

**REFERENCE:** P/17/1043/RLX

**APPLICANT:** Barratt Homes Oak House, Village Way, Tongwynlais, Cardiff, CF15 7NE

**LOCATION:** Land west of Heol Ty Maen Cefn Glas CF31 4QF

**PROPOSAL:** Variation of condition 14 of P/15/358/OUT to increase the number of residential units to 200

**RECEIVED:** 8 December 2017

**SITE INSPECTED:** 11 January 2018

### **APPLICATION/SITE DESCRIPTION**

Outline planning consent was granted for residential development with a vehicular access point from Heol Ty Maen on land to the west of Heol Ty Maen, Cefn Glas on 30 November 2017 (P/15/358/OUT refers). Condition 14 of the consent states:

*The consent hereby granted shall be limited to the construction of 165 residential units.*

*Reason: For the avoidance of doubt and to protect the safety and free flow of traffic on the surrounding highway network.*

On 11 December 2017, Barratt Homes submitted an application under Section 73 of the Planning Act to vary the above condition, in advance of a Reserved Matters application for the housing development.

This S73 application seeks to vary condition 14 of P/15/358/OUT to increase the housing numbers for the development up to 200 residential units.

A Transport Technical Report produced by Lime Transport accompanies the S73 application which considers the impact of the additional housing number on the highway network.

As a result, this report does not seek to revisit the merits of the entire development, but focuses solely on the condition in question (condition 14 of P/15/358/OUT) that was effectively imposed to protect the safety and free flow of traffic on the surrounding highway network. It is, however, acknowledged that the original Transport Assessment undertaken in support of Outline application P/15/358/OUT demonstrated that 228 residential units could be accommodated on the site in line with the policy allocation ( Policy COM2 (6) of the Bridgend Local Development Plan (2013) refers).

### **RELEVANT HISTORY**

P/15/358/OUT – Residential development with vehicular access point from Heol Ty Maen – Granted 30 November 2017.

### **PUBLICITY**

The application has been advertised by means of press and site notice.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 24 January 2018.

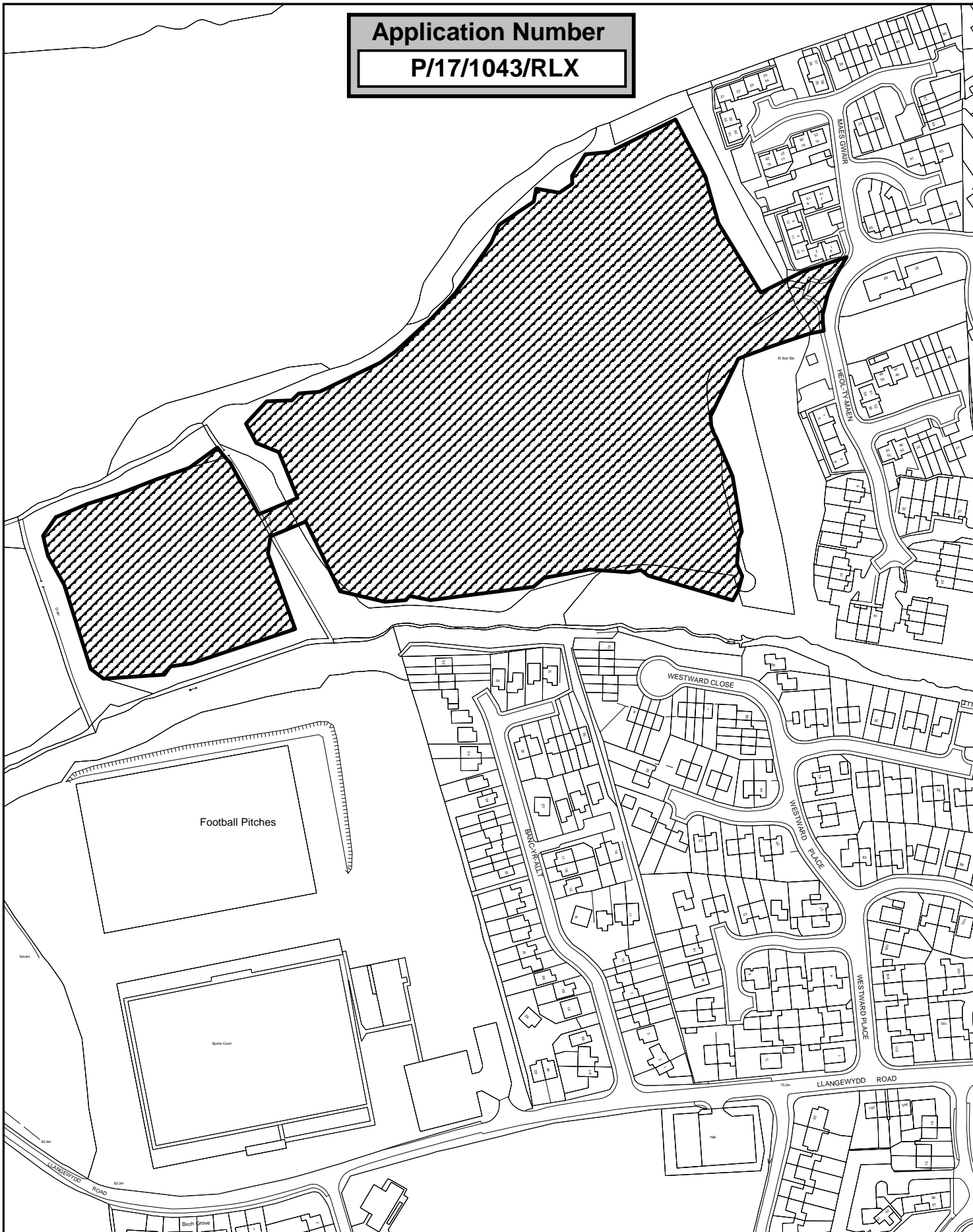
### **CONSULTATION RESPONSES**

Head of Street Scene (Drainage) - No objection subject to the imposition of a standard drainage condition for the development proposal.

Head of Street Scene (Highways) - No objection.

Application Number

P/17/1043/RLX



Scale 1:2,500

Date Issued:  
25/01/2018

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  
(2018) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2018) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

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

Cyngor Bwrdeistref Sirol



Laleston Community Council - Consulted 19/12/2017 - no comments received on the planning application.

## **REPRESENTATIONS RECEIVED**

The occupiers of 3 and 8 Westward Close have raised objections against the Section 73 application. The comments raised are summarised as follows:

There is a concern that there would be a loss of wildlife habitat and green space for people in the area to enjoy. There would be increased noise, pollution and traffic in the area.

The impact of the scheme on the tree lines surrounding the site is queried and being a new resident to the locality the occupiers of 8 Westward Close highlight they were not previously made aware of this proposal.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The concerns raised are similar to those highlighted and addressed in the original application at the site (P/15/358/OUT refers – Committee Report attached as **Appendix 1**). The application site is a purposely allocated site that is identified for residential development, approximately 228 units, within the Bridgend Local Development Plan (2013). The original application was accompanied by an appropriate ecological assessment that was undertaken for a proposal in excess of 200 units and is therefore considered relevant to the current application. Whilst such a large residential scheme would inevitably result in a level of noise and general disruption particularly during the construction phase this would be of a temporary nature and is not considered a justified reason to warrant the refusal of such an application.

The Transportation Development Control Officer has raised no objections against the proposal. Furthermore, the submitted redline boundary for the development would remain unchanged as a result of the proposal with the outline scheme seeking to retain the tree bands (protected under a Tree Preservation Order) that surround the site. The planning application has also been correctly advertised by means of direct neighbour notification letters, site notice and press notice.

## **APPRAISAL**

The application is referred to the Development Control Committee for determination as the original resolution to approve the scheme was made by the Committee in October 2016.

Section 73 of the Town and Country Planning Act 1990 provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The Circular on planning conditions (WGC 016/2014) confirms that the Local Planning Authority can grant such permission unconditionally or subject to conditions. The Council can however refuse the application if they decide the original condition(s) should continue. In dealing with applications for the removal/variation of a condition under Section 73, a condition should not be retained unless there are sound and clear reasons for doing so. Where a Section 73 application is granted, it takes effect as a new planning permission.

Planning Policy Wales states that, in line with the presumption in favour of sustainable development, applications for planning permission or for the renewal of planning permission should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise.

The Bridgend Local Development Plan (2013) is the adopted plan for the area with the application site being specifically allocated for residential development under the

provisions of Policy COM2 (6). The site is allocated for the development of approximately 228 units.

The development of the site for housing up to 200 units therefore accords with the key provisions of the Bridgend Local Development Plan (2013) and would provide a valuable contribution to the Borough's housing demand, contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021.

On a matter of principle, the primary consideration in the assessment of this application is whether the variation of the condition and the subsequent uplift in the number of residential units at the site raises any adverse highway safety issues. The proposed variation of the condition has been the subject of discussions with the Highways Authority and there are no objections.

The application is accompanied by a Transport Technical Note that confirms that there is no highway safety or free flow of traffic issues on the surrounding highway network to prevent the development of up to 200 units at the site. This statement outlines the expected trip generation for 200 dwellings as compared to the previously consented 165 dwellings and it concludes that, with the mitigation agreed in the 2015 outline consent, the highway network can accommodate the increase. In addition, the original Transport Assessment that was undertaken for the development of up to 228 units on the site, also demonstrated that such a scheme would have no adverse impact on highway safety.

Whilst the development would increase traffic in the locality, monies will be secured through the Planning Obligation to appropriately mitigate the impact of the development on highway safety. Notably a financial contribution of £72,000 towards enhanced highway facilities on the local highway network will be provided including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen. In addition, a financial contribution of £100,000 towards enhanced active travel routes in the locality of the application site to facilitate safe pedestrian and cycle access to the local services and facilities that will serve the development will also be provided.

Based on the above and the level of contributions already being sought for the development to mitigate its impact, it is considered the increase in dwellings proposed at the site would not raise serious highway safety concerns or warrant a further financial contribution to the Planning Obligation requirement in relation to the highway infrastructure improvements proposed in the locality.

The existing Section 106 Agreement also contains Planning Obligations relating to affordable housing, ecological mitigation, provision of recreation space and education contributions. The existing Section 106 Agreement will therefore need to now relate to the new planning permission (S73 application). The existing obligations in relation to affordable housing and recreation space shall apply to the revised scheme to ensure the scheme complies with Local Planning Policy in the form of Policies COM5 – Affordable Housing and COM11 – Provision of Outdoor Recreation Facilities of the Bridgend Local Development Plan (2013). The ecological mitigation obligation is based on the originally submitted Ecology Report undertaken by David Clements Ecology LTD that was undertaken for a proposal in excess of 200 units and is therefore considered relevant to the revised scheme. The obligation relating to a contribution towards Primary education provision is based on the formula and cost guidance in the Council's Supplementary Planning Guidance 16 – Educational Facilities and Residential Development. The exact amount will be dependent on the final housing numbers and mix which will apply to the revised consent. On this basis the existing S106 Agreement attached to extant consent

P/15/358/OUT is recommended to be attached to the Section 73 consent by means of a deed to confirm that all the obligations in the existing Section 106 Agreement apply to the Section 73 consent.

Those conditions that were imposed on the Outline planning permission that sought to control the design of the development in terms of safeguarding amenities, visual amenity, highway safety, land drainage and nature conservation will be imposed again to control any Reserved Matters application that may be submitted on this site in the future.

## **CONCLUSION**

This Section 73 application proposes a revision to condition 14 of the previously approved residential development. It is not considered that the increase in residential units will adversely impact on highway safety or amenity to warrant a refusal of permission. As such, the proposal is considered acceptable and in accordance with the Council's policies and guidelines. As this is a Section 73 application all relevant conditions attached to the approved P/15/358/OUT application will be repeated on this application.

## **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.

(B) The Corporate Director Communities be given delegated 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 accordance with the following approved plans and documents:

Site boundary plan received 08 December 2017

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

3. Any submission for approval of Reserved Matters or full application shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site. The development shall be carried out in accordance with the agreed details.

Reason: To ensure the development relates appropriately to the topography of the site and the surrounding area.

4. 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 treatments 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.

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 any dwelling being brought into beneficial occupation.

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. 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 by 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.

7. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

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

8. The detailed plans to be submitted shall make adequate provision for public open space, in accordance with the Council's guidelines (Policy COM 11 of the Local Development Plan), and such public open space shall be laid out, landscaped, completed and

maintained in accordance with a scheme and timetable to be agreed in writing by the Local Planning Authority prior to the commencement of work on site.

Reason: In the interests of the residential amenities of future occupiers.

9. No dwellings shall be brought into use until the upgrading of the public sewerage system, into which the development shall drain, has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru/Welsh Water.

Reason: To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles;

Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highway; and

A scheme to ensure that vehicles associated with the construction at the site shall not enter or leave the site during the period of half an hour either side of any local School's commencing and ending times.

Any construction works at the site shall thereafter be undertaken in accordance with the Construction Management Plan.

Reason: In the interests of highway safety and to ensure that the Local Planning Authority retains effective control over the development in the interests of general amenity.

11. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The development shall thereafter be implemented in accordance with the approved CEMP.

Reason: In the interests of biodiversity and nature conservation and to satisfy the Council's biodiversity and resilience of ecosystems duty under Section 6 of the Environment (Wales) Act 2016.

12. No development shall take place until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:-

- Soil handling & storage methods including phased soil stripping of the site, and soil preservation - in line with the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction sites'
- Surface water management and treatment during construction, procedures for de-

watering of excavations, storage of: mortars, fuels & oils, environmental incident response plan etc.

- Details of emergency contacts e.g. Natural Resources Wales Pollution Hotline (0800 807 060)

The Method Statement shall be implemented as approved and thereafter be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately.

Reason: To prevent pollution.

13. Construction works shall not take place outside the following hours: 07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

14. The consent hereby granted shall be limited to the construction of no more than 200 residential units.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic on the surrounding highway network.

15. No development shall commence until a comprehensive scheme for the provision of traffic calming restricting 85% tile traffic speeds to 20 mph on Heol Ty Maen and Barnes Avenue, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

16. No structure, erection or planting exceeding 0.6 metres 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.

## **ADVISORY NOTES**

a. Further information on wildlife and development and opportunities for enhancements can be found in SPG 19 Biodiversity and Development: A Green Infrastructure Approach – <http://www1.bridgend.gov.uk/media/227718/final-green-infrastructure-spg-for-web.pdf>

b. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

c. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

d. The Reserved Matters application shall be accompanied by an Ecological Management Plan for the retained woodland and trees.

e. The plans and particulars submitted in accordance with the Reserved Matters for this development should accord with the recommendations set out in Section 6 'Recommendations to avoid or minimise adverse impacts to wildlife features and protected



species' of the David Clements Ecology, Ecological Assessment for land off Llangwydd Road, Bridgend dated May 2015 and submitted with application P/15/358/OUT.

f. The traffic calming scheme along Heol Ty Maen and Barnes Avenue shall incorporate relocated bus stop facilities, carriageway and footway realignment, pedestrian crossing facilities and vertical displacements, plateaux lighting, surface water drainage, carriageway markings, signing, traffic calming features and Stage 2 Safety Audit.

g. The developer is advised to liaise with the Council with regard to identifying improvements to the learner travel routes between the site and local school facilities.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**BACKGROUND PAPERS**

**Planning Committee Report presented to Planning Committee on 16 March 2017  
(P/15/358/OUT) – Appendix 1**

REFERENCE: **P/15/358/OUT**

PROPOSAL: **Residential development with vehicular access point from Heol Ty Maen**

LOCATION: **Land West Of Heol Ty Maen Cefn Glas CF31 4QF**

**BACKGROUND**

The above outline planning permission on land west of Heol Ty Maen, Cefn Glas was originally received by the Local Planning Authority in May 2015. On Thursday 27 October 2016 the Development Control Committee resolved to approve outline permission for the erection of no more than 165 units of residential accommodation on the site with all matters reserved for future approval with the exception of the access to the site. The scheme included the provision of a 1.5m wide pedestrian footbridge and cycle path to the south of the site linking the development with Westward Close and beyond.

At the Development Control Committee meeting of the 27 October 2016 it was resolved to approve the development subject to a number of planning conditions and the applicant entering into a Section 106 Agreement to:

(i) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). 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.

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) 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 by the Council.

(iv) Provide a retained grassland area to the west of the site as detailed on plan 5: Compensation Measures attached to the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and the land shall be managed and maintained in accordance with the Recommendations (Part 6) of the said report.

(v) Provide a financial contribution of £72,000 towards enhanced highway facilities on the local highway network including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen.

**POST RESOLUTION**

Since the resolution to grant permission subject to a S106 Legal Agreement, there have been on-going discussions between the agent and the Council in terms of progressing the scheme and drafting and signing of the Agreement. However, following a

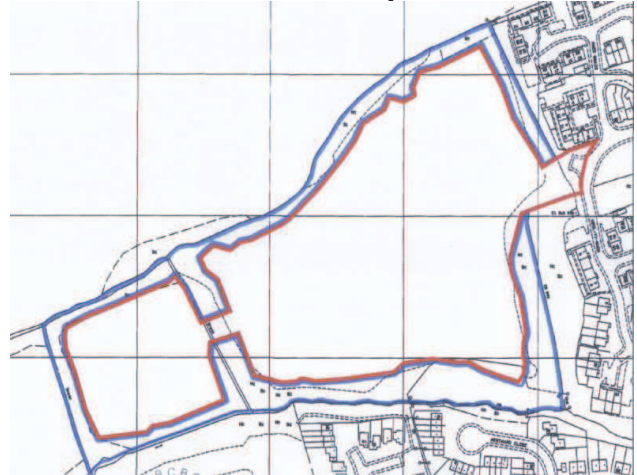
comprehensive Land Registry Search, it has emerged there is a small area of land to the south of the site that falls under third party ownership and is outside the control of the applicant (Title Deed number WA884886 retained by Tudor Jenkins). As such a ransom strip effectively exists along the southern boundary of the site. The applicant has therefore re-submitted a revised red line boundary for the application site excluding the provision of the originally proposed pedestrian footbridge and cycle path from the development which cannot now be reasonably delivered. The main red line access point to the site has also been slightly enlarged but all other aspects and details of the scheme remain unchanged.

The applicants are therefore seeking to vary the red line boundary for the development and exclude the provision of the pedestrian footbridge/cycle path from the application proposal/description.

***Previous site location plan***



***Amended site location plan***



As a result, this report does not seek to revisit the merits of the entire development, but focuses solely on the impact of the exclusion of the pedestrian footbridge and cycle link from the application.

## **PUBLICITY**

The changes undertaken to the red line boundary have been subject to further public consultation. At the time of writing this report three additional letters of objection (from the occupiers of 25 Maes Gwair, 3 Islington Road and Hafod Housing) have been received against the planning application which raise general highway safety, infrastructure and ecology concerns with the development. The concerns raised are similar to those addressed in the original Committee Report attached at **Appendix A**.

## **APPRAISAL**

The proposal to omit the pedestrian and cycle link (footbridge) to the south of the site is regrettable and would reduce the connectivity and permeability of the site. Nevertheless, when considering the status of the application site that is specifically allocated for residential development under the provisions of Policy COM2 (6) of the Bridgend Local Development Plan, the scheme is considered acceptable with the omission of the footbridge link. The principle of the development remains compliant with the key requirements of the Local Development Plan, with the scheme providing a valuable contribution to the Borough's housing demand and contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021.

The proposed revision to the scheme has been the subject of discussions with the Highways Authority and there are no objections. However, to mitigate for the loss of the pedestrian/cycle link (active travel link) from the south of the site it is suggested that further contributions should be sought to provide an equivalent benefit to facilitate safe pedestrian and cycle access to the local services and facilities that will serve the development in the form of new or improved pedestrian/cycle routes. This contribution will also include for the assessment of links to local schools as well as links to retail opportunities. The Section 106 agreement will therefore include a financial contribution of £100,000 to facilitate active travel route enhancements leading to and from the development site.

Such a contribution would assist in promoting sustainable means of travel to and from the application site, meet with the requirements of Planning Policy Wales (2016), the Active Travel (Wales) Act (2013) and the Well-being of Future Generations (Wales) Act (2015) and is considered a reasonable and justified like for like request in this instance.

On the basis of the off-site improvements being sought and in fully considering the planning merits of the application, it is considered the revisions are reasonable and can be supported, subject to a revised Section 106 agreement and conditions.

### **AMENDMENT TO SECTION 106 HEADS OF TERMS**

Given the loss of the pedestrian/cycle link from the development site additional contributions are now sought to upgrade/enhance active travel routes in the nearby locality of the application site. Therefore, an additional requirement to the Section 106 agreement is now recommended, as detailed below.

### **CONDITIONS**

Following a review of the original planning conditions, Condition 15 of the original report (**Appendix A**) would now be removed. The conditions required the submission of more detailed design information for the provision of the on-site pedestrian and cycle link which is now irrelevant. All other conditions remain relevant to the development and will be attached to any subsequent consent.

### **CONCLUSION**

Having considered all relevant evidence and material planning considerations, the Outline application is again recommended for approval because the development complies with Council policy and guidelines. The development, in principle, does not adversely affect privacy, highway/pedestrian safety, ecology/biodiversity, drainage, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

### **RECOMMENDATION**

#### **(A) The applicant enters into a Section 106 Agreement to:**

(i) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). 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.

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) 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 by the Council.

(iv) Provide a retained grassland area to the west of the site as detailed on plan 5: Compensation Measures attached to the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and the land shall be managed and maintained in accordance with the Recommendations (Part 6) of the said report.

(v) Provide a financial contribution of £72,000 towards enhanced highway facilities on the local highway network including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen.

(vi) Provide a financial contribution of £100,000 towards enhanced active travel routes in the locality of the application site to facilitate safe pedestrian and cycle access to the local services and facilities that will serve the development in accordance with the provisions of Planning Policy Wales (2016).

**(B)** The Corporate Director Communities be given delegated powers to issue a decision notice granting Outline consent in respect of this proposal, reserving landscaping, layout, scale and appearance for future consideration, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions in addition to the standard outline conditions:-

1. The development shall be carried out broadly in accordance with the following approved plans and documents:

Amended site boundary plan received 16/02/2017  
Illustrative Development Concept Plan received 28/05/2016  
Design and Access Statement received 28/05/2016  
Ecological Assessment received 28/05/2016

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

3. Any submission for approval of reserved matters or full application shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site. The development shall be carried out in accordance with the agreed details.

Reason: To ensure the development relates appropriately to the topography of the site and the surrounding area.

4. 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 treatments 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.

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 any dwelling being brought into beneficial occupation.

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. 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 by 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.

7. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.



(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

8. The detailed plans to be submitted shall make adequate provision for public open space, in accordance with the Council's guidelines (policy COM 11 of the Local Development Plan), and such public open space shall be laid out, landscaped, completed and maintained in accordance with a scheme and timetable to be agreed in writing by the Local Planning Authority prior to the commencement of work on site.

Reason: In the interests of the residential amenities of future occupiers.

9. No dwellings shall be brought into use until the upgrading of the public sewerage system, into which the development shall drain, has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru/Welsh Water.

Reason: To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles;

Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highway; and

A scheme to ensure that vehicles associated with the construction at the site shall not enter or leave the site during the period of half an hour either side of any local School's commencing and ending times.

Any construction works at the site shall thereafter be undertaken in accordance with the Construction Management Plan.

Reason: In the interests of highway safety and to ensure that the Local Planning Authority retains effective control over the development in the interests of general amenity.

11. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including

construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The development shall thereafter be implemented in accordance with the approved CEMP.

Reason: In the interests of biodiversity and nature conservation and to satisfy the Council's biodiversity and resilience of ecosystems duty under Section 6 of the Environment (Wales) Act 2016.

12. No development shall take place until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:-

- Soil handling & storage methods including phased soil stripping of the site, and soil preservation - in line with the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction sites'
- Surface water management and treatment during construction, procedures for de-watering of excavations, storage of: mortars, fuels & oils, environmental incident response plan etc.
- Details of emergency contacts e.g. Natural Resources Wales Pollution Hotline (0800 807 060)

The Method Statement shall be implemented as approved and thereafter be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately.

Reason: To prevent pollution.

13. Construction works shall not take place outside the following hours:

07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

14. The consent hereby granted shall be limited to the construction of 165 residential units.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic on the surrounding highway network.

15. No development shall commence until a comprehensive scheme for the provision of traffic calming restricting 85% tile traffic speeds to 20 mph on Heol Ty Maen and Barnes Avenue, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.



16. No structure, erection or planting exceeding 0.6 metres 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.

**ADVISORY NOTES**

As detailed in the report to Committee on 27 October 2016.

**MARK SHEPHARD  
CORPORATE DIRECTOR COMMUNITIES**

**BACKGROUND PAPERS**

None

**APPENDIX A**

Original Committee report presented to Planning Committee on 27 October, 2016 (P/15/358/OUT).

## Appendix A

**REFERENCE:** P/15/358/OUT

**APPLICANT:** The Phipps Family C/O Harmers Limited, 39 Lambourne Crescent, Cardiff Business Park, Llanishen, CF14 5GG

**LOCATION:** Land West Of Heol Ty Maen Cefn Glas CF31 4QF

**PROPOSAL:** Residential development with vehicular access point from Heol Ty Maen

**RECEIVED:** 11 July 2016

**SITE INSPECTED:** 19 July 2016

### **APPLICATION / SITE DESCRIPTION**

Outline planning consent is sought for a comprehensive residential development scheme with vehicular access from Heol-Ty-Maen at land to the west of Heol-Ty-Maen, Cefn Glas, Bridgend. All matters are reserved for future consideration with the exception of access to the site.

The proposed development area comprises approximately 5 hectares of Greenfield land. The site is specifically allocated for residential development under the provisions of COM2 (6) of the Bridgend Local Development Plan.

In terms of site context the application site consists primarily of two fields that are gently sloping but fall more steeply away towards the south of the site. The site is predominantly visually enclosed by a perimeter band of woodland, hedgerows and mature trees, protected under an area wide Tree Preservation Order (TPO). The wooded area dissects through the two fields towards the west of the site whilst retaining a central gap for access. A small stream runs through the wooded area to the south of the site.

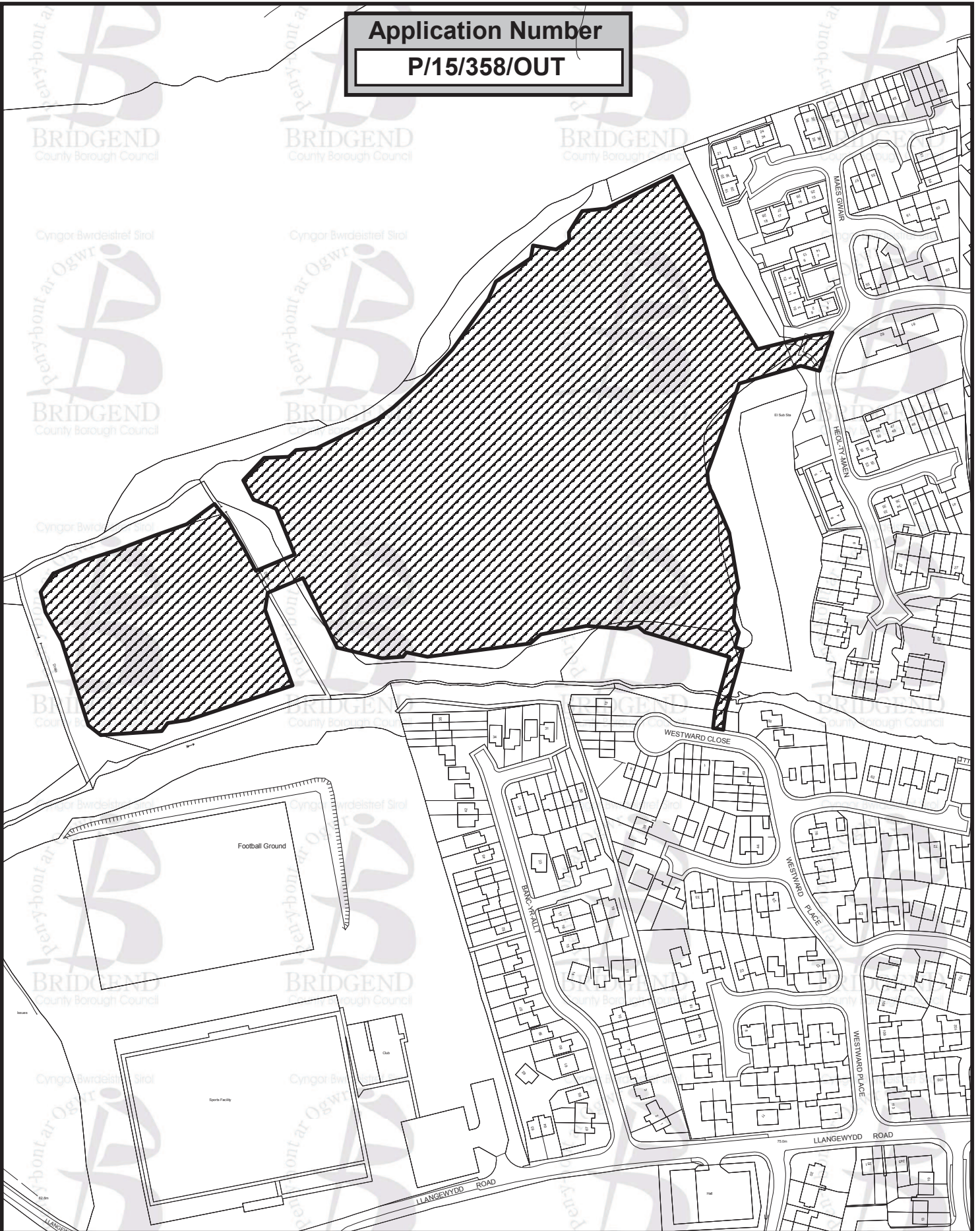
Further to the west and north, the application site is abutted by open countryside. To the east and south of the site are built up, predominantly residential localities. Further east is Byntirion Comprehensive School. To the south west of the site are football playing fields (Club Penybont). The majority of the houses situated within close proximity to the application site vary in their style and appearance although they generally comprise relatively modern dwellings on cul-de-sac style developments.

Although submitted in Outline, the proposal seeks consent for a comprehensive residential scheme, including 20% affordable housing provision. Whilst acknowledging the outline and indicative nature of the application and noting numbers have not been finalised the submitted forms indicate that approximately 165 dwellings would be constructed, taking account of the constraints of the site (surrounding tree lines and likely public open space provisions), although the site is allocated for approximately 228 new dwellings within the Local Development Plan. The indicative drawing highlights the largest provision of public open space will be towards the centre of the development site.

It is anticipated that the development would comprise a mix of single, two, two and a half, and three storey buildings including some apartments/flats. Whilst the key matters of scale, appearance, layout and landscaping have been reserved for future consideration the application details the minimum and maximum building parameters for the proposed buildings, which include:

Application Number

P/15/358/OUT



Scale 1:2500

Date Issued:  
20/10/2016

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

(c) Crown Copyright and database rights  
(2016) Ordnance Survey (100023405)

(c) Hawlfraint a hawliau cronfa ddata'r Goron  
(2016) Rhif Trwydded yr Arolwg Ordnans  
(100023405)

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

Cyngor Bwrdeistref Sirol



Detached house - 5.9m x 7.5m x 8.0m to 10.8m x 8.9m x 8.7m  
Semi-detached house - 7.4m x 10.8m x 8.0m to 8.5m x 10.8m x 10.0m  
Terraced link - 7.5m x 19.0m x 8.0m  
Apartment - 8.0m x 40.0m x 8.0m  
Garage - 6.0m x 3.0m x 5.5m.

The illustrative layout plan submitted with the application shows the approximate positions of the built development, open spaces, routes and accesses. It details the main point of vehicle access from Heol-Ty-Maen, with a central spine road serving the proposed residential development. A central area of Public Open Space would be created with the proposal also incorporating Sustainable Urban Drainage systems (SUDs) in the form of two ponds/retention basins to ensure the site retains a Greenfield run off rate. The existing perimeter landscaping would be retained to screen the development and enhanced following the creation of a pedestrian and cycle path, to the south of the site linking the development with Westward Close/Place; it is detailed a 1.5m wide footbridge would be created to link the development directly with Westward Close.

The application has also been accompanied by the following documentation:

- Design and Access Statement;
- Ecology Assessment;
- Tree Survey;
- Phase 1 Geotechnical Investigation;
- Transport Assessment; and,
- Drainage Strategy & Flood Risk Report.

The supporting Design and Access Statement indicates that the application is intended to establish the principle of a comprehensive residential development and amenity space for a site allocated for residential development in the adopted Local Development Plan.

## **RELEVANT HISTORY**

None.

## **PUBLICITY**

The application has been advertised on site and by means of press notice. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 1<sup>st</sup> August 2016.

## **NEGOTIATIONS**

The applicant/agent was requested to revise the red line application site boundary for the development to include a pedestrian walkway/link to the south of the site. Negotiations have also been ongoing in regard to S106 requirements/contributions for the application.

## CONSULTATION RESPONSES

Laleston Community Council - Consideration should be given to highway safety, access and traffic calming measures, as the area is already considered busy in traffic terms and there are limited road widths in the area. Deliveries should be outside of school starting and opening times. Consideration should be given to play/parks, footpaths in and out of an estate can also cause a security risk. Consideration should be given to local schools that will have to cater for more children as a result of the development.

Destination & Countryside Management - No objection subject to condition.

Head of Street Scene (Drainage) - No objection subject to condition.

Natural Resources Wales - No objection subject to condition.

Welsh Water Developer Services - No objection subject to condition.

Crime Prevention Design S.Wales Police – No objection.

Head of Parks & Playing Fields - No objection.

Highways Development Control – No objections subject to the following:

1. The developer providing a financial contribution towards off-site highway improvement works.
2. The imposition of planning conditions.

## REPRESENTATIONS RECEIVED

**Cllr Dr Charles Smith:** objects to the proposal on behalf of constituents who live along Heol-Ty-Maen and Barnes Avenue as they regard the road system as inadequate and sub-standard, unsuitable for sole access to this proposed development. Comments are also raised about the level of consultation undertaken for the planning application (although the development has been advertised in accordance with the provisions of relevant planning legislation).

**Bridgend Civic Trust:** object to the proposal as Members consider such a large development would adversely affect the capacity and safety of the local highway network in the area to the detriment of safe highway movements.

### Objections have been received from the occupiers of :

18 Barnes Avenue  
28 Barnes Avenue  
33 Banc Yr Allt  
38 Banc Yr Allt  
39 Banc Yr Allt  
25 Maes Gwair  
34 Maes Gwair  
51 Maes Gwair  
53 Maes Gwair  
84 Llangewydd Road  
88 Llangewydd Road  
91 Llangewydd Road



103 Llangewydd Road  
130 Llangewydd Road  
18 Llys Y Fran  
3 Islington Road  
7 Islington Road  
16 Coed Ty Maen  
2 Chiswick Close  
20 Llys y Fran  
3 Ffordd yr Afon  
51 Heol Ty Maen  
32 Westward Place  
56 Westward Place  
58 Westward Place  
61 Westward Place  
84 Westward Place  
89 Westward Place  
109 Westward Place  
7 Lon y Coed  
1 Bedw Arian  
2 Bedw Arian  
5 Bedw Arian  
9 Bedw Arian  
24 Coed Caer Odin  
51 Heol y Foelas  
1 Maes Bryn  
17 Caer Hen Eglwys  
1 Ty Nant  
8 Heol y Ysgol  
11 Beechwood Avenue  
21 Kensington Drive  
41 Shakespeare Avenue  
13 Coed Caer Odin  
Gail Evans (Resident of Cefn Glas)

The objections can be summarised as follows :-

Traffic related problems, access concerns and highway safety  
Construction Disturbance  
Alternative access should be considered  
Need for traffic calming measures on Barnes Avenue  
Loss of privacy  
Loss of trees – natural habitat  
Increased noise and pollution levels  
Loss of green space  
Lack of local facilities and infrastructure to support more population.  
Increased crime  
Affordable housing should be provided  
Impact of footpath  
Increased flooding risk  
Drainage needs careful consideration

Letters of support/no objections have been received from the following occupiers:

10 Maes Gwair

## COMMENTS ON REPRESENTATIONS RECEIVED

Traffic related problems, access concerns, consideration of alternative access, and highway safety – The Highway Officer has raised no objection to the proposal.

Construction Disturbance – Whilst a development in close proximity to existing properties would result in some inconvenience, noise and general disturbance during the construction period, this would be of a temporary nature and is not considered a justified reason in itself to refuse the planning application. Given the scale of development it would, however, be reasonable to impose planning conditions to control the hours of construction and the implementation of a traffic management plan throughout the period of construction. Statutory noise nuisance is governed under separate legislation.

Need for traffic calming measures on Barnes Avenue - traffic calming measures could be sought by means of planning condition.

Loss of privacy – The application site would be offset and screened from the nearest residential properties by the existing boundary landscaping at the site and the distance between boundaries so there is unlikely to be any infringement of the Authority's privacy standards. Furthermore the application is in outline with all matters other than access reserved for future approval and, therefore, the submitted layout is purely indicative. Appropriate distances and orientations of properties would be matters to be considered at a later stage.

Loss of trees, natural habitat – The proposal seeks to maintain the tree and hedgerow bands that surround the site and upgrade these areas once the means of pedestrian and vehicle access has been completed. The Council's ecologist and Natural Resources Wales raise no objections against the outline planning application, subject to conditions

Increased noise and pollution levels - It is considered that the occupation of new residential properties is unlikely to generate sufficient noise to generate a statutory noise nuisance particularly given the distance between the proposed dwellings and existing houses. Natural Resources Wales have suggested conditions to control any likely pollution as a result of the build process.

Loss of green space - The application site is allocated within the Local Development Plan for residential development. The proposal would maintain and enhance the existing green buffers that surround the site and incorporate areas of public open space into the development.

Lack of local facilities and infrastructure to support more population - Necessary contributions will be sought to mitigate against the impact of such a scheme on local infrastructure and facilities.

Increased crime - Such an outline proposal for residential development raises no significant or adverse concerns with regard to increasing crime rates with the Police Crime Prevention Design Advisor offering general advice on the detailed design and layout of the proposal that would be fully considered at the reserved matters/full application stage.

Affordable housing should be provided - The application seeks to fully meet the required guidelines for affordable housing provision in line with policy COM5 of the LDP. The affordable housing target of 20% for the Bridgend Area would be secured through a planning obligation.

Impact of footpath - The proposed pedestrian footpath to the south of the site would result in limited tree loss and would provide a valuable pedestrian link to and from the development site with the wider locality.

Increased flooding risk/drainage considerations - The Councils Land Drainage Section, Welsh Water and Natural Resources Wales, raise no objections against the proposal although they suggest appropriate conditions to ensure a comprehensive and integrated drainage scheme for the development.

## **APPRAISAL**

The application is reported to Committee in view of the level of objection received from neighbouring properties.

The application seeks Outline consent with all matters reserved for subsequent approval, except access, for residential development on an undeveloped area of land immediately to the west of Heol-Ty-Maen, Cefn Glas, Bridgend.

Members are informed that this outline application only seeks to establish the principle for the development.

The proposal includes provision for primarily residential use with provision for public open space and the creation of a specific pedestrian walkway including an access bridge to the south of the development site. As part of the proposal the existing access point from Heol Ty Maen would be marginally realigned to serve the development.

Planning Policy Wales (Edition 8, January 2016) states that, in line with the presumption in favour of sustainable development, applications for planning permission should be determined in accordance with the adopted development plan for the area, unless material considerations indicate otherwise.

The Bridgend Local Development Plan 2013 (BLDP) is the adopted plan for the area with the application site being located within the settlement boundary, and allocated for residential development for approximately 228 dwellings under Policy COM 2 (6) of the local development plan. The principle of the development is therefore compliant with the key requirements of the local development plan, the scheme providing a valuable contribution to the Borough's housing needs and contributing to the Authority's strategic aim of providing 9,690 new dwellings in Bridgend County Borough up to 2021. The surrounding area to the east and south is dominated by residential properties and the development of the site for residential purposes is, in principle, compatible with neighbouring uses. Whilst noting the Outline nature of the application and acknowledging exact details of unit numbers has not been completely finalised, it is identified that approximately 165 units could be created which is reflective of the physical constraints of the site with existing boundary planting/tree coverage protected under a preservation order mainly being retained around the perimeter of the development site. For a 5 hectare site the provision of approximately 165 units (33 units per hectare) broadly conforms with Policy COM4 of the Local Development Plan that requires a density of 35 dwellings per hectare.



Policy SP14 of the BLDP requires applicants to provide planning obligations or contributions if they are necessary to offset any negative consequences of the development and/or help to meet local needs and priorities. In this respect, as a proposal for over 5 units the proposal triggers Policy COM5 of the LDP, the affordable housing target of 20% for the Bridgend Area would therefore need to be secured through a planning obligation for the development. The Section 106 Agreement should provide for the affordable units to be transferred to a registered social landlord, with the type of units, location within the site and affordable tenure to be agreed by the Council. As the application is in outline and the precise, total number of units is not yet finalised, the affordable housing requirement will be expressed as a percentage in a Section 106 Agreement.

In addition to the above, contributions towards educational facilities may be sought from proposed developments of 5 or more residential units in accordance with Supplementary Planning Guidance 16: Residential Development and Educational facilities (SPG16). The Children's Directorate has confirmed that whilst there is sufficient capacity in local schools to cater for secondary and post 16 education (for a 165 unit scheme), the local primary school facilities have insufficient surplus capacity to cater for any additional pupils. A contribution based on the formula and cost guidance in SPG 16 will therefore be requested for primary age children from this scheme. Acknowledging the Outline nature of the proposal, the exact amount will be dependent on the final housing number and mix, and the request for a contribution will need to specify how it would be used to provide additional capacity. Initial calculations indicate a 165 unit scheme in this location would require a contribution of £244,695 for additional infant school places and £195,756 for additional junior school places generated as a result of such a proposal.

Policy COM11 of the BLDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people to consist of a combination of outdoor sport, children's play space, amenity space and/or allotment provision. Bridgend's open space audit reveals a deficit of all types of provision in the locality. In this context, the inclusion of an area of public open space is welcomed on the submitted illustrative layout plan for the development and the application also proposes the retention and enhancement of the existing vegetation and tree lines that surround the site. The applicant intends to provide the required standards of public open space on the development site in accordance with the requirements of planning policy that will be secured through a S106 agreement.

For the proposed 165 unit scheme it is not envisaged that there would be a requirement for a formal playing pitch, although initial calculations, whilst acknowledging the Outline nature of the proposal, would equate to a total amount of outdoor recreation space requirement of 9,264 m<sup>2</sup>. This should consist of approximately 6,176 m<sup>2</sup> of outdoor sport space and 3,088 m<sup>2</sup> of children's play space (split between equipped play space of 957 m<sup>2</sup> and informal amenity space of 2,131 m<sup>2</sup>). These figures are however subject to negotiation and may be provided on or off site. The open space provision may for example take the form, in part, of accessible pedestrian linkages throughout the woodland areas of the site (immediately adjoining the site) which would take a more inclusive view of open space provision whilst ensuring appropriate pedestrian linkages throughout the site. An existing playing field and football facility is located directly to the south of the site.

Given the outline nature of the application it is deemed appropriate to recommend a condition for the detailed landscaping of the site including detailed measures for the

design, implementation and maintenance of open space in compliance with Policy COM 11, to be approved by the Council.

Policy SP2 of the BLDP establishes the criteria for acceptable design and sustainable place making. This is supported by guidelines set out in Design Guide 1: Dwellings and Domestic Scale Buildings and Supplementary Planning Guidance 2: Householder Development.

The application proposes the construction of a mixture of detached, semi-detached and link properties including some flats/apartments that would not, in principle, appear so out of character with the locality so as to be detrimental to the visual amenities of the area. When further considering the visual remoteness of the site that is well screened, in the main, by mature hedgerows and tree planting that would be retained as part of the proposal, the development would arguably form a new residential estate with its own character and identity. Notwithstanding the above, the specific layout, design and architectural detailing of the proposed dwellings would be subject to careful consideration at the subsequent reserved matters stage. However, at this Outline stage, the proposal, is acceptable in principle and would not be so out of character with the locality so as to be detrimental to the visual amenities of the area. Nevertheless, it is considered necessary to impose conditions to agree site levels, external finishes hard/soft landscaping and boundary treatments, as this would ensure that any residential development on the site could be successfully assimilated with its surroundings, without an unreasonable adverse effect on the visual amenities of the area or the residential amenities of neighbouring properties.

Having regard to the indicative plan, including the size of the site, its characteristics and buffer screening/planting, and the scale parameters of the dwellings, it is considered that the site, in principle, is capable of accommodating a substantial number of residential units which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This, in principle, could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy. Notwithstanding the above, this is an Outline application with all matters except access reserved for subsequent approval, therefore, the impact of such a development on the amenities of neighbouring properties cannot be fully assessed. The submission of a specific layout for the development and details concerning the shape and design of the proposed dwellings and their respective plots and their relationship with neighbouring properties, would be fully assessed at the reserved matters stage. Conditions for the agreement of site levels and boundary treatments would also assist in ensuring that the proposed development would not unreasonably affect the amenities of neighbouring properties or the future occupiers of the development.

The Highway Officer has considered the proposal and the comprehensive Transport Assessment (TA) that accompanied the planning application. The TA considers existing road conditions, the proposed development and the development traffic impact. The TA was prepared on the basis of the impact of a potential 228 residential units at the site (in line with the original policy allocation for the site).

The proposed means of vehicular access to the site is via Heol Ty Maen which incorporates footway provision with a pedestrian and cycle access also being provided from Westward Close via a foot / cycle bridge across the stream immediately north of Westward Close.

The vehicular impact of the development upon the wider highway network is considered to be acceptable and capable of mitigation by the addition of the MOVA system (Microprocessor Optimised Vehicle Actuation) to the traffic signal controlled junction of the A473 / B4622 / Bryngolau. The provision of the MOVA system will improve capacity at the signals and will be implemented through a financial contribution secured by a S106 agreement.

Furthermore, the site is served by reasonable public transport provision with bus stops available to serve the site on Barnes Avenue in close proximity to its junction with Heol Ty Maen and also on Llangewydd Road in close proximity to its junction with Westward Place. These facilities are considered to be in need of improvement to increase the attractiveness of public transport by upgrading the kerbing and shelter facilities. A financial contribution of £25,000 is considered sufficient in this regard by way of a S106 agreement.

As with most modern residential estates it would be appropriate to restrict vehicular speeds to 20mph with the design of the layout, provision of traffic calming features together with a Legal Order. In addition there are historical complaints regarding vehicle speeds along Barnes Avenue, from which the site will be accessed. This would be mitigated by the implementation of a comprehensive scheme of traffic calming along Barnes Avenue and Heol Ty Maen. Whilst this can be required by an appropriate planning condition the necessary consultation and legal process for such traffic calming/traffic speed order - costs £7,000. The developer should therefore be required to contribute the amount, via a S106 agreement.

In conclusion, the TA concludes the proposed development would not have a significant impact on the area and, subject to mitigation, would not present any material junction capacity problems or road safety implications for the surrounding highway network. Accordingly, subject to the imposition of a S106 as detailed above and necessary planning conditions, the Group Manager Street Scene (Highways) has no objection.

The planning application is accompanied by a drainage strategy and flood risk report. Following consultation with the relevant drainage bodies including Welsh Water and Natural Resources Wales, no objections are raised against the scheme in terms of land drainage or flood risk. The Council's Land Drainage Section highlight the application package is most comprehensive and in principle no objections are raised against the scheme. A condition is however suggested to ensure the finalised detail of the drainage for the site. It is advised the eastern part of the site does have some risk of surface water flooding and this should be considered with the management of risk incorporated into the final drainage design.

Natural Resources Wales have advised this is a Greenfield site that is bordered by watercourses. To protect the water environment during construction a pre-commencement condition is requested in relation to site preparation and construction, requiring a detailed pollution prevention strategy to be submitted prior to the commencement of construction activities. It is also advised they support the use of sustainable urban drainage systems for the development to convey and attenuate surface water run-off, although surface water must be attenuated to Greenfield run-off rate as detailed within the application submission.

Welsh Water have advised the proposal could potentially overload the existing public sewerage system. However, as part of their current investment programme, improvements are scheduled for completion by 1<sup>st</sup> April 2017 which will overcome the issues on the public sewerage network and create capacity for the foul flows only

deriving from the application site. A condition is therefore suggested to ensure no dwelling on the application site shall be brought into use earlier than 1<sup>st</sup> April 2017. Additional conditions are suggested to ensure the appropriate drainage of the site.

The application is accompanied by a Phase 1 Geotechnical Investigation with the site history identifying the site had no former contaminative uses and the land is likely to support conventional residential foundations.

In terms of biodiversity, Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21<sup>st</sup> March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions." Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires LPA's to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

The Councils Ecologist and Natural Resources Wales have considered the application in terms of ecology impact with the application being accompanied by an ecological appraisal undertaken by David Clements Ecology Ltd. The study confirms that the semi-improved grassland areas have district value for wildlife and qualify for SINC status (Site of Importance for Nature Conservation) and disruption caused by the development could have adverse impacts upon protected species. The ecology report however highlights the landowner is willing to provide offsite compensation on the adjacent field to the west of the development site and manage this accordingly to benefit wildlife. All of the woodlands are considered at least of local value for wildlife, all with the potential for protected species. Whilst the majority of the woodland will be retained, some areas will require some removal to create access to the development. Invasive non-native species, including Himalayan Balsam, were also identified on site.

As identified in the ecological appraisal report, in addition to the compensation provision offsite, appropriate mitigation and compensation may help to reduce any negative impacts of the development. Overall the adverse impacts of the proposed development are assessed to be of moderate significance from a nature conservation point of view



but that these impacts can be mitigated and compensated for. Recommended compensation measures include off site compensation, landscaping through the use of native trees and shrubs, retention of adjacent habitats (such as the woodland habitat), incorporation of appropriate pollution control measures to protect nearby watercourses, and protection of affected species. As such the Council's ecologist raises no objection against the proposal subject to a condition ensuring a Construction Environmental Management Plan (CEMP) is produced for the development, and the recommendations as proposed in the ecological appraisal to ensure the protection of protected species, habitats and eradication of invasive species are adhered to. In principle, it is therefore considered there would not be such significant adverse residual impacts on biodiversity as a result of such a proposal. The proposal is therefore considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009), relevant LDP policies and SPG 19, Biodiversity and Development.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

Overall having regard to the indicative plan, including the size of the site and the scale parameters of the proposed dwellings, and due consideration to the supporting information that accompanies the application, in principle, the site is capable of accommodating a comprehensive residential development which would benefit from a reasonable degree of amenity and include necessary highway requirements such as access and off-street parking. This, in principle, could be achieved without unreasonably affecting the amenities of neighbouring properties, particularly with regards to dominance and loss of light, outlook and privacy. The scheme raises no significant land drainage or biodiversity concerns and can be appropriately accessed without harmfully impacting highway safety in and around the application site.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect privacy, highway/pedestrian safety, ecology/biodiversity, drainage, visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

The development can contribute to creating a high quality, attractive, sustainable place compatible with the surrounding area and Policy SP2 of the Local Development Plan. Legislation and national planning policy dictates that planning applications must be

determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is considered that there are no material reasons why planning permission should be refused; the development proposal representing appropriate residential development on a site specifically allocated for residential development by the Bridgend Local Development Plan.

## **RECOMMENDATION**

(A) The applicant enters into a Section 106 Agreement to:

(i) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). 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.

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) 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 by the Council.

(iv) Provide a retained grassland area to the west of the site as detailed on plan 5: Compensation Measures attached to the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and the land shall be managed and maintained in accordance with the Recommendations (Part 6) of the said report.

(v) Provide a financial contribution of £72,000 towards enhanced highway facilities on the local highway network including the introduction of the MOVA system at the traffic signal controlled A473/B4622 junction, the upgrading of local bus stops on Barnes Avenue and Llangewydd Road and the implementation of a traffic speed order for Barnes Avenue and Heol Ty Maen.

(B) The Corporate Director Communities be given plenary powers to issue a decision notice granting outline consent in respect of this proposal, reserving landscaping, layout, scale and appearance for future consideration, once the applicant has entered into the aforementioned Section 106 Agreement, subject to the following conditions in addition to the standard outline conditions:-

1. The development shall be carried out broadly in accordance with the following approved plans and documents:

Amended site boundary plan received 23/09/2016  
Illustrative Development Concept Plan received 28/05/2016  
Design and Access Statement received 28/05/2016  
Ecological Assessment received 28/05/2016

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

3. Any submission for approval of reserved matters or full application shall include details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site. The development shall be carried out in accordance with the agreed details.

Reason: To ensure the development relates appropriately to the topography of the site and the surrounding area.

4. 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 treatments 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.

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 any dwelling being brought into beneficial occupation.

Reason: To ensure safe drainage of the site.

6. No development shall take place until full details of both hard and soft landscape works have been submitted to and agreed in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant. 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 by 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.

7. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written agreement of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

8. The detailed plans to be submitted shall make adequate provision for public open space, in accordance with the Council's guidelines (policy COM 11 of the Local Development Plan), and such public open space shall be laid out, landscaped, completed and maintained in accordance with a scheme and timetable to be agreed in writing by the Local Planning Authority prior to the commencement of work on site.

Reason: In the interests of the residential amenities of future occupiers.

9. No dwellings shall be brought into use until the upgrading of the public sewerage system, into which the development shall drain, has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru/Welsh Water.

Reason: To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan shall include:-

Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles;

Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highway; and

A scheme to ensure that vehicles associated with the construction at the site shall not enter or leave the site during the period of half an hour either side of any local School's commencing and ending times.



Any construction works at the site shall thereafter be undertaken in accordance with the Construction Management Plan.

Reason: In the interests of highway safety and to ensure that the Local Planning Authority retains effective control over the development in the interests of general amenity.

11. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of the works undertaken including construction timescale, details of the means of avoidance and mitigation of any impacts on the species and habitats recorded within and adjacent to the development site and pollution prevention measures to be implemented during the site preparation and construction phases of the development. The development shall thereafter be implemented in accordance with the approved CEMP.

12. No development shall take place until such time as a Method Statement detailing all necessary pollution prevention measures for the operational and post operational phase of the development is submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall identify as a minimum:-

- Soil handling & storage methods including phased soil stripping of the site, and soil preservation - in line with the DEFRA 'Construction Code of Practice for the Sustainable Use of Soils on Construction sites'
- Surface water management and treatment during construction, procedures for de-watering of excavations, storage of: mortars, fuels & oils, environmental incident response plan etc.
- Details of emergency contacts e.g. Natural Resources Wales Pollution Hotline (0800 807 060)

The Method Statement shall be implemented as approved and thereafter be efficiently communicated to all contractors and sub-contractors and any deficiencies rectified immediately.

Reason: To prevent pollution.

13. Construction works shall not take place outside the following hours: 07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

14. The consent hereby granted shall be limited to the construction of 165 residential units.

Reason: For the avoidance of doubt and to protect the safety and free flow of traffic on the surrounding highway network.

15. No development shall take place until a scheme for the provision of a continuous pedestrian and cycle link from the site to Westward Close has been submitted to and approved in writing by the LPA. The scheme shall include details of a cycle / footbridge across the waterway to the North of Westward Close. The link shall be implemented in permanent materials as approved prior to the beneficial occupation of the 50<sup>th</sup> dwelling on site and retained in perpetuity.

Reason: In the interests of promoting sustainable means of travel to / from the site.

16. No development shall commence until a comprehensive scheme for the provision of traffic calming restricting 85% tile traffic speeds to 20 mph on Heol Ty Maen and Barnes Avenue, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

17. No structure, erection or planting exceeding 0.6 metres 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.

#### ADVISORY NOTES

a. Further information on wildlife and development and opportunities for enhancements can be found in SPG 19 Biodiversity and Development: A Green Infrastructure Approach –

<http://www1.bridgend.gov.uk/media/227718/final-green-infrastructure-spg-for-web.pdf>

b. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

c. If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

d. The reserved matters application shall be accompanied by an Ecological Management Plan for the retained woodland and trees.

e. The plans and particulars submitted in accordance with the reserved matters for this development should accord with the recommendations set out in Section 6 'Recommendations to avoid or minimise adverse impacts to wildlife features and protected species' of the David Clements Ecology, Ecological Assessment for land off Llangewydd Road, Bridgend dated May 2015 and submitted with this application.

f. The traffic calming scheme along Heol Ty Maen and Barnes Avenue shall incorporate relocated bus stop facilities, carriageway and footway realignment, pedestrian crossing facilities and vertical displacements, plateaux lighting, surface water drainage, carriageway markings, signing, traffic calming features and Stage 2 Safety Audit.

g. The developer is advised to liaise with the Council with regard to identifying improvements to the learner travel routes between the site and local school facilities.

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

**Background papers**

None