

RECOMMENDATION : SECTION 106

REFERENCE: P/14/390/FUL
APPLICANT: AROC
C/O MR ALEX WILLIAMS 8 VILLAGE FARM ROAD VILLAGE FARM IND
ESTATE PYLE
LOCATION: LAND AT NANTYFYLLON RFC BLOSSE STREET MAESTEG
PROPOSAL: RESIDENTIAL DEVELOPMENT FOR 36 HOUSES & RETAIN EXISTING
HOUSE AT 62A PICTON STREET
RECEIVED: 6th June 2014

APPLICATION/SITE DESCRIPTION

The application seeks planning permission for the erection of 35 dwellings on land at Nantyffyllon Rugby Club, Nantyffyllon, Maesteg. The development would comprise of a mix of 2 and 3 bed semi-detached houses, 3 and 4 bed detached houses and 2 bed bungalows.

Access to the site would be taken off Station Terrace via a new road which follows the rear of the houses on Station Terrace into the site. The main part of the access has been designed to adoptable standards while 4 of the bungalows to the northern section of the site and 2 detached properties to the southern section of the site would be accessed via private drives.

The submitted layout plan also includes an area of public open space, which measures approximately 646 square metres.

Outline planning consent was previously approved at this site for 27 dwellings (P/12/730/OUT refers). The applicant has indicated that the number of dwellings proposed has been increased to 35 in order to make the development viable.

RELEVANT HISTORY

P/07/1439/OUT APPROVED 06-03-2008
+conditions
OUTLINE FOR PROPOSED REDEV. OF CLUBHOUSE & PROVISION OF ALL WEATHER
TRAINING FACILITY

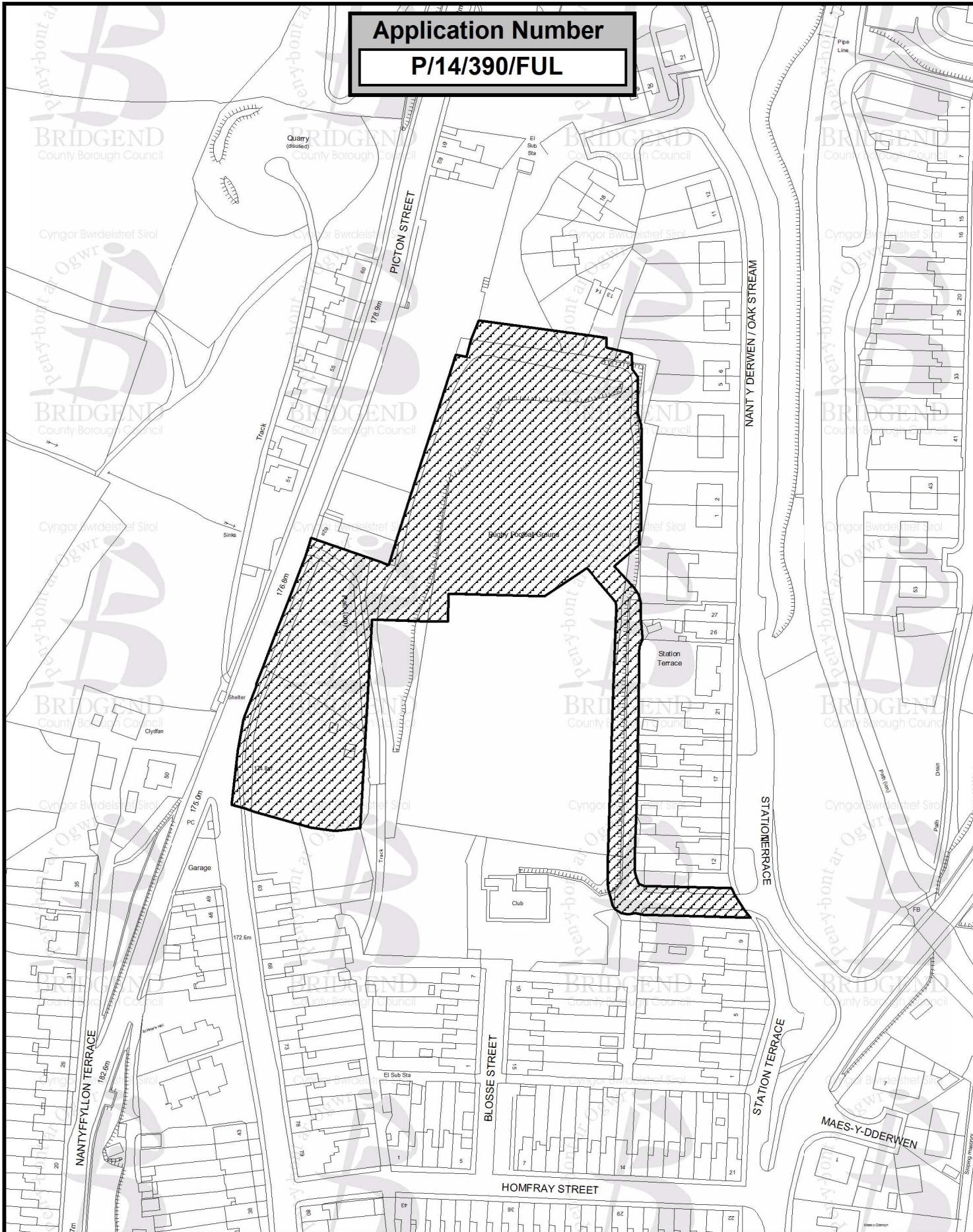
P/10/53/FUL APPROVED 24-03-2010
+conditions
PROVISION OF ADDITIONAL 2NO. 15 METRE HIGH STEEL POSTS WITH FLOODLIGHTS
TO NORTH END OF FIELD FOR TRAINING PURPOSES

P/12/728/FUL APPROVED 08-02-2013
+conditions
DEMOLISH CLUBHOUSE & CONSTRUCT NEW CLUBHOUSE & ALL WEATHER FACILITY
& RELOCATE MAIN OUTDOOR PITCH

P/12/730/OUT
PROPOSED RESIDENTIAL DEVELOPMENT

Application Number

P/14/390/FUL



Scale 1:1,750

Date Issued:
26/02/2015

Development-Mapping
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



PUBLICITY

The application has been advertised in the press and on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations and publicity expired on 3rd October 2104.

NEGOTIATIONS

The applicant was advised that part of the site amounted to overdevelopment and that the original scheme was unacceptable in terms of highway safety. Amended plans were received on 12 January 2014. The applicant was also requested to provide evidence of the viability of the site, a viability appraisal was submitted on 2 February 2015.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 8th September 2014

Supports the proposal.

Councillor W Davies

Has no objections to the proposal.

Head Of Street Scene (Highways)

Has no objection to the proposal subject to conditions.

Destination & Countryside Management

Requested that condition be attached to any permission granted.

Head Of Street Scene (Waste & Recycling)

Advised that bin stores should be adjacent to the back edge of the adopted footpath/road.

Head Of Street Scene (Drainage)

Requested that a condition be attached to any permission granted.

Head Of Street Scene (Engineers)

Provided comments on the application.

Rights Of Way Team

Advised that an application has been made to divert the footpath.

Natural Resources Wales

Has no objection to the proposal subject to a condition.

Welsh Water Developer Services

Advised on sewerage.

The Coal Authority

Has no objection to the proposal subject to the proposal.

REPRESENTATIONS RECEIVED

J B Davies, 58 Picton Street

Supports the proposal.

S J Parsons, 19 Station Terrace

Objects to the proposal for the following reason:-

'Privacy at back lane and traffic noise from cars and such to new house and music noise from new club. What about reducing our council tax for the loss of privacy and all the extra noise from transport up the back lane 36 houses and 36 cars. '

The situation regard the scaffolding was also queried.

Mrs J E Brewer, 6 Nant Y Derwen

Objects to the proposal for the following reason:-

'This development will have an adverse effect on our property. We will lose daylight and privacy. We will be overshadowed by the houses and lose sight of any views currently enjoyed. We will also be affected by the noise of the traffic to and from the estate and the value of our property will be reduced.'

Windsor Finnemore, 3 Nant Y Derwen

Objects to the proposal for the reason of privacy.

COMMENTS ON REPRESENTATIONS RECEIVED

The impact of the proposed development on neighbouring properties is addressed in the 'Appraisal' section of the report.

The proposed residential development is not considered to generate unacceptable levels of noise. However, if noise from residents proves to be a problem the matter should be directed to the Public Protection department.

The construction traffic and noise will be for a short term period only.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the objections received from local residents.

The application seeks planning permission to erect 35 dwellings on this site.

Outline planning consent was previously approved for residential development at the same site (P/12/730/OUT refers). The 2012 application sought outline planning permission, with only appearance being reserved for future consideration, for 27 residential dwellings. The application was approved by the Development Control Committee meeting on 7 March 2013 subject to a S106 Agreement for a £10,800 contribution towards public open space, £12,000 for a traffic order and for the provision of 4 affordable dwellings. Following the committee meeting the

applicant found that the development, together with the S106 Agreement requirements, made the development unviable at this location.

The 2012 application was submitted concurrently with an application for a new Rugby Club, which was approved at the Development Control Committee on 7th February 2013. A substantial amount of work has commenced on the new rugby club.

The application site is located within the settlement boundary of Nantyllyon as identified by Policy PLA1 of the Local Development Plan (LDP) and, as such, Policy COM3 of the LDP is relevant.

Policy COM3 states:-

'Residential developments within settlement boundaries defined by Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use.'

Policy COM4 of the LDP relates to residential density and states:-

'On sites exceeding 0.15 hectares in size new residential developments will be built at a density of at least 35 dwellings per hectare. A lower density level may be acceptable as a requirement of design, physical or infrastructure constraints or where it can be demonstrated is a particular lack of choice of housing types within the local community.'

The application site covers an area of approximately 1 hectare and, consequently, the proposed development for 35 dwellings is considered to comply with Policy COM4 of the LDP.

The proposed development is in excess of 4 dwelling and, as such the requirements for a S106 contribution towards affordable housing is triggered. Policy COM5 of the LDP states that developments in this area should provide a 15% contribution towards affordable housing, however in this instance the applicant has provided evidence to show that the development would not be viable with such a requirement.

Policy SP14 of the adopted Bridgend Local Development Plan (LDP) refers to the appropriate provision of infrastructure which helps to mitigate any negative impacts that might arise as a consequence of development. Such provision can be secured through a legal agreement and the applicant has previously been advised of the need for potential contributions toward affordable housing, educational facilities and outdoor recreation in accordance with the detailed policies of the LDP and various Supplementary Planning Guidance.

The supporting text of Policy SP14 states the importance that development costs, including the costs of fulfilling planning agreements, should not prejudice development that supports the Council's aspiration to regenerate and improve the borough. Furthermore that if such costs would result in a proposal becoming unviable, the Council may conclude that the benefits of the development outweigh the benefits of securing the infrastructural requirements. In such cases, a developer is required to demonstrate this through an 'open book' viability appraisal. The applicant has submitted a detailed financial appraisal of the proposed development to demonstrate that a shortfall in the development viability exists as a result of the abnormal site development costs and low level local house prices. The appraisal has been scrutinised with justification sought from the applicant for the various costs provided.

The build costs included within the appraisal have been sourced from a combination of historical cost data and priced quantities of work. Similarly the sale values have been sourced from two locally based estate agencies and have used comparable sales of similar properties. These figures have been compared with those used in the Three Dragons Development Appraisal

Toolkit and, where appropriate, to other schemes within the Borough. As such, they are found to be typical of rates that can reasonably be expected to be accrued by a residential development such as this in this location. Thus the costs are considered to be an accurate representation.

Abnormal costs and additional development costs have been included within the appraisal relating to the remediation of Japanese knotweed, piling foundations, internal roads, retaining walls and attenuation tanks. Whilst the inclusion of such costs in an appraisal is subject to agreement, in the case of this development, even if they are excluded it is still difficult to demonstrate a sufficient level of revenue can be generated to ensure the completion of the rugby club re-development, let alone to provide the financial contributions requested.

The Developer's appraisal demonstrates a profit of just 5.609%. A level of profit equal to 17-20% has been established as an industry wide acceptable standard in numerous planning appeal decisions. Even if allowance is made for an increase in the house sale prices and a decrease in the actual costs of development, it is impossible to generate a profit level that could be regarded as close to market expectations.

In light of the marginal viability, it is considered that the benefit the proposals will provide through the construction of 35 family sized dwellings in an area of minimal new house building, plus the community use that will be made possible through the completion of the new facilities at Nant yffyllon RFC, outweigh the benefits of securing the financial contributions towards affordable housing and education.

The application proposes an area of on site public open space measuring approximately 646 square metres. As public open space will be provided within the site there is no longer a requirement for a contribution towards public open space via a S106 Agreement. However, the applicant is still required to enter a S106 Agreement to ensure the future maintenance of the public open space area.

All new development in the County borough is also assessed against Policy SP2 of the LDP, which states:-

'All development should 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 formally adopted Supplementary Planning Guidance (SPG) 02 - Householder Development (adopted on 12/12/2008), sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that the principles of the SPG are generally relevant to this application and in particular Notes 1, 2, 6 & 8

The proposal involves the development of a range of house types from bungalows to 4 bedroom detached dwellings. To the north of the site is a relatively new development, Nant y Derwen, and it is considered that the proposal would have a style consistent with these newer properties to the north. A condition shall be attached to any permission granted requiring details of the materials to be used in the external surfaces to be submitted to and agreed in writing by the Local Planning Authority, to ensure that the materials are suitable in the site context.

The site is located on the valley bottom although it is on a plateau previously used for a rugby pitch with land at a higher level to the west. As such it is considered that the site would not be prominent in the area. The scale of the development is acceptable within this urban area having a density of 35 dwellings per hectare.

The proposed units to the north of the site, Plots 9, 10, 11 & 12, are located close to the boundaries with the existing properties on Nant y Derwen and in some instances 3.5m from the boundaries. However, these residential units will be bungalows and, as such, do not give rise to

any overriding domination or overshadowing concerns. In order to ensure that privacy standards are maintained a condition shall be attached to any permission granted requiring a 1.8m high boundary fence along the northern boundaries of these plots.

The remaining plots on site will not be directly adjacent to neighbouring properties and will not therefore raise any concerns in regard to overshadowing, privacy or dominance.

The site has no historic interest having previously been used as a rugby pitch. The northern part of the site has some rough vegetation and this would be lost. However, the scheme includes some new planting within the development and a condition shall be attached to any permission granted requiring a landscaping scheme.

The originally submitted layout has been amended to take into account concerns raised about the positioning of the individual units and the possible impact on the amenity of adjacent residents.

The majority of the internal access road would be constructed to adoptable standard and as such would provide a suitable means of access to the development. There is no objection to this arrangement from the Highways Section subject to conditions.

A number of the dwellings are shown being accessed off private drives. As refuse collection vehicles will not enter onto private drives to collect refuse and recycled materials a condition shall be attached to any permission granted requiring a scheme for bin stores at the heads of private drives.

On balance the benefits of 35 new family dwellings at this location and the community use of the clubhouse are considered sufficient to justify the development in absence of any S106 contributions. Furthermore the principal of residential development has already been established in this site.

Whilst determining this application Policies PLA1, COM3, COM4, COM5, SP2 & SP14 of the Bridgend Local Development Plan and Supplementary Planning Guidance 02:Householder Development were considered.

CONCLUSION

Notwithstanding the objections received, this application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities or highway safety as to warrant refusal.

RECOMMENDATION

(A) The applicant enters into a Section 106 Agreement to dedicate the area known as 'Public Open Space', as shown on the submitted layout plan numbered 'PL 105 Rev B' (received 12 January 2015) as public open space, in conjunction with a schedule for landscaping and maintenance, in perpetuity, of that open space.

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

1 The development shall be carried out in accordance with the following approved plans and

documents: plan numbers:-

PL 104 Rev A, PL 105 Rev B, PL 106 Rev A, PL 108 Rev A, PL 109 Rev A , PL 110, PL 111, PL 130 Rev A, PL 131 Rev A, PL 132 Rev A, PL 140, PL 150, PL 151, PL 152, PL 153, PL 154, PL 155, PL 156, PL 157 Rev A, PL 158, G/13/2(A) & G/13/3

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

2 No development shall take place on the construction of any dwelling until the rugby pitch has been re-sited in accordance with the details approved under application P/12/728/FUL.

3 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.

4 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include, proposals for surface treatment, indications of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

6 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than small, privately owned, domestic gardens), shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The landscape management plan shall be carried out as agreed.

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

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

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

8 No development shall commence on site until there has been deposited with the Local Planning Authority a Certificate from a Consulting Engineer certifying that any retaining wall

to be constructed will be designed and constructed so as to prevent subsequent ground movement. Any retaining wall shall be constructed in accordance with the design and constructional details so certified.

Reason: In the interests of safety.

- 9** Prior to any works commencing on site the mitigation strategy as set out in section 8.3 of the Geo-Technical and Geo-Environmental Report submitted on 30 September 2014 shall be implemented.

Reason: In the interests of ground stability.

- 10** Prior to any works commencing on site full details of a scheme for the eradication and/or control of Japanese Knotweed shall be submitted to any agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented as agreed prior to work commencing.

Reason: In the interests of biodiversity.

- 11** The engineering recommendations contained within the Geo-Technical and Geo-Environmental Report and the Remediation Strategy Report produced by Terra Firma (Wales) in June 2013 and March 2014 respectively including the 'picking up' and discharge of the spring/mine water to the nearby river and ground precautions shall be submitted to and approved in writing by the Local Planning Authority. The approved engineering works and ground precautions shall be implemented in full in the carrying out of the development for which planning permission is hereby granted.

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

- 12** No development shall commence on site until a scheme detailing the means of preventing mud and debris from construction traffic being carried out onto the existing highways has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented as agreed during the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety

- 13** No dwelling shall be occupied until the individual or shared driveway and parking bays serving the dwelling concerned have been laid out as approved and completed in permanent materials in accordance with details to be agreed with the Local Planning Authority at gradients that do not exceed 8.33% (1 in 12).

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

- 14** Details of surface water drainage to prevent surface water run-off from driveways, parking bays and private access roads discharging onto the highway shall be submitted to and agreed in writing by the Local Planning Authority before the works commence and shall be completed in materials as approved by the Local Planning Authority before the associated dwelling is occupied.

Reason: In the interests of highway safety

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

Reason : In the interests of highway safety

- 16** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul water, highway water, roof/yard water and land drainage will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to beneficial occupation of the first dwelling.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and to make sure that no adverse impact occurs to the environment or the existing public sewerage system by preventing any increased risk of flooding

- 17** Street nameplates reflecting the official street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Local Planning Authority prior to beneficial occupation of the first dwelling house in the street that has been so allocated.

Reason: In the interests of public safety.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

a) This application is recommended for approval because the development complies with Council policy and Council's guidelines and does not adversely affect privacy or visual amenities nor so significantly harms neighbours' amenities as to warrant refusal.

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

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

d) The shared surface access street (Mews Court) including the abutting pedestrian footways shall be laid out close to the same level to create a shared surface environment for safe use by pedestrians and vehicles and the carriageway shall be finished in StreetPrint and the footway surfaced with paviour blocks with a granite sett rumble strip at the entrance to the shared surface street for driver awareness of entering a different environment where pedestrians will be encountered in the carriageway.

e) Details of any retaining walls within the site to be submitted to the Authority shall comprise location, finishes, structural calculations and constructional details proving that the structures concerned have been designed and will be constructed so as to prevent subsequent structural failure and ground movement and, in addition, in respect of any retaining wall or embankment

supporting or having an influence on the abutting highway the design details, duly certified by a professional structural engineer, including full engineering details and structural calculations produced in accordance with the requirements of BD2/05 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.

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

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

h) The scheme submitted to satisfy Condition 4 should comprise details of a mechanically operated wheel wash including a temporary access road completed in permanent materials (concrete or tarmac) that shall be located at least 15 - 20 metres from the edge of carriageway to ensure that when mud is washed off the wheels it can also be washed off the wash station.

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

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

(k) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system.

(l) Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

(m) To fulfil the requirements of Section 8.5 of the Welsh Government Technical Advice Note 15 (TAN15), surface water run-off should be dealt with by way of Sustainable Drainage System(SUDS), to attenuate flows and prevent an increased risk of flooding in the catchment. If good reason can be given why SUDS cannot be implemented then any conventional drainage system installed should also provide attenuation to reduce peak rates of run-off. If a conventional system is installed then this should demonstrate an improvement on the status quo prior to discharge to a watercourse.

(n) Any surface water management system should be designed to ensure there is no increase in surface water run-off from the site in all events up to and including the 1% (1:100 year) storm with an appropriate allowance for climate change.

(o) The developer is urged to consider the advisory information on this application that has been received from consultees and which may be accessed via <http://www.bridgend.gov.uk/planningapplications/search.php>

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None