

RECOMMENDATION : SECTION 106

REFERENCE: P/14/742/OUT

APPLICANT: MR VIV HUGHES
BRYNGARW MILL ABERGARW DRIVE BRYNMENYN

LOCATION: LAND NORTH OF ABERGARW FARM BRYNMENYN

PROPOSAL: PROVISION OF 26 NO. BUILDING PLOTS AND ACCESS ROAD AND
REMOVAL OF MODERN TYPE BARN

RECEIVED: 10th November 2014

SITE INSPECTED: 18th November 2014

APPLICATION/SITE DESCRIPTION

The application proposes the demolition of an existing modern agricultural barn to enable the redevelopment of the land with 26 building plots and includes an access road. The application is in outline but the access and internal road and plot layout are to be considered at this time.

The application site lies on the eastern side of the un-named road leading from the A4064 to Ty Fry Close, Brynmenyn and to the north of Abergarw Farm, which is currently being redeveloped for four detached dwellings and retaining the existing farmhouse. The land slopes from north to south with access into the site proposed in the south west corner of the site and adjacent to the private shared driveway serving the development at Abergarw Farm. The submitted plans show that a access spine road will sweep in a westerly direction from the junction with the public highway turning north and west and terminating in a turning head located in the north western corner of the site. Eleven of the plots are sited on the western side of the access road with a shared driveway serving five of the plots leading from the access road approximately at its mid point. The remaining plots lie on the eastern side of the access road with one shared/private drive serving three of the plots located to the north of the western shared driveway and a further shared driveway leading from the turning head and serving a further five plots with the remainder accessing directly onto the internal access road.

The Design and Access Statement clarifies:-

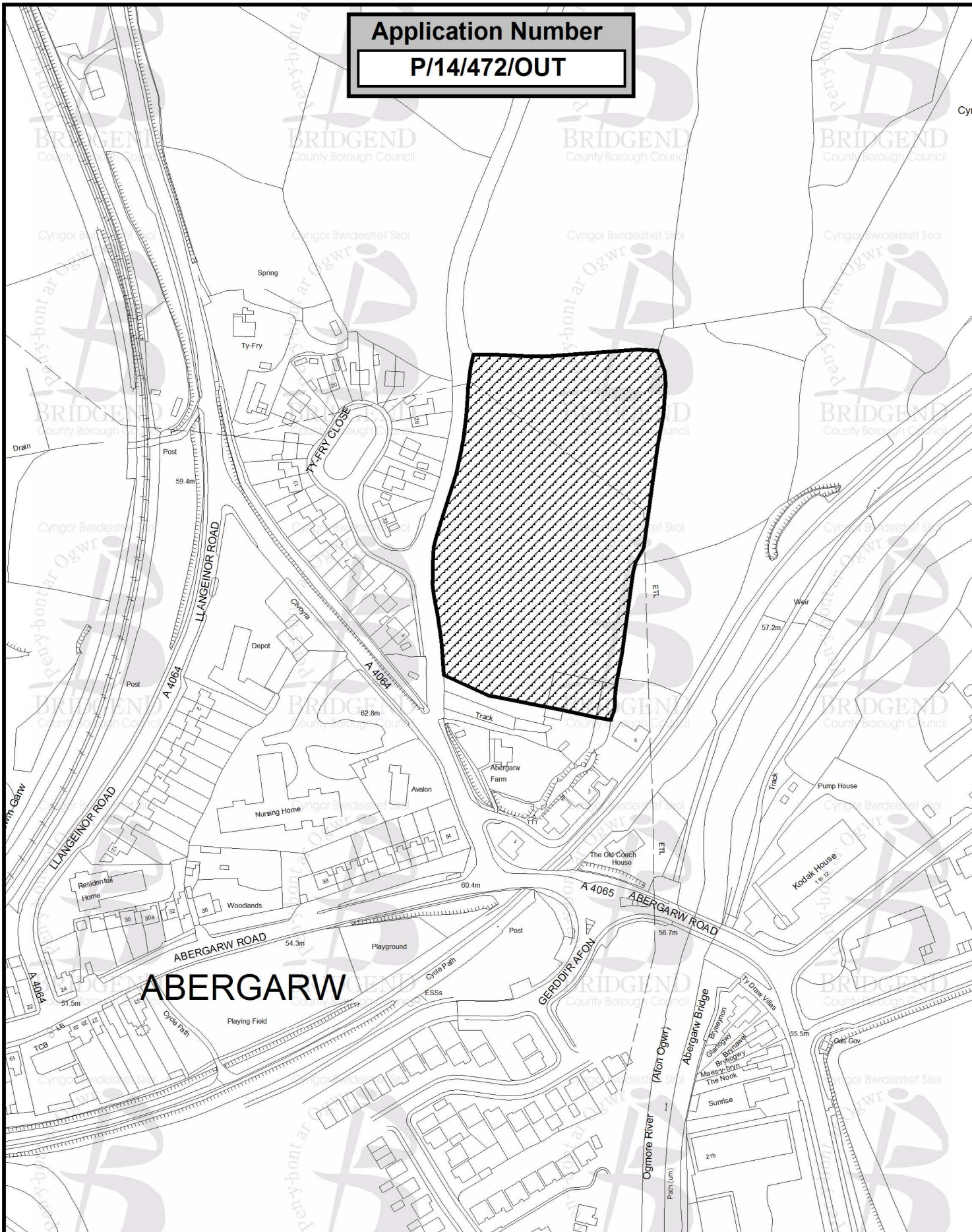
Overarching Principles/Parameters

The following objectives are central to the future development of the site:

- * Development within the site will comprise 26 self build homes;
- * Individual plot layouts will deliver amenity standards in line with adopted guidance;
- * Dwellings will comprise a mix of 4 and 5 bedroom homes;
- * Defensible space/front gardens will be provided to create a pleasant street scene;
- * Dwellings will be no more than 2.5 storeys in height between 8.5m to 9m high (roof space accommodation may be acceptable);
- * Generally, the developable area of each plot should not exceed 50% of the total area of the plot;
- * To secure a degree of continuity to the street layout, building widths should ensure that street frontages do not become too disjointed;
- * In order to secure an appropriate level of residential amenity, minimum standards for the separation of rear elevations of buildings have been set at 21m;
- * The ground floor level of each dwelling will be set no higher than 300mm above the highway it faces. (Level taken on the highway at the centre of the relevant plot).

Application Number

P/14/472/OUT



ABERGARW



Scale 1:2,500

**Date Issued:
04/06/2015**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



The application has also been accompanied by Development Brief which has been designed to provide future plot owners and developers with a robust understanding of the potential acceptable level of development with an overarching framework including parameters, design principles, materials palette and landscaping in order to deliver a quality development with a sense of place and community. In addition, the Development Brief sets out a programme for infrastructure works to ensure that access, essential services and drainage are provided for each of the building plots.

RELEVANT HISTORY

P/04/1174/OUT REFUSED 07-12-2004
RESIDENTIAL DEVELOPMENT OF APPROXIMATELY 24 HOUSES

P/05/299/OUT REFUSED 17-05-2005
RESIDENTIAL DEVELOPMENT COMPRISING 18 DWELLINGS. RE-SUBMISSION OF
REFUSAL P/04/1174/OUT.

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/publicity expired on 12th December, 2014.

NEGOTIATIONS

The applicant's agent was advised of the potential Section 106 obligations in respect of affordable housing, education and public open space. It was also indicated that, in order to undertake improvement works to provide the access into the site, there may also be the potential for a contribution in respect of such highway works. Revisions to elements of the Development Brief were also requested to further clarify the design principles and development parameters and clarification of the building envelopes within the plots. Subsequently cross sections through the site were requested in order to facilitate an assessment of gradients for the access road and the private/shared driveways leading from it.

The applicant's agent has confirmed his client's willingness to enter a Section 106 Agreement to provide financial contributions in respect of the identified issues. The Development Brief have also been undertaken in accordance in the manner suggested and a revised layout plan omitting the building envelopes together with sectional drawing were submitted. Following assessment of this further information, the Highways Department concluded that the majority of the driveways serving the plots were of such a gradient as to render them inaccessible. Concern was expressed in respect of the potential need for substantial retaining works and the lack of detail provided and also in relation to the entrance to the site works with vision splays.

Further amended drawings have been submitted and following assessment it has been confirmed that satisfactory plot driveway accesses and parking facilities can be achieved.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 14th November 2014

Notified on 14th November 2014

The Garw Valley Community Council has concerns regarding road safety at the entrance/exit to this site as it is a dangerous junction.

The Council is also concerned about the effect that the increased volume of traffic will have on the impact of highways safety at the entrance/exit and around this site.

Councillor M Thomas

this application can be decided by delegated powers i have no objection

Head Of Street Scene (Highways)

No formal observations have been received in respect of the site access and improvement works within highway limits. Consideration is being given to this aspect of the scheme and it is expected that comments will be received prior to the Committee meeting. Members will be advised of the receipt of those observations and requirements to impose additional conditions on the amendment sheet.

Destination & Countryside Management

No objections to the proposal.

Head Of Street Scene (Drainage)

No objection subject to conditions.

Head Of Street Scene (Engineers)

No objections subject to a condition.

Natural Resources Wales

No objection subject to conditions.

Welsh Water Developer Services

No objections subject to advisory notes.

Crime Prevention Design S.Wales Police

Detailed design guidance in respect of security and designing out crime and can be provided directly to the developer in the event that approval is granted.

The Coal Authority

No objection subject to a condition.

REPRESENTATIONS RECEIVED

Representations have been received from the following residents:

2, 29, 32 Ty Fry Close
Owner of Plot 3 Abergarw Farm

Their objections and concerns have been summarised as follows:

1. Land levels & loss of privacy
2. Light Pollution

3. Increased traffic on unsuitable road
4. Use of Soakaway Drainage
5. Noise
6. Issues highlighted in respect of the application form
7. Lack of Detail
8. Sufficient development
9. Inadequate parking
10. Range of Development
11. Lack of tree survey and protection measures
12. Off site contributions
13. Development for Profit
14. Ground Investigations
15. Land levels
16. Extent of Built Development on Plots
17. Sustainable Development
18. Vision Splay Areas to Access
19. Control over Development

COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised:-

1. Land levels & loss of privacy - objectors consider that due to the sloping nature of the application site that proposed dwellings within the development will infringe the privacy of their properties and private rear garden areas. The development will be on the opposite side of the unnamed road leading to Ty Fry Close and can be orientated and designed so that there will be no infringement of the Authority's privacy standard.
2. Light Pollution - Whilst it is anticipated that street lighting will be provided along the internal access road, it is not considered that this will significantly impact on neighbouring properties as to cause unreasonable light pollution.
3. Increased traffic on unsuitable road - Objectors have expressed concern that the highway leading to the site is unsuitable to serve the additional levels of traffic generated by the proposed development particularly due to the lack of pavements and therefore result in hazards to pedestrians, cyclists and horse riders. The submitted plans indicate that there are to be highway improvements including the provision of footways and crossing points and, subject to conditions, the Highways Department consider that the arrangements are acceptable.

4. Use of Soakaway Drainage - Objectors consider that due to the geology of the site, proposals to utilise soakaways are inappropriate and may result in increased flood risk. This view is shared by the Land Drainage Section and Natural Resources Wales, both of whom have suggested that a condition be imposed requiring the submission of a comprehensive and integrated drainage scheme for the prior written agreement of the Local Planning Authority in the event that consent is recommended.

5. Noise - Concern relates to the noise generated by new residents of the proposed dwellings and also from the prolonged construction phase. It is considered that the occupation of new residential properties is unlikely to generate noise sufficient to generate a statutory nuisance particularly given the distance between the proposed dwellings and existing houses. With regard to construction noise, construction hours are controlled by the Public Protection Department thereby safeguarding the amenities of existing residents.

6. Issues highlighted in respect of the application form - a separate response has already been provided to this objector clarifying matters and procedural misunderstandings.

7. Lack of Detail - Although objectors consider the application includes insufficient details of the proposed development, this fails to understand that the submission is seeking outline consent with the appearance, landscaping and scale of the dwellings reserved for future consideration.

8. Sufficient development - objectors have expressed the view that the proposed development is not required given that there are significant developments ongoing in close proximity to the site. The land the subject of the application is allocated for residential development under Policy COM1(37) of the Bridgend Local Development Plan and therefore is acceptable in principle.

9. Inadequate parking - One objector believes that the development would generate at least 130 resident spaces with visitor spaces required in addition and considers that the layout fails to provide sufficient space to accommodate these facilities. The assumption made by the objector has failed to take into account the Authority's adopted parking standards and following assessment by the Highways Department, it has been confirmed that, notwithstanding the submitted layout, the plots are capable of accommodating sufficient spaces to meet the standards.

10. Range of Development - One objector suggests that the developer has failed to justify the proposed density of the development and the scale of the proposed dwellings. It has been queried whether a larger number of smaller dwellings would generate less traffic. The density does not strictly comply with Policy COM4 of the Local Development Plan but is considered acceptable on the basis that it provides a greater housing choice which is to be delivered on a self build basis. Any suggestion that more, smaller dwellings on the site would generate less traffic and parking requirements could not be supported.

11. Lack of tree survey and protection measures - Whilst objectors have highlighted that a tree survey has not accompanied the submission, the majority of the site comprises open grassland. It is acknowledged that a mature hedge runs along the western site boundary with the unnamed road leading to Ty Fry Close and protection measures for this valuable ecological feature can be required by condition should the Authority be minded to approve the scheme.

12. Off site contributions - One objector considers that by allowing the developer to pay commuted sums in lieu of providing affordable housing and public open space, the development will fail to create a mixed community. The provision of such financial contributions for off site provisions is a standard practice, which is supported by supplementary planning guidance SPG13 and SPG14.

13. Development for Profit - One objector considers that the developer's motive in submitting the application is one of profit. This observation is not relevant to the planning merits of the scheme.

14. Ground Investigations - An objector has noted that the Coal Authority requires ground investigations are undertaken prior to development commencing but has suggested that these should be undertaken prior to determination of the application. The suggested condition is considered to be an appropriate method of addressing any potential issues arising from coal mining legacy and therefore the information is not required prior to determination.

15. Land levels - concern has been expressed that the submitted plans do not indicate plot levels but revised drawings, received on 2nd April 2015, now include potential slab levels within plots.

16. Extent of Built Development on Plots - Objectors consider that the building envelopes denoted on the plots are too large but this issue has been addressed within the Development Brief which limits plot development to a maximum of 35% plot coverage.

17. Sustainable Development - It has been highlighted that the Design and Access Statement and the Development Brief include statements referring to the aim of providing energy efficient homes built using quality materials responsibly resourced, employing a sustainable approach to water in terms of its supply, demand management, supply and drainage and also waste management both during and after construction through the provision of facilities for sorting, storing and recycling. Whilst some of these matters will be addressed by a condition requiring a construction management plan, much of these matters will be dealt with under the Building Regulations rather than the planning system.

18. Vision Splay Areas to Access - One objector has highlighted that the vision splay areas shown on the submitted plans lie outside the application site boundary. This has now been addressed by the submission of a revised site boundary. In addition, this objector has suggested that this land is not within the ownership of the applicant. Whilst some of the land forms part of the existing highway with appropriate notice having been served on the Local Highway Authority, the applicant has indicated that land immediately to the south and outlined in blue on the location plan is lies in his ownership.

19. Control over Development - It has been highlighted that the developer's stated intention is to sell the plots to individuals to develop their own properties and the land will not be sold to building companies. An objector has questioned how the Local Planning Authority will control this aspect of the development. This would not be a material planning consideration and the Authority would not seek to control this aspect.

APPRAISAL

The application is referred to Committee to consider the objections received from local residents.

The application seeks permission for the provision of a new access road to serve 26 residential building plots and involves the demolition of an existing modern barn structure currently located in the south eastern corner of the site. The application site lies on the eastern side of the un-named road leading from the A4064 to Ty Fry Close, Brynmenyn and to the north of Abergarw Farm, which is currently being redeveloped for four detached dwellings with the existing farmhouse being retained. The land slopes from north to south with access into the site proposed in the south west corner of the site and adjacent to the private shared driveway serving the development at Abergarw Farm. The majority of the site comprises grassland although a mature hedge runs along the western site boundary with the un-named road with the northern and eastern site boundaries also formed by hedges.

The site is allocated for residential development under Policy COM1(37) of the Bridgend Local Development Plan so that, in principle, the development is acceptable. The proposed number of units is 26 on a site of 1.48 hectares, which is below the Local Development Plan requirement of 35 dwellings per hectare. Policy COM4 clarifies the circumstances in which a lower density may

be accepted and the applicant has sought to justify the density in this manner in the Design and Access Statement supporting the submission. In addition, the supporting text to Policy COM4 states that a lower density may be acceptable where it provides greater housing choice especially where this is delivered by self-build initiatives.

The proposal triggers the threshold of Policy COM5 which requires the provision of 20% Affordable Housing in the Bridgend Housing Market Area. The Policy can be met through the construction of 5 units of affordable housing to be transferred to a Registered Social Landlord. Alternatively, the Council may consider the payment of a commuted sum as acceptable. If this were to be the case, then the starting point for a contribution is the formula contained in SPG13, which indicates a sum of £235,480 as providing equivalent value to on site provision.

In accordance with Policy SP14, the proposal would trigger the threshold for education contributions in SPG16. The Children's Directorate have confirmed that there is no surplus capacity for primary education in the vicinity of the site. As such, there would be a contribution of £97,878 in accordance with the formula contained in the SPG and dependent on the final number and type of units.

With regards to Public Open Space, Policy COM11 of the Local Development Plan requires the provision of 2.4ha/1000 people. The proposed development would thus need to provide between 0.14ha and 0.16ha of Public Open Space. If this cannot be provided on or off site, then a commuted sum would be sought of equivalent value. Current Council data indicates a contribution of £470 per dwelling amounting to £12,200. Section 106 obligations would be sought in respect of these issues. The applicant's agent has confirmed that his client is prepared to meet all of the above mentioned financial contributions.

The application has been accompanied by a Development Brief, which will provide individuals seeking to develop any of the plots with an understanding of the form, scale and parameters that would be acceptable. In this manner, it is considered that 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. This document also includes an indication of the programming of works, commencing with the re-alignment of Abergarw Lane and improvements to its junction with the A4064 followed by a new vehicular access created onto highway with appropriate vision splays, which can be achieved within the adopted highway and the site boundary. Thereafter the internal site road will be constructed with essential services and drainage connection points for each building plots, the curtilages of which are to be set out in accordance with the submitted layout. It will be a matter for individual plot purchasers to submit full or reserved matters applications for the dwellings at the appropriate stage.

Policy ENV6 of the Local Development requires development proposals to aim in the first instance to retain, conserve, restore and enhance identified natural features or habitats, which include hedgerows. In order to ensure that the hedgerows forming the western, northern and eastern site boundaries, protection measures can be required by appropriately worded condition to ensure their retention and conservation.

During the processing of the application Policies COM1, COM4, COM5, COM11, SP2, SP14 and ENV6 of the Bridgend Local Development Plan and Supplementary Planning Guides 14, 16 & 17 were considered.

CONCLUSION

The application can be recommended as the development is considered to comply with the Government and Council policies and guidelines and does not adversely impact on highway safety or visual amenities nor so significantly impact on the amenities of neighbouring properties as to warrant refusal of the scheme.

RECOMMENDATION

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

- i. Pay a contribution of £235,480.00 as an affordable housing contribution in lieu of the provision of 5 units of affordable housing;
- ii. Pay a contribution of £97,878.00 towards the provision of primary education in the vicinity of the site;
- iii. Pay a contribution of £12,200.00 in lieu of the provision of Public Open Space on the site.
- iv. To develop the site strictly in accordance with the Development Brief including programming of works received on 28th May, 2015

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

- 1 The development shall be carried out in accordance with the Development Brief and following approved plans: Site Plan showing Plots and Access Road Levels and Highway Realignment - Plan number 4572-01, received on 2nd April, 2015 and the amended location plan received on 8th May, 2015 .

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

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

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

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

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

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

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

(f) details of the approximate height and an assessment of the general state of health of any hedgerows forming the boundaries to the site which shall be retained;

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

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

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

- 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 that the development relates appropriately to the topography of the site and the surrounding area.

- 4** No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site showing how foul drainage, highway and 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.

- 5** No development shall commence on site until the intrusive site investigation works identified in the Coal Mining Risk Assessment Statement, which accompanied the submission, have been undertaken and a report submitted to and agreed in writing with the Local Planning Authority. The report shall include details of any remedial works to treat any areas of shallow mine workings discovered by the intrusive investigations. Any remedial works shall thereafter be undertaken prior to any commencement of the development.

Reason : To ensure the safety and stability of the development.

- 6** The development hereby permitted shall not commence 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:-

- * Storage facilities and emergency containment for all fuels, oils, chemicals and explosives and any other polluting substances;
- * Construction compounds, car parks, offices etc.;
- * Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off;
- * Details of maintenance of site access/coal haulage roads to ensure no polluting discharge;
- * Works timing;
- * Phasing of works/responsible pro-active construction methods;
- * Environmental Monitoring schemes;
- * Environmental protection;
- * No alteration to surface waters;
- * Environmental Permitting for use of waste;
- * Imported materials;
- * Site levels (present and final);
- * Measures for dealing with any contaminated material (demolition waste or excavated waste);

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

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

Reason : To prevent pollution.

- 7 Prior to any works in respect of the demolition of the existing modern barn structure commencing, a Method Statement shall be submitted to and agreed in writing by the Local Planning Authority. The Method Statement shall indicate method of demolition and details of removal of materials arising from the demolition including a timetable for such works. The barn shall thereafter be demolished in accordance with the agreed Method Statement.

Reason : To ensure that the Local Planning Authority retains effective control over this aspect of the development in the interests of visual amenity.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

(a) The application can be recommended as the development is considered to comply with the Government and Council policies and guidelines and does not adversely impact on highway safety or visual amenities nor so significantly impact on the amenities of neighbouring properties as to warrant refusal of the scheme.

(b) The developer is reminded that farm buildings can be used by a variety of wildlife including bats and birds, which are protected by law. Whilst protected species surveys have not been requested, the developer is legally required to consider wildlife on the development site. In this regard advice contained in the Authority's SPG 19 A Green Infrastructure Approach provides good practice guidelines to be followed where there is risk to bats and/or barn owls.

(c) In addition to the above advice in respect of bats and barn owls, the developer is reminded of their responsibilities to nesting birds under the provisions of the Wildlife and Countryside Act, 1981

(d) Foul and surface water shall be drainage separately.

(e) No surface water will be allowed to discharge to the public highway.

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

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

- * Details of any existing arrangements and proposed arrangements;
- * Confirmation of acceptance from Dwr Cymru/Welsh Water and/or NRW regarding discharges to the public sewer or main river;
- * Infiltration tests to confirm acceptability of any soakaway together with supporting ground investigation report to confirm suitability of such system;
- * Design calculations, storm period and intensity, the method employed to delay and control surface water discharges from the site and measures taken to prevent pollution of the receiving groundwater and/or surface water;
- * A timetable for its implementation;
- * A management and maintenance plan for the lifetime of the development and any other arrangements to secure the operation of the system throughout its lifetime.

(h) The observations of the Crime Prevention Design Advisor are enclosed for the developer's information and consideration.

(i) The observations of Dwr Cymru/Welsh Water are enclosed for the developer's information and consideration.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None