

REFERENCE: P/18/929/RES

APPLICANT: Persimmon Homes West Wales Dragon House, Parc Y Ddraig, Penllergaer Business Park, Swansea, SA4 9HJ

LOCATION: Playing fields at Parc Derwen Bridgend

PROPOSAL: Reprofilling and landscaping of earth bank on southern side of playing fields

RECEIVED: 23 November 2018

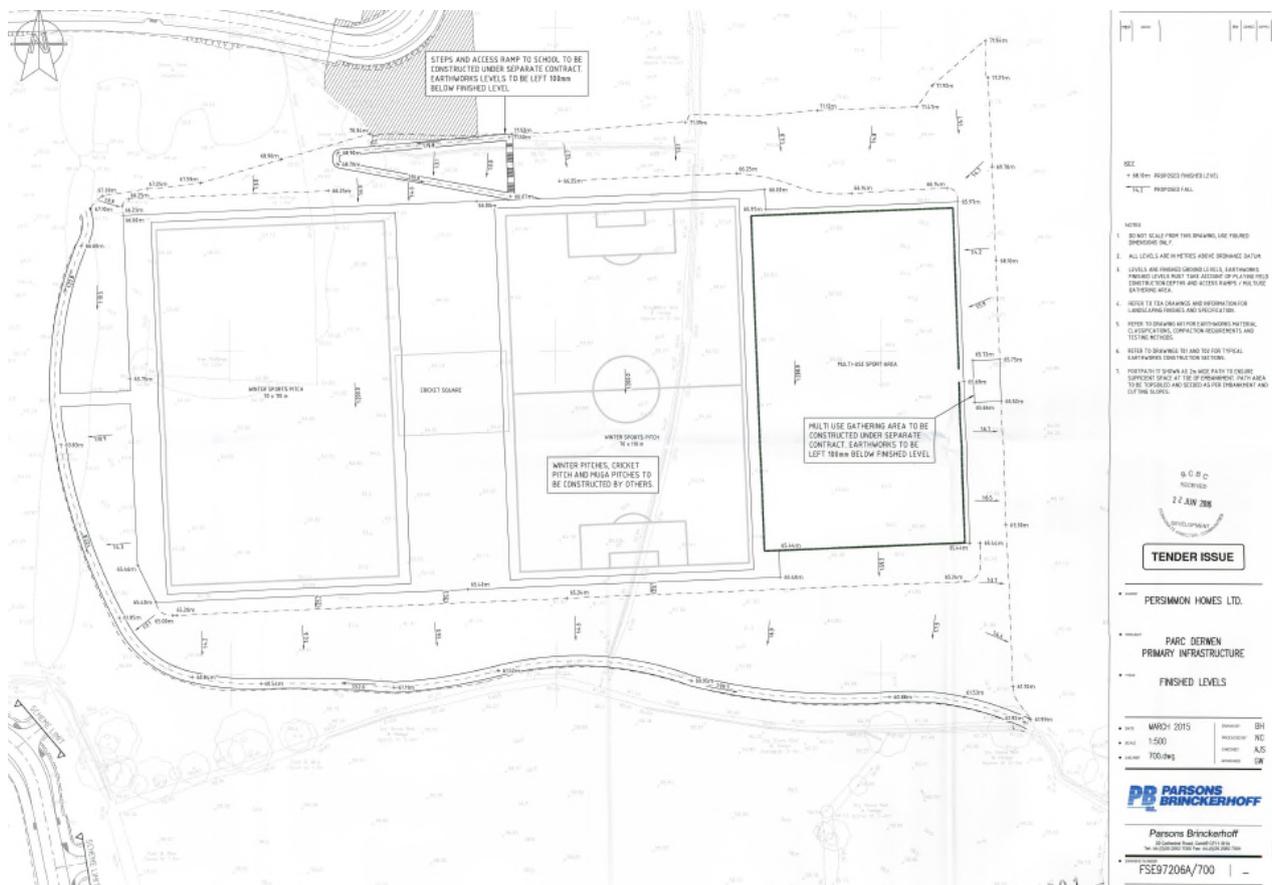
SITE INSPECTED: 14 January 2019

APPLICATION/SITE DESCRIPTION

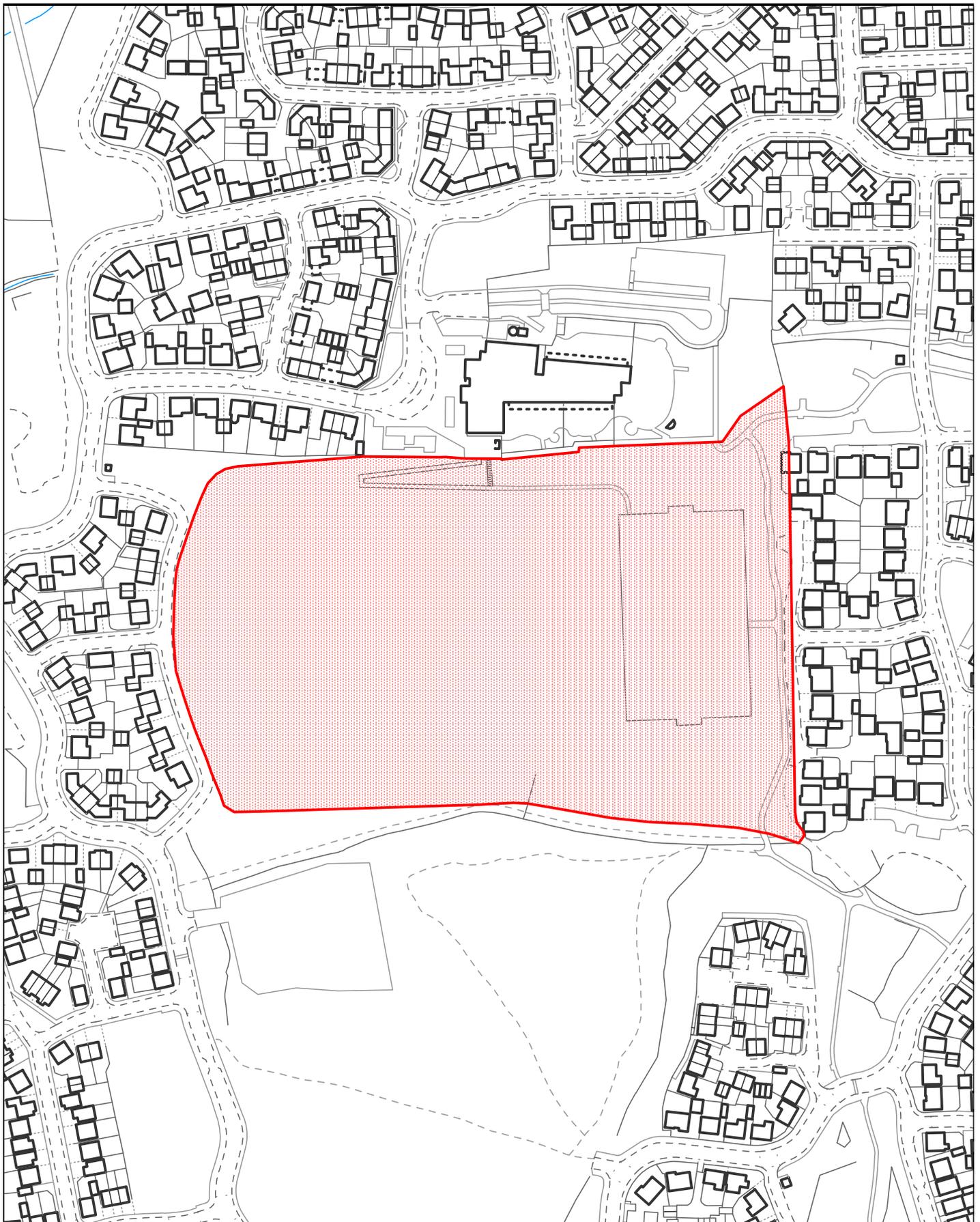
This application was deferred from the Development Control Committee on 14 February 2019 to allow for a site visit to be undertaken. Reproduced below is a copy of the report:-

'The application seeks approval of Reserved Matters in respect of the provision of a MUGA and sports playing fields including the retention of the reprofilling and landscaping of the earth bank on the southern side of the playing fields at the Parc Derwen Development Site, Coity.

The original approval for the playing fields (P/16/501/RES) required the development to be undertaken in accordance with approved plans, one of which related to the finished levels for the site. This plan indicated that there would be a gradual slope of the land to the south of the MUGA and playing fields down to the mature hedgerow running along the southern site boundary.



Plan identified within Condition 1 of P/16/501/RES showing Finished Levels



Cyngor Bwrdeistref Sirol
 Pabwy-bont ar Obwr

BRIDGEND COUNTY BOROUGH COUNCIL

COMMUNITIES DIRECTORATE

Mark Shephard
 Corporate Director - Communities

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P/18/929/RES

**Playing Field at
 Parc Derwen
 Coity**



Scale 1 : 2,500

Date 21/03/2019

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The applicant has confirmed that, during the implementation of the above approval, it was discovered that there had been a burden of additional earth/material arising from the development of the school. Initially, this was moved to form a bund to the south of the playing fields and, following the service of a Breach of Condition Notice, a retrospective application to vary Condition 1 of the 2016 approval to retain the bund and earth levels as created (P/18/178/RLX refers).

The variation of condition application included a plan showing spot heights across the area of land to the south of the MUGA and included the finished floor levels of the properties in Trem Y Llwyfen facing onto this site. From a review of that plan it was evident that land levels adjacent to the southern boundary of the MUGA increased between approximately 1m-1.8m over a distance of 16m.



Photograph showing land levels in relation to the MUGA. (April 2018)

Further to the south, the land levels fall more steeply by 6.8m over a distance of approximately 31m down to the hedgerow, which marks the northern boundary of the footpath.



Photograph show slope from top of mound to hedgerow (April 2018)

The application was refused in June 2018 for the following reasons:-

1. The development is detrimental to local visual amenities by reason of its scale, siting and external appearance in a prominent location forming part of, and lying adjacent to, public playing fields and a recreation area, a multi-use games area, public footway and a cycle path and in full view of the occupiers of adjoining residential properties in Trem Y Llwyfen contrary to Policy SP2 of the Bridgend Local Development Plan (2013).
2. The development by reasons of its land profile and appearance would be generally out of character with the surrounding landscape to the detriment of the visual amenities of the area contrary to Policy SP2 of the Bridgend Local Development Plan (2013).
3. Insufficient details in respect of the construction and land drainage arrangements have been submitted to enable the implications of the proposal to be properly evaluated by the Local Planning Authority.
4. The plan referred to in condition 1 of approval of Reserved Matters P/16/501/RES relates to the finished levels across the entire playing field facility whereas the submitted plan provides amended details of only a section of the area covered by the approved plan. Therefore, insufficient details have been submitted to enable the Local Planning Authority to assess whether the remainder of the development has been undertaken in accordance with the approved reserved matters details.

Since that time further earth works have been undertaken, which have removed the mound on the southern side of the MUGA and effectively spread the material westwards. The following photograph shows the current levels that have been created.



Photograph showing land levels (January, 2019)

With regard to the southern slope down to the hedgerow, the following photograph shows the new gradient that has been created.

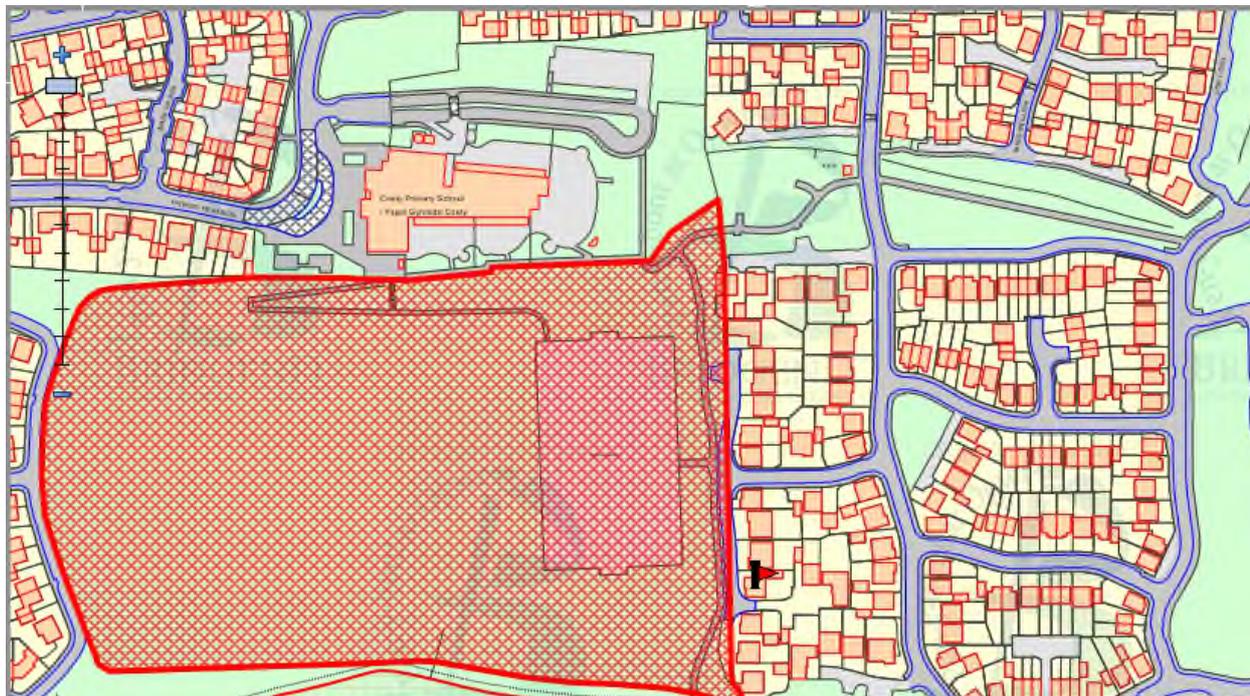


Photograph show slope from top of mound to hedgerow

It will also be evident from this photograph and the following image taken from the top of the earthworks looking towards the properties in Trem Y Llwyfen that no landscaping of the area has been undertaken and the area is currently bare earth.



The application site forms part of the playing field/recreation facilities, which are centrally located within the Parc Derwen Development Site and lies to the south of the Coety Primary School.



RELEVANT HISTORY

P/16/501/RES – Provision of Multi-Use Games Area & Sports Playing Fields – Conditional Consent – 05/09/16

P/18/178/RLX – Vary condition 1 of consent P/16/501/RES to refer to amended levels – Ref – 01/06/18

PUBLICITY

The application has been advertised on site and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 29 January 2019.

CONSULTATION RESPONSES

Head of Street Scene (Drainage) - It appears that the application seeks to retain the levels of the earth bank as it exists today. The embankment was formed as part of the construction works associated with the new sports pitches. Existing ground levels have been raised by approximately 3-4m from original levels. The site visit did not identify any potential drainage issues. No further surface water consideration is required.

Councillor Amanda J Williams - I cannot agree or object to this application as the documents do not in any way tell me what Persimmon intend doing with the bank and why the permission is needed? Is it that they want to leave the small area of banking, whereas original planning was for it to be level. If so then I object as the area looks scruffy and it

will be a money saving exercise to maintain it as it is. If it is for some other element then I would possibly consider agreeing.

REPRESENTATIONS RECEIVED

10 Trem Y Llwyfen - Although I can see that there has been some recent improvement to the profiling and landscaping of the earth bank, it is still much higher than we were originally told it would be. This biggest issue I have with it being so high is that it means members of the public when walking their dogs across it are at the perfect level to see into my bedroom which I think is inappropriate. I know other occupiers in the street share this feeling.

13 Trem Y Llwyfen - Objects to the proposal for the following reasons:-

From our understanding, the application seeks to retain the current levels of the land. Even though work has been undertaken to reduce the level of the mound, we and other residents feel that this has not made a significant difference. We wish to object and would like to see the landscape reprofiled as per the original plans. Please can we request that we are kept informed about changes to the landscape.

NEGOTIATIONS

In order to assist assessment of the impact of the development and to clarify the nature of the development, the applicant was also requested to provide a sectional drawing showing the relationship between the land levels which the application seeks to retain and the dwellings in Trem Y Llwyfen facing onto the playing fields.

COMMENTS ON REPRESENTATIONS RECEIVED

On the basis that the submission seeks to retain the existing earthworks rather than comply with the previously approved land profile, the Ward Member's comments have been interpreted as an objection and the following observations are provided in response to this objection and those submitted by local residents:-

Nature of the application - Although the application seeks a fresh approval of Reserved Matters for the MUGA and playing fields, in so far as the development that has taken place failed to comply with a plan identified within Condition 1 of the original approval, which relates to finished levels, this submission effectively seeks to retain the levels as built rather than remove surplus material.

Adverse Impact on Residential Amenities - Local residents consider that due to its size, depth, width, height and massing, the bund/mound causes unreasonable overlooking and loss of privacy and is visually overbearing. The Authority has adopted a privacy standard of 21m between directly facing habitable room windows and on the Parc Derwen Development Site has permitted a minimum distance of 12m between front habitable room windows of different dwellings directly facing each other within the development.

During the processing of the earlier submission in 2018, the following photograph, although not showing the top of the bund/mound in relation to properties in Trem Y Llwyfen, provides an indication of the relationship.



The distance between windows in the front elevations of the dwellings and Trem Y Llwyfen has been measured at just over 12m separation distance to the western edge of the footway/cycle route that runs north/south parallel to Trem Y Llwyfen. Given that the land rises up to the level of the playing fields, it is apparent that the separation distance increases. In this regard the following photograph taken from the top of the created level looking towards the dwellings in Trem Y Llwyfen further clarifies the relationship.



Notwithstanding that the level of the earthworks does not infringe adopted privacy standards, it is considered that a condition requiring landscaping, including the provision of screen planting will soften the visual impact and improve privacy levels even further.

APPRAISAL

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

As indicated in the description of development, the submission seeks a fresh approval of Reserved Matters to retain the MUGA and playing fields including the land levels on the southern side of the pitches as now created at Parc Derwen, Coity, Bridgend.

Policy COM11 of the Bridgend Local Development Plan requires the provision, or the equivalent value of a satisfactory standard of outdoor recreation space, for all new housing developments. In the case of the Parc Derwen Development Site, as part of a Section 106 Agreement, the developing consortium were required to prepare a detailed playing fields specification for the agreement of the Council and thereafter obtain the necessary planning permission(s) and construct the playing fields in accordance with the agreed specification and approved planning permission. The playing field specification has been agreed and the appropriate approval of Reserved Matters obtained in 2016 (P/16/501/RES refers). It is therefore considered that, in principle, the provision of the playing field is compatible with the above mentioned Development Plan Policy and the Section 106 Agreement attached to the original grant of planning permission for the Parc Derwen Development Site.

In terms of its detail, however, the development, as undertaken, has not complied with the 2016 approval of Reserved Matters in that the profiling of the land in the south eastern corner of the wider playing field allocation has not proceeded in accordance with that approved levels. This initially resulted in the land levels rising to the south of the multi-use games area before falling steeply towards the hedgerow that runs along the southern boundary of the playing field but, following further earthworks, the area immediately adjoining the sports pitches including the MUGA has been flattened to increase the size of the plateau area created for the pitches before the land falls steeply down to the hedgerow.

The acceptability of this variation from the originally approved Reserved Matters has been partly assessed against Policy SP2 of the Bridgend Local Development Plan. This Policy requires all development to contribute to creating high quality attractive sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment. The Policy establishes fifteen criteria against which development proposals can be assessed and it is considered that, in respect of this development, criteria 2,3,6,11,12 & 13 would be relevant.

The first two criteria seek to ensure that developments have a design of the highest quality possible whilst respecting and enhancing local character and distinctiveness and are of an appropriate scale, size and prominence. In this case, due to the topography of the area, it was always acknowledged that in order to create a level playing surface for sports, a substantial plateau area would need to be formed with levels rising on the northern side up to the School but falling on the southern side. It is evident that the plateau area has been substantially enlarged on the southern side of the sports pitches which has resulted in a steep slope down to the hedgerow that runs along the southern boundary of the site. The area, at present, comprises largely bare earth although the slope on its eastern side facing Trem Y Llwyfen has grass cover. Notwithstanding that the level that has been created does not conform to those approved in 2016, it is considered that, on balance, the earth works could be acceptable subject to the area being appropriately landscaped.

Criterion 6 requires development proposals to have good walking, cycling, public transport and road connections within and outside the site to ensure efficient access. It is appreciated that as a development relating to the landscaping of an area around a recreation facility that public transport and road connections would not be required. With regard to walking and cycling linkages, whilst the gradient of the slope, particularly on its southern side does not promote safe walking or cycling, it is noted that there will be a

dedicated shared/cycle path that runs along the southern side of the hedgerow. In the interests of safety, however, it is considered that a condition requiring landscaping and a means of enclosure will assist in preventing pedestrians/cyclists from falling down the bank.

The next identified criterion (12) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected. Whilst some local residents have expressed concerns regarding the impact on their privacy, it is considered that, due to the separation distance between the top of the earthworks and the front elevations of the properties in Trem Y Llwyfen, there will be no unreasonable overlooking or infringement of privacy. The suggested condition of landscaping and means of enclosure would, it is considered, further reduce the impact of the development.

The final criterion requires development proposals to incorporate appropriate arrangements for the disposal of foul sewage, waste and water. In this case, as the development effectively relates to the retention of the profile of the land on the southern side of the sports pitches and MUGA, the disposal of foul sewage and waste is not relevant. With regard to land drainage/surface water, the Drainage Engineers have advised that their site visit did not identify any potential drainage issues.

Although not specifically referred to in the above Policy, consideration has been given to the future maintenance of the area in view of the gradients of the slope that has been created on this southern side of the pitches. Currently it is appreciated that the developer is not undertaking any maintenance or landscaping of the area pending the outcome of this planning application. In addition it is anticipated that, at some point, the responsibility for the entire playing fields facilities will pass to the Local Authority. In light of the foregoing intention to impose a condition requiring a landscaping scheme, it is recommended that the developer discuss the design of any scheme with the Green Spaces & Bereavement Services Manager so as to avoid any maintenance difficulties which may result in the Council being reluctant to adopt the facility in the future.

During the processing of the application, Policies SP2 and COM 11 of the Bridgend Local Development Plan were considered.

CONCLUSION

This application is recommended for approval because the development is compatible with Council policy and, subject to the imposition of appropriately worded conditions, will not adversely affect visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.

RECOMMENDATION

(R04) That permission be GRANTED subject to the following condition(s):-

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers FSE97206A/100, FSE97206A/700, FSE97206A/3000, FSE97206A/502, FSE97206A/503, FSE97206A/504, FSE97206A/500, FSE97206A/505, FSE97206A/602, FSE97206A/701, FSE97206A/702, FSE97206A/703, FSE97206A/704, FSE97206A/705, FSE97206A/600, FSE97206A/601 & the un-numbered Playing Field Access Ramp and Step drawing received on 22nd June 2016 as amended by the Playing Field Mound Plan and Section (Drg No 10221-200-01) received on 31st January, 2019.

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

2. The multi-use games area and floodlighting, hereby permitted shall not be used outside the following times:-

08:00 to 21:00 hours on any day

Reason: In the interests of residential amenities.

3. The sports and recreation pitches shall not be brought into beneficial use until the drainage system for the site has been completed in accordance with the approved details. Thereafter, no further surface water and/or land drainage shall be allowed to connect directly or indirectly to the public sewerage system.

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

4. Notwithstanding the approved plans, within three months of the date of this consent, a landscaping scheme for the slopes of the earth bank on the southern side of the sports pitches and MUGA shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

5. All landscape works shall be carried out in accordance with the agreed scheme and in accordance with a programme to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

6. Notwithstanding the approved plans, within three months of the date of this consent a scheme indicating the position, design and materials of a fence/means of enclosure along the top of the bank before it slopes down to the hedgerow shall be submitted to and agreed in writing with the Local Planning Authority. The agreed fence/enclosure shall be completed in accordance with the agreed scheme and in accordance with a timetable to be agreed in writing with the Local Planning Authority and should be maintained in perpetuity.

Reason: In the interests of safety.

7. * THE FOLLOWING IS AN ADVISORY NOTE NOT A CONDITION

This application is recommended for approval because the development is compatible with Council policy and, subject to the imposition of appropriately worded conditions, will not adversely affect visual amenities nor so significantly harm neighbours' amenities as to warrant refusal.'

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers
None