be imposed to ensure that effective facilities are provided to serve the development, that flood risk is not increased and in the interests of pollution prevention.

With regard to noise pollution, as indicated in the observations received from the Public Protection Department, notwithstanding that an environmental noise assessment has been provided, there remains concern about the impact of noise emanating from the adjoining South Wales Police Ground, which have not been adequately assessed. It has been acknowledged that, as the application is in outline, conditions requiring further noise surveys to assess the noise generated by the Police Dog Kennels and any external tactical training exercises and the impact on any residential development to be located in the vicinity of these noise sources can be imposed.

During the processing of the application Policies PLA3(4), COM1(3), COM4, COM5, COM9, REG1, REG5, SP2, ENV6, ENV7, PLA7, PLA8 and PLA11 of the Bridgend Local Development Plan were considered.

CONCLUSION

The application is recommended for approval as the development is considered to comply with National and Council policies and guidelines and will not adversely impact on privacy, visual amenities nor on highway safety along the A473. The development proposal represents an opportunity to rationalise access points from the southern west bound carriageway of the A473 and contribute new dwellings including an element of affordable housing in accord with the allocation Policy PLA3(4) of the Bridgend Local Development Plan.

RECOMMENDATION

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

* Provide 20% of the units as affordable housing units in accordance with SPG13. The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.

* Provide a financial contribution in accordance with the formula and cost guidance in SPG16 towards the provision of additional nursery and primary school places in the schools serving the Parc Afon Ewenni regeneration site.

* Provide outdoor recreation space in accordance with Policy COM11 of the LDP with arrangements for future management and maintenance to be agreed in writing by the Council

* Timing of the payment of the financial contributions is subject to negotiation and will be included in the Section 106 Agreement with phased payments likely to be agreeable.

* Provide £8,000.00 to fund necessary Road Traffic Orders and signage to achieve appropriate speed restrictions within the development site.

* Either provide a financial contribution of £400,000.00 to cover the cost of the provision of an active travel route from the application site to the signalised junction of the A473 with the Bridgend Retail Park or alternatively provide the route themselves in accordance with a scheme agreed with the Local Planning Authority in conjunction with the Highway Authority.

(B) The Corporate Director Communities be given plenary powers to issue an outline decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:-

1 The consent, hereby granted, relates to the development of the land outlined in red on the 1:2500 scale Location Plan (Drawing No SK(00)01) for up to a maximum of 240 residential units, 1,123 sq.m. of A1/A2/A3/D1/D2 development, public open space and highway infrastructure.

Reason : For the avoidance of doubt and confusion as to the nature and extent of the approved development.

2 Before any detailed or reserved matters applications are submitted a comprehensive Development Brief and Phasing Plan covering the entire development site shall be submitted to and agreed in writing by the Local Planning Authority. The Brief and Phasing Plan shall provide a robust framework and establish over-arching principles and parameters, design principles and materials palette, landscaping and programming or phasing of works including the provision of the commercial hub and access thereto. The development within the site shall thereafter conform to the agreed Development Brief and Phasing Plan.

Reason : To ensure that the development is undertaken in an orderly and co-ordinated manner in the interests of visual and residential amenity and highway safety.

3 Prior to the submission of any reserved matters or full applications, a further noise survey shall be undertaken, the scope and methodology of which shall be agreed in writing with the Local Planning Authority prior to the survey being undertaken. Thereafter a report which shall include an assessment of the noise generated from the South Wales Police Dog Kennels and external tactical training exercises involving the use of firearms, and the impact that these could have on the proposed residential developments. The report shall also include a mitigation scheme to demonstrate that noise will achieve an appropriate level, to be agreed with the Local Planning Authority. The mitigation scheme shall thereafter be implemented in full prior to the occupation of any dwellings, which have been indicated in the report as being adversely affected by these noise sources.

Reason : To safeguard the residential amenities of future occupiers on the site.

- 4 Not more than 1 unit or any equivalent floor area up to 300 sq.m shall be used for purposes under Class A3 (Food and Drink) as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order. In addition not more than 1 unit or any equivalent floor area up to 300 sq.m shall be used for purposes under Class A2 (Financial and Professional Services) as defined in the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.

Reason : For the avoidance of doubt as to the extent of the approved uses within the commercial hub and to ensure that a balance of uses are provided in the interests of the future vitality and viability of the hub.

- 5 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway, surface water, including the means to prevent run off from driveways and parking bays discharging onto the highway, roof and yard water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed scheme prior to the development being brought into beneficial occupation.

Reason : To ensure safe drainage of the site

- 6 A buffer strip a minimum of 7 metres wide, measured from the top of the bank, should be left free from development (including residential gardens) along the bank of the watercourses (River Ewenny and the Nant Pontysanau) and be so retained in perpetuity.

Reason : For the protection of the riparian corridor and the wildlife that uses it for foraging, shelter and movement.

- 7 No development shall commence on site until a Method Statement detailing all necessary pollution prevention measures for the demolition and construction phases of the development has been submitted to and agreed in writing by the Local Planning Authority. The Method Statement should identify the following as a minimum:-
- * Storage facilities for all fuels, oils and chemicals;
 - * Details on any water features on the site and how they will be protected;
 - * Full details of how any watercourse will be crossed or confirmation that this is not applicable;
 - * Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on the site;
 - * Details of the nature, type and quantity of materials to be imported onto the site;
 - * Measures for dealing with any contaminated material (demolition waste or excavated waste);
 - * Details on waste types that will be produced and how they will be managed;
 - * Details of any invasive species that may be present on the site and how they will be managed;
 - * Identification of any buried services, such as foul sewers, so that they are protected;
 - * Details of emergency contacts and procedures.

The development shall thereafter be undertaken in accordance with the agreed Method Statement which shall if necessary be efficiently communicated to all contractors and sub-contractors with any deficiencies rectified immediately.

Reason : In the interests of preventing pollution.

- 8** No development shall commence on site until details of a scheme to deal with the risks associated with contamination of the site has been submitted and agreed in writing by the Local Planning Authority. The scheme shall, as a minimum, comprise the following:-
- * A preliminary risk assessment which has identified all previous use, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks from contamination at the site;
 - * A site investigation scheme based on the above risk assessment to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site;
 - * The site investigation results and the detailed risk assessment and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 - * A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the express consent of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the agreed scheme.

Reason : For the protection of the controlled waters at the site, which are of high environmental sensitivity being on Secondary A Aquifer and to prevent contamination.

- 9** Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the agreed remediation strategy and the effectiveness of the remediation shall be submitted to and agreed in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan and for the reporting of this to the Local Planning Authority.

Reason : To demonstrate that the remediation criteria relating to controlled waters have been met and to secure long term monitoring of groundwater quality thereby ensuring that there are no remaining unacceptable risk to controlled waters following remediation of the site.

- 10** If, during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until the developer has submitted to and obtained the written consent of the Local Planning Authority for an amendment to the agreed remediation strategy detailing how this unsuspected contamination shall be dealt with. Thereafter such previously unidentified contamination shall be remediated in accordance with the agreed amendment prior to the development being brought into beneficial use.

Reason : Given the extent and complexity of the site, there is the potential for previously unidentified areas of contamination that could pose a risk to controlled waters unless appropriately remediated.

- 11 No infiltration system for the disposal of surface water drainage into the ground is permitted until details have been submitted to and agreed in writing by the Local Planning Authority. Such permission will only be given for those parts of the site where it has been demonstrated that there is no resultant risk to controlled waters. The scheme shall thereafter be implemented in accordance with the agreed scheme.

Reason : To prevent pollution from inappropriately located infiltration systems.

- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason : To safeguard against the pollution of controlled waters from in appropriate methods of piling.

- 13 There shall be a minimum distance of 12m between front habitable room windows of different dwellings directly facing each other within the development site and a minimum distance of 21m between any other habitable room windows of different dwellings directly facing each other.

Reason : In the interests of privacy.

- 14 The plans and particulars submitted in accordance with the reserved matter in respect of landscaping above shall include:-

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and crown spread of each retained tree;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs(c) and (d) below apply;

(c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site.

(e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason : To maintain and improve the appearance of the area in the interests of visual amenity, and to promote nature conservation.

- 15 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

- 16 No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority a scheme for the provision of a traffic signal controlled junction at the site access together with closure of existing accesses to Compact Cars/Penybont Gymnastics and Ewenny Industrial Estate and reconfiguration of the Travis Perkins access, broadly in accordance with Drawing No 15441/C/SA/95/100/A03 (Appendix G of the Transport Assessment submitted by Watermans) incorporating road markings, traffic signage and pedestrian and cycle crossing facilities. The scheme shall be accompanied by full engineering details of the junctions, stage 2-4 Road Safety Audits and an Active Travel route audit to support the suitability of the proposed crossings for cyclists. Such a scheme shall be implemented as approved in permanent materials before any dwelling or commercial unit on the development is brought into beneficial use.

Reason : In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.

- 17 The easternmost access shall be used to serve Travis Perkins and the County Supplies Depot only and there shall be no vehicular link into or from the development site hereby approved.

Reason : In the interests of highway safety

- 18 Any reserved matters submission shall provide for an internal circular route within the development site suitable for public transport services to serve the development. This route shall be not less than 6.5metres wide with appropriate lane widenings on bends.

Reason : In the interests of highway safety and promoting sustainable travel.

- 19 No individual property or commercial unit shall be served by an individual direct vehicular access onto the A473.

Reason : In the interests of highway safety.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application is recommended for approval as the development is considered to comply with National and Council policies and guidelines and will not adversely impact on privacy, visual amenities nor on highway safety along the A473. The development proposal represents an opportunity to rationalise access points from the southern west bound carriageway of the A473 and contribute new dwellings including an element of affordable housing in accord with the allocation Policy PLA3(4) of the Bridgend Local Development Plan.

(b) The developer is reminded that this consent relates to the redevelopment of the site in the proposed manner only and any demolition works, required to facilitate future development, shall

be the subject of separate demolition prior notification submissions, which should include a full demolition method statement.

(c) Foul and surface water shall be drained separately.

(d) No surface water will be allowed to discharge to the public highway or the public sewerage system.

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

(f) The proposed development site is crossed by a 1575mm combined public sewer with the approximate position being marked on the attached observations received from Dwr Cymru/Welsh Water. Under the Water Industry Act, Dwr Cymru/Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 8 metres either side of the centre line of the public sewer

(g) In order to satisfy the drainage conditions, the following information will be required :-

- * Agreement of surface water discharge rate to existing watercourses including main river;
- * Submission and agreement of hydraulic design, including an in principle agreement from Dwr Cymru/Welsh Water with regard to adoption;
- * Submission and agreement of details with regard to the management of any existing land drainage;
- * Submission and agreement of management and maintenance regime for any private elements of the attenuation system;
- * Obtaining appropriate consents in relation to any works affecting adjacent watercourses including the main river.

(h) The observations received from Crime Prevention Design Advisor are attached for the developer's information and consideration.

(i) The developer is advised that any future development on the site should include for future internal accesses to the adjoining allocated development sites to the east and west of the application site.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None

The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.

| ITEM NO. | PAGE NO. | APP. NO. |
|-----------------|-----------------|---------------------|
| AS 8a | 15 | P/14/388/FUL |

The site was inspected by the Development Control Committee on Wednesday 6 January 2016. The Ward Member and agent were in attendance.

The agent submitted a letter on 5 January 2016 advising that he would not be able to attend the Development Control Committee due to other long standing work commitments. The agent requested that the Committee be informed that this should not be regarded as disrespectful on the applicants and agents behalf.

Recommendation

The following condition be added:-

14. No structure, erection or planting exceeding 0.9m above carriageway levels shall be placed within the vision splay areas as shown on drawing CD/PR/01 at any time.

Reason: In the interests of highway safety.

The following note be added:-

- p) The developer is advised to undertake appropriate ground investigations to ensure there is suitable ground stability within the site.

| | | |
|--------------|-----------|---------------------|
| AS 8b | 27 | P/15/368/OUT |
|--------------|-----------|---------------------|

The recommendation that the applicant enter into a Section 106 Agreement to provide a financial contribution of £400,000.00 to cover the cost of the provision of an active travel route from the application site to the signalised junction of the A473 with the Bridgend Retail Park or alternatively provide the route themselves in accordance with an agreed scheme was based on a verbal indication of estimated costs. Since the completion of the report additional observations have been received from the Highways Department in which agreement to the removal of condition 6 (active travel route) proposed in the original observations has been confirmed and the estimated costs for the provision of a sustainable safe walking and cycling route has been increased to £475,793.25 which will be index linked from January 2016.

ASA - In Condition 8, in the final section of the requirement, the wording should be amended to read:-

'Any changes to these components will require the written consent of the Local Planning Authority. The development shall thereafter be undertaken in accordance with the agreed scheme'.