

**REFERENCE:** P/17/195/RLX

**APPLICANT:** South Wales Land developments Ltd Unit 6, The Courtyard, Imperial Park, Newport, NP10 8UL

**LOCATION:** Land east of A4061 (Bndr) Coity

**PROPOSAL:** Removal of condition 4 of P/14/464/OUT

**RECEIVED:** 9 March 2017

**SITE INSPECTED:** 16 March 2017

## **APPLICATION/SITE DESCRIPTION**

Outline planning consent was granted for a development comprising 220 dwellings and associated works on land east of the A4061 and north of the Brackla Residential Estate on 9 March 2016 (P/14/464/OUT refers). The permission was subject to a Section 106 Obligation and a number of planning conditions. Condition 4 of the consent stated:

*The plans and particulars submitted in accordance with the reserved matters for this development shall make provision for public open space in accordance with the North East Brackla Development Brief and in the general locations illustrated on drawing titled: 'Land at Brackla West, Bridgend - Master Plan - Revision A, received on 10 October 2014. No development shall however commence until a detailed scheme including all items of natural play, associated ground works and landscaping has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the 50th dwelling being occupied on site or in accordance with a timetable to be agreed in writing with the Local Planning Authority.*

*Reason: In the interests of the residential amenities of future occupants.*

On 9 March 2017, Arup, on behalf of South Wales Land Developments Ltd, submitted this application to remove condition 4 under Section 73 of the Planning Act, with the applicant's supporting statement referencing the S106 obligation which requires the developer to provide a financial contribution in addition to a natural play area as required by the condition. The obligation in the Section 106 Agreement requires the developer to provide a financial contribution...

*'on the commencement of development towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities to serve the proposed residential development in the North East Brackla Development Area, the monetary contribution being based on the most up to formula for the calculation of equipped play areas, recreational facilities and open space, based on the number of dwellings'.*

The applicant's agent argues that condition 4 duplicates the Agreement and therefore fails the test of planning conditions as set out in Welsh Government Circular 016/2014. The Circular states that a condition should not be retained unless there are sound and clear reasons for doing so. The applicant also refers to a previous report to the Development Control Committee on 3 September 2015 which recommended that the obligation to provide a financial contribution be omitted on the basis that the Council had already secured up to £145,100 towards the provision of an equipped play area and open space in the North East Brackla Housing Area and that a further financial contribution was not supported by Policy or the Development Brief.

Since the signing of the S106 Agreement and grant of the outline consent, Persimmon

Application Number

P/17/195/RLX



Scale 1:4,000

Date Issued:  
19/09/2017

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Homes have secured an approval of details for the erection of 220 dwellings on a layout that includes areas of open space and landscaping that measure some 14,000 sq.m.

Although this application seeks the removal of condition 4, following negotiations, the applicant is now proposing a variation of the original S106 obligation in lieu of the condition that will require the developer to submit and agree a scheme of play (equivalent to a Neighbourhood Equipped Area of Play - NEAP), a trigger for its implementation and a clause that will require the maintenance and management of the play equipment and associated land to a management company, details of which would have to be agreed by this Council.

## **RELEVANT HISTORY**

P/14/464/OUT - Outline Application for up to 220 Dwellings - Land East of A4061 (BNDR) Coity - CC - 9 March 2016

P/16/420/RES - Reserved matters for 220 dwellings with assoc. vehicular & pedestrian accesses and parking - CC - 6 March 2017

P/17/257/DOC - Approval of details for Conditions 4, 5, 6, 11, 12, 13, 15, 16, 17, 18, 19, 22, 26, 27 & 28 of P/14/464/OUT and Conditions 2, 3, 5, 9, 10, 11 & 13 of P/16/420/RES - No decision to date

## **PUBLICITY**

Neighbours have been notified of the receipt of the application.  
The period allowed for response to consultations/publicity expired on 11 April 2017

## **CONSULTATION RESPONSES**

Coity Higher Community Council Objection: The play area constructed as part of the requirements for the Joslin Road development was considered appropriate to that size of development. In applying for condition 4 to be removed, no evidence has been provided to show that the Joslin Road play area can adequately support the additional needs for open spaces play for the children from a further development of 220 houses.

We wish to object to the removal of condition 4 and would like to insist that an additional play area is built.

## **REPRESENTATIONS RECEIVED**

No objections from residents have been received.

Cllr John Spanswick confirmed that he would be seeking clarification on matters concerning the Council's Open Space Strategy, TAN 16, 'Fields in Trust' calculations for equipped play space and also the Outdoor Sports and Children's Play Space Audit.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

Coity Community Council are concerned that the relaxation of the condition would result in no play facilities being provided on this site and future residents being reliant on the play area in Clos Joslin which not be adequate to serve the wider community.

The revision to the S106 Planning obligation that is now proposed in lieu of condition 4 will secure the provision of a new play facility, which will be appropriately designed to serve

the scale of housing approved as part of the Reserved Matters scheme. Furthermore, it will be delivered in accordance with a timetable that will be agreed by the Council through the Agreement, with the play area, maintained by the developer, in perpetuity, through a management company, details of which will also be controlled through the variation to the S106 obligation.

The report has been amended and includes additional information concerning national and local policies and guidance referred to in Cllr Spanswick's communication. This is set out in the 'Appraisal' section of this report.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination on the basis of the objection received from the Community Council.

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission. The Circular on planning conditions confirms that the Local Planning Authority can grant such permission unconditionally or subject to different conditions.

The Council can however refuse the application if they decide the original condition(s) should continue. Where a Section 73 application is granted, it does not simply vary the condition or conditions to which it relates, it takes effect as a new planning permission.

The Outline planning permission to develop this site for housing followed its allocation for development in the adopted Bridgend Local Development Plan. Through the S106 planning obligation and conditions, the Council sought to secure affordable housing, contributions towards education provision for future residents, traffic orders, play space and off-site noise and odour mitigation works. Providing a development that accorded with the Development Brief and Masterplan, a natural play facility, landscape buffers, active travel routes, a safe drainage and road network and additional noise mitigation works would be controlled through the planning conditions imposed.

The Reserved Matters approval that followed sought to comply with the above requirements and included an area of open space and landscaping in the south western corner of the site that would accommodate the play facility. Under the terms of condition 4, which is the subject of this application, the developer would need to submit and agree a detailed scheme before commencing development. A scheme has been submitted to the Local Planning Authority and is still under consideration. Under the provisions of the S106 obligation, the developer would also have to provide the sum of £103,400 (£470.00 x 220 units) towards the provision of a 'Neighbourhood Equipped Area of Play' in the north east Brackla development area.

Requiring a financial contribution and an on-site provision is considered by the developer to be unjustified and inappropriate and the developer maintains that current national and local policies do not require that level of contribution.

National policy for the provision of sport and recreation is contained in Chapter 11 of Planning Policy Wales - Edition 9 - November 2016 and Technical Advice Note 16: Sport, Recreation and Open Space 2009. It confirms the role of the planning system is to ensure that adequate land is allocated for formal and informal sport and recreation, taking full account of the need for recreational space and current levels of provision and deficiencies, and of the impact of developments related to sport and recreation on the locality and local communities.

The Development Plan should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use and reduce the need to provide additional facilities. It should ensure that open spaces and built facilities are, where possible, sited, designed and maintained as integral parts of existing and new developments so as to encourage their use and minimise crime and vandalism.

From a Development Management perspective, Local Planning Authorities may be justified in seeking Section 106 Planning Agreements to contribute to the maintenance of safe and attractive facilities and open space and to meet the needs of new communities.

The Technical Advice Note (TAN 16) requires that standards for new open space are based on evidence (Open Space Assessment) with the aim being that everyone has easy local access, by means other than the car, to formal and informal recreational facilities and open space. Provision for the management and maintenance of public open should be a consideration by Local Planning Authorities in the determination of planning applications. Local Planning Authorities may consider using maintenance and management agreements for recreational and open space or amenity land, particularly in the case of provision of recreation and play facilities as part of new developments, which are not to be transferred to the Local Authority.

From the local perspective, all new housing developments are expected to include an appropriate level of green space for public 'amenity' purposes and Policy COM11 of the Bridgend Local Development Plan establishes the level of outdoor recreation space that will be required. Adopting the benchmark standards endorsed by Fields in Trust (FIT), the National Society of Allotment and Leisure Gardeners and Natural Resources Wales Toolkit, for the provision of Accessible Natural Green space, the Policy indicates that the range and type of provision will be subject to negotiation and may be provided on or off site. It is also an alternative for the developer to provide equivalent value in a financial contribution.

The Fields in Trust - Guidance for Outdoor Sport and Play, published in January 2017, recommends the following benchmark guidelines:

<b>Open Space Typology</b>	<b>Quantity Guideline (hectares per 1,000 population)</b>	<b>Walking Guideline (walking distance: metres from dwellings)</b>
Playing Pitches	1.20	1,200m
All Outdoor Sports	1.60	1,200m
Equipped /Designated Play Area	0.25	LAPs - 100m LEAPs - 400m NEAPs - 1,000m
Other outdoor provision (MUGAs and Skateboard Parks)	0.30	700m

The aforementioned guidance however post-dates the policies of the Bridgend Local Development Plan which adopted the following standards:

- 1.6 hectares per 1,000 population for outdoor sport;
- 0.8 hectares per 1,000 population for children's playing space;
- 0.2 hectares per 1,000 population for allotment provision;
- No person should live more than 300 metres from their nearest area of accessible natural green space.

On the basis of Policy COM11, the 'Outdoor Recreation Space' for a development of 220 dwellings as consented should be provided as follows:

Outdoor Sport	8,166 sq.m
Children's Playing Space	4,083 sq.m
Allotment Provision	1,020 sq.m

**Total** **13,269 sq.m**

The overall open space provision is identified on the plans attached as Appendix A and measures some 14,000 sq.m (1.4 hectares). It exceeds the requirements of the policy. In this case however, the recreation provision will be in the form of equipped play and informal green space rather than outdoor sports and allotment provision. Within the overall area, the developers propose an area of natural green space and an equipped play area.

Given the quantum of space that will be provided within the development and the site design that will ensure that all residents will be within 300m of useable green space, it is considered that the level of provision accords with Policy COM11.

If condition 4 of consent P/14/464/OUT is removed from the consent, as initially proposed by the developer, the design, delivery and management of the open space and play area on this development would be the responsibility of the Council. This would only be achieved via the monetary contribution that was secured through the S106 obligation. Whilst the £103,000 would have been sufficient to provide the open space and play area, even with the payments that are received as part of the adoption process, it would not have covered the long term management of this recreational facility.

Following negotiations with the developer and consultation with the Parks Section of the Council, the developer has now agreed to vary the S106 to require the developer to submit and agree a scheme of play (a Neighbourhood Equipped Area of Play), agree a trigger for its implementation and include a clause that will require the maintenance and management of the play equipment and associated land to be transferred to a management company, details of which would also be agreed by this Council. In lieu of these obligations, the Council will relax the requirement to pay the £103,000 towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities in the North East Brackla Development Area and will allow condition 4 to be relaxed.

Such an arrangement ensures the delivery and future maintenance of the open space and play provision in a manner that accords with both local and national policy and guidance. This application proposes no other changes to the Outline or Reserved Matters permissions and the site will be developed out in accordance with the obligations contained in the original S106 Agreement and all the planning conditions.

## **CONCLUSION**

This Section 73 application proposes the relaxation of condition 4 and the requirement to provide a play area and associated works on this development site to the north west of the Brackla Housing Site. The variation to the permission, as proposed, is acceptable on the basis that the developer will sign a deed of variation that requires the agreement of a play area scheme, a timetable for its implementation and a commitment to manage and maintain the play area and associated areas in perpetuity. Through this process the Council will secure the provision of the play provision in lieu of condition 4 and the financial contribution.



## RECOMMENDATION

(A) The applicant enters into a Deed of Variation or supplemental S106 Planning Obligation to confirm that all the obligations in the existing Section 106 Agreement apply to the Section 73 consent subject to the following variation:

The developer will submit to the Local Planning Authority a detailed scheme for public open space including all items of natural play, associated ground works and landscaping, agree a trigger for its implementation and a scheme to manage and maintain the play facility in perpetuity.

If the above-mentioned clause is added to the Section 106 obligation, the Council will relax condition 4 and the requirement to provide a financial contribution towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities to serve the proposed residential development in the North East Brackla Development Area.

(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 and subject to the standard outline conditions and the following additional conditions:-

1. The development shall be carried out in conformity with Drawing titled: 'Land at Brackla West, Bridgend - Master Plan - Revision A, received on 10th October 2014.

Reason: In the interests of highway safety and to ensure that the site is developed in comprehensive and phased way in accordance with the principles of the North East Brackla Development Brief.

2. The consent hereby granted shall be limited to the construction of no more than 220 dwellings.

Reason: To ensure the effective control of the development in the interests of safeguarding the amenities of existing and new residents and in the interests of highway safety.

3. The development hereby permitted shall be carried out in accordance with the Design Guidance set out on pages 58-61 of the North East Brackla Development Brief.

Reason: To ensure that the site is developed in comprehensive and phased way in accordance with the principles of the North East Brackla Development Brief.

4. The plans and particulars submitted in accordance with the Reserved Matters for this development shall incorporate a 5m wide landscaping buffer along the north-eastern and eastern boundary of the application site where it adjoins Litchard/Brackla Industrial Estate. The plans and particulars shall include details of all existing trees and hedgerows, new tree planting, (including written specifications, schedules of plants, noting species, plant sizes, proposed numbers, densities) and a programme of implementation and a management plan. The required landscaping works shall be carried as agreed and prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, roof/yard water, highway drainage and land drainage will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented through the various phases of the development and prior to any building/dwelling being occupied.

Reason: To ensure effective drainage facilities are provided for the proposed development.

6. The greater North Western development parcel hereby approved shall be served by a single means of vehicular access from the Princess Way roundabout at the South Western corner of that site.

Reason: In the interests of highway safety.

7. The lesser South Eastern development parcel hereby approved shall be served by a single means of vehicular access from the unnamed road on the Eastern end of that site.

Reason: In the interests of highway safety.

8. No individual property within the greater North Western development parcel shall be served by an individual vehicular or pedestrian access onto the A4061 or Princess Way Link.

Reason: In the interests of highway safety.

9. No individual property within the lesser South Eastern development parcel shall be served by an individual vehicular or pedestrian access onto the unnamed road along the Northern boundary or Princess Way.

Reason: In the interests of highway safety.

10. No works shall commence on site until such time as a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of an active travel route along the Western Boundary/A4061. The link shall be laid out as a 3.5 metre cycleway/footway link set back from the carriageway behind a 1.5m margin strip and shall extend from the existing cycle route provision at the A4061 roundabout at the South Western corner of the site through to the A4061/Heol West Plas Roundabout. Such a scheme shall be implemented, as agreed, in permanent materials before any dwelling on the development is brought into beneficial use or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting sustainable travel patterns.

11. No works shall commence on site until such time as a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of cycleway/footway links to the Coity Higher Community Centre and Parc Derwen at the A4061/Heol West Plas roundabout. These links will consist of 3m wide uncontrolled crossing points on the Heol West Plas arm and the A4061/Rotary Way arm. Where a refuge is required on those crossing points these shall be a minimum depth of 2.4m. Such a scheme shall be implemented, as agreed, in permanent materials before any dwelling on the development is brought into beneficial use or in accordance with a timetable to be agreed in writing with the Local Planning Authority.



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

12. No works shall commence on site until such time as a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of cycleway/footway links to Princess Way from the Greater and lesser development parcels. These links will consist of a 3m wide segregated routes with uncontrolled crossing points on the Princess Way/Princess Way link road roundabout. Where a refuge is required on those crossing points these shall be a minimum depth of 2.4m. Such a scheme shall be implemented, as agreed, in permanent materials before any dwelling on the development is brought into beneficial use or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

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

13. The main spine road off the Princess Way roundabout shall be at a gradient not steeper than 5% (1 in 20) for the first 30 metres and thereafter not steeper than 8% (1 in 12).

Reason: In the interests of highway safety.

14. The development shall be served by no less than three individual 3.5 metre wide cycleway/footway links onto the active travel route along the Western site Boundary. These shall be sited at the north western corner of the development, in the vicinity of the public open space at the South Western corner of the site together with one approximately midway between the two. In addition the North Western link shall also incorporate a 2.5m footway to link to the existing footway provision link on Joslin Close. Such a scheme shall be implemented in permanent materials before any dwelling on the development is brought into beneficial use or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of promoting sustainable travel patterns.

15. No works shall commence on the construction of any dwelling until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing the removal of the existing left turn filter lane to the A4061/Princess Way Link Road. The scheme shall include for all appropriate signing and carriageway markings and shall be fully implemented before any dwelling is brought into beneficial use.

Reason: In the interests of highway safety.

16. No works shall commence on the construction of any dwelling until a scheme has been submitted to and agreed in writing by the Local Planning Authority showing amended direction signage on route A4061 and Princess Way Link Road. The scheme shall be fully implemented before any dwelling is brought into beneficial use.

Reason: In the interests of highway safety.

17. No development shall commence until such time as a Construction Environment Management Plan (CEMP) detailing all necessary pollution prevention measures for the operational and post operational phase of the development has been submitted to and agreed in writing by the Local Planning Authority. The (CEMP) shall identify as a minimum:

- a. Storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances;

- b. Construction compounds, car parks, offices etc.
- c. Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off;
- d. Works timing and phasing of works/responsible proactive construction methods;
- e. Details of maintenance of site access/haulage roads to ensure no polluting discharge;
- f. Measures for dealing with any contaminated material (demolition waste or excavated waste);
- g. Environmental Monitoring Schemes and Environmental Protection methods;
- h. Details of emergency contacts;

The (CEMP) should then be efficiently communicated to all contractors and subcontractors and implemented throughout the period of construction.

Reason: To prevent pollution.

18. No development shall take place until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to and agreed, in writing, by the Local Planning Authority. The remediation strategy shall include all of the following:
- a. A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
  - b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c. The results of the site investigation and the detailed risk assessment referred to in b. 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.
  - d. 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 in c. are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: To prevent pollution from any site contamination.

19. No dwelling shall be occupied until a verification report demonstrating completion of works set out in the agreed remediation strategy and the effectiveness of the remediation has been 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 agreed 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.

The long-term monitoring and maintenance plan shall be implemented as agreed.

Reason: To prevent pollution from any site contamination.

20. 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 a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written agreement from the Local Planning Authority. The remediation strategy shall be implemented as agreed.

Reason: To prevent pollution from any site contamination.

21. No development shall commence until an 'Invasive Non-Native Species Protocol has been submitted to and agreed in writing by the Local Planning Authority. The 'protocol' shall detail the containment, control and removal of Himalayan Balsam, Giant Knotweed, Wall Cotoneaster and Japanese knotweed on site. The agreed protocol shall be implemented from the commencement of site clearance works and throughout the period of construction.

Reason: In the interests of protecting the environment.

22. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environment Management Plan (CEMP: Biodiversity) has been submitted to and agreed in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification "biodiversity protection zones".
- c) Practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP - Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the agreed details.

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

23. No development shall take place until an Ecological Design Strategy (EDS) addressing avoidance, mitigation and enhancement has been submitted to and agreed in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints
- c) Detailed designs and/or working methods to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local

provenance.

- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the agreed details and all features shall be retained in that manner thereafter.

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

24. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority prior to any works commencing on the construction of any dwelling. The LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also set out where the results from monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally agreed scheme.

The agreed plan shall be implemented in accordance with the agreed details.

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

25. Properties alongside the northern and eastern boundaries (which border the industrial estate and vacant land) shall not exceed 3 storeys in height. Any three storey property shall not however include habitable room\* windows facing the northern and/or eastern boundaries of the development site.

Reason: In the interests of the amenities of the future occupiers of the approved development.

(\*A habitable room includes a living room, dining room or bedroom and a kitchen when it is big enough to be considered a dining/kitchen. A dining space which is separated from the kitchen or living area by a movable partition would also be considered a habitable room. The definition of habitable room in this case, excludes rooms which cannot function for the purposes for which they are intended by reason of inadequate size, height, shape or daylight).

26. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a. This application is recommended for approval because the development complies with Council policy and the adopted Development Brief. Furthermore, the proposal in this form does not so adversely affect the residential and visual amenities of the area nor will it be detrimental to highway safety.

b. Off street parking, both operational and non-operational must be provided to the satisfaction of the Local Planning Authority and attention is drawn to Supplementary Planning Guidance 17: Parking Standards.

c. Dwr Cymru Welsh Water has provided the following advisory notes:

\* Foul water and surface water discharges shall be drained separately from the site

\* No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise agreed in writing by Dwr Cymru Welsh Water.

\* Land drainage run off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

d. The proposed development site is crossed by a public sewer and strategic water main. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the public sewer. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer.

e. Natural Resources Wales have indicated that specific attention must be given to the protection of the Morfa Brook which is currently failing to reach 'good' status in accordance with the Water Framework Directive. It is essential that this proposal causes no detriment to the watercourse and river corridor. Water from within excavations and foundations may need to be managed during the construction process.

f. Any surface water management system should be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change. The details of the surface water system should be submitted and agreed to the satisfaction of the Local Authority to ensure there is no increased flood risk elsewhere. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of Environment Agency Wales is required for any proposed works or structures in, under, over or within 7 metres of the top of the bank of the main river (River).

g. The Group Manager Public Protection has accepted the recommendations of the Integral Geotechnique Site Investigation report number 11077/PB/13, which concludes that 'capping the proposed soft landscape areas with a minimum 600mm thick layer of approximately inert topsoil and subsoil' is a suitable remediation option for this type of development. In relation to the eastern area of the site, the report states that this area is likely to be utilised for Commercial/Retail use. Whilst no remediation works are required for commercial use, in the event of the land being utilised for residential, a suitable remediation method as stated above will be required. The imported materials should be tested in line with the requirements stated in the attached document and results submitted to the Group Manager Public Protection prior to any development taking place.

h. In order to satisfy the drainage conditions, the following supplementary information is

required:-

i. Provide information about the design calculations, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent the pollution of the receiving groundwater and/or surface water;

ii. Provide a timetable for its implementation; and

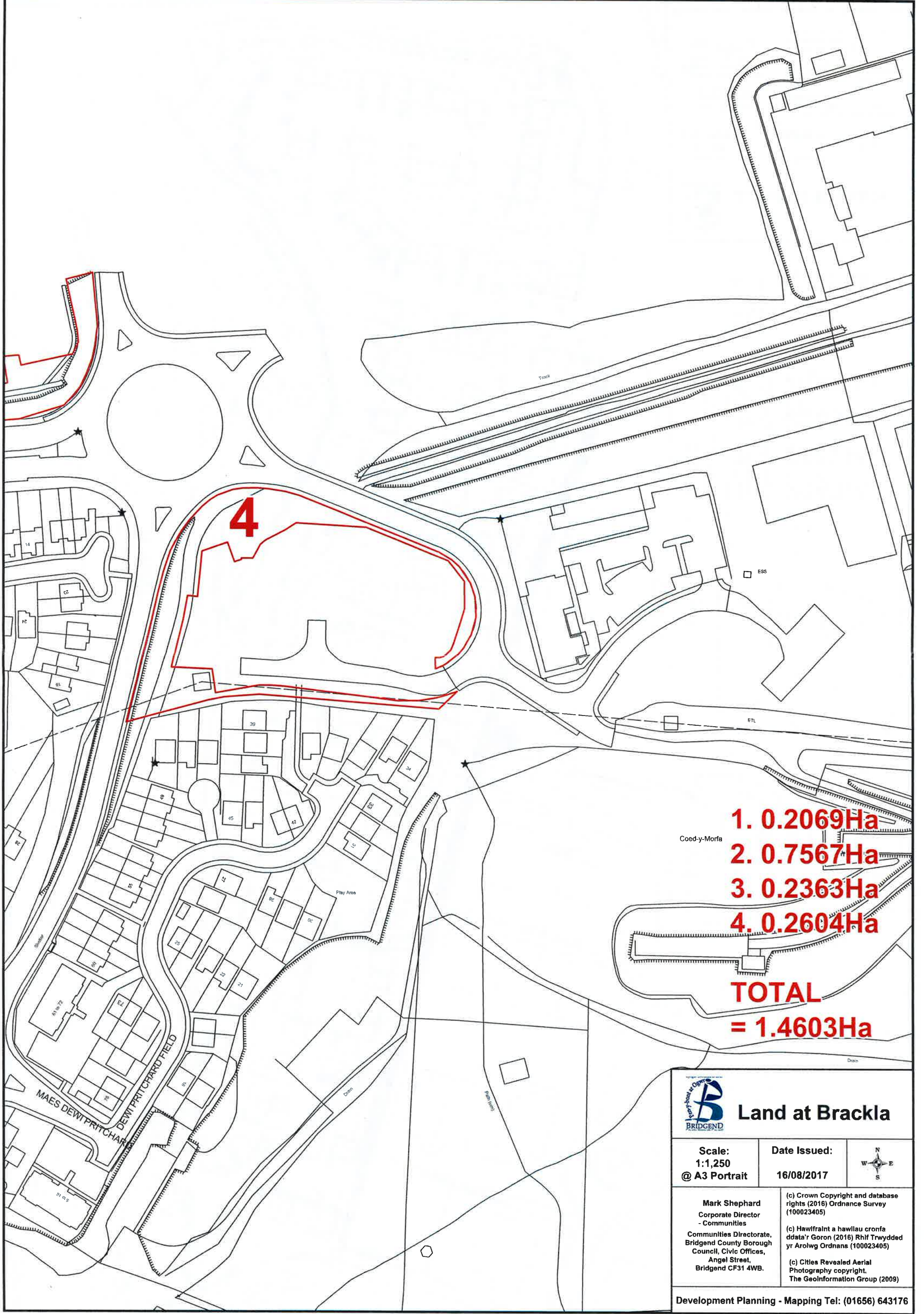
iii. Provide a management and maintenance plan, for the lifetime of the development and any other arrangements to secure the operation of the scheme

i. Conditions 26, 27 and 28 of P/14/464/OUT were addressed by the details submitted as part of the Reserved Matters submission P/16/420/RES

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**  
A4 plan of Open Space Calculations





**1. 0.2069Ha**  
**2. 0.7567Ha**  
**3. 0.2363Ha**  
**4. 0.2604Ha**  
**TOTAL**  
**= 1.4603Ha**



### Land at Brackla

<b>Scale:</b> 1:1,250 @ A3 Portrait	<b>Date Issued:</b> 16/08/2017	
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