

**DEVELOPMENT CONTROL COMMITTEE**

**11 JUNE 2015**

**AMENDMENT SHEET**

**The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.**

<b>ITEM NO.</b>	<b>PAGE NO.</b>	<b>APP. NO.</b>
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This application was originally considered by Committee on 30 April 2015 when it was resolved to defer consideration to enable Members of the Committee to inspect the site. The Committee inspected the site on 10 June 2015. Also present was the Ward Member, a representative of the Community Council and a local resident, who has registered a request to speak at Committee. Members were handed an information booklet by the Speaker.

Since the publishing of the Committee report, two further letters of objection have been received from local residents. One letter, from Mr Keith Hughes, the local resident who has registered a request to speak at Committee and who attended the Committee Site Inspection, is reproduced in full as **Appendix A** attached to this Amendment Sheet and the other, from D G & L Self of 79 Briary Way is summarised below:-

1. Objection to the development is based purely on the change of use from residential to a business premises.
2. If granted, the premises may change ownership and accommodate people with different challenges.
3. Development for a business will set a precedent for other properties which could result in a change in the residential character of the area.
4. Developer has previously not adhered to planning procedures with retrospective planning applications and therefore residents are not confident that future expansion may take place and again be granted retrospectively.
5. Limitations in respect of on street parking - parking at the side of the road on the bend would create a danger to motorists.
6. Access to the White House is through an automated gate system with waiting vehicles having to wait on the highway to the detriment of safety.

The following observations are provided firstly dealing with the above summarised objections and thereafter the issues in Mr Hughes' letter:-

1. Change of Use - Whilst the development will be operated as a business, the use is residential in character.
2. Change of ownership - the application must be assessed on its individual merits and on the presented basis.
3. Precedent - as above each application is assessed on its individual merits and, therefore, does not set a precedent for other applications. Also as indicated above,

due to the residential character of the proposed use, it will not, it is considered, change the character of the area.

4. Previous history of applicant - is not relevant to the assessment of the planning merits of the current application.
5. On street parking - sufficient off street parking can be provided within the curtilage of the development.
6. Gate entry system - sufficient space exists between the gate and the highway to allow a vehicle waiting for the gate to open to stand clear of the highway.

In response to Mr Hughes:-

- A. Publicity arrangements - The objector has quoted one section of the Town and Country Planning (General Management Procedure)(Wales) Order, 2012 relating to land ownership (Para 10 -(1)) rather than publicity arrangements. With regard to the remaining sections (Para 12(5) and 12(10), the objector has highlighted that at least 20 properties border the applicant's land but only 8 have been notified of the application. In this regard the Local Planning Authority has consulted with the owner or occupiers of properties adjoining the application site boundary, which is confined to The White House and is, therefore, in compliance with the quoted regulation.
- B. Breach of Planning Code of Practice - Although the objector considers that the relationship and trust between Councillors and Officers to have been compromised on several grounds, these have not been specified other than reference made to a Committee meeting held in December 2009. This is not considered to be relevant to the current application.
- C. Non Compliance - The objector has highlighted that a condition relating to surface water drainage at the site attached to the 2009 planning permission has not been met and is the legal responsibility of the Council. It is clarified that information to meet the requirements of Condition 6 attached to the consent was submitted albeit post construction. The Local Planning Authority has not formally discharged this matter but it has been confirmed that the drainage scheme was been inspected as part of the Building Regulations and no issues have been raised in this respect in the intervening years.
- D. Claimed irregularities in respect of processing of P/14/806/FUL relating to a two storey extension at the property including lack of neighbour consultation, lack of consultation with NRW or Welsh Water, non-compliance with conditions in 2009, no EIA in respect of impact of foundations on tree root system and breaches of decision notice. Whilst these issues are not considered to be fully relevant to the current submission, it is clarified that 5 local residents were consulted on the application (no objections were received) and, as a house extension, there was no requirement to consult NRW or Welsh Water nor is any breach of condition attached to the earlier permission relevant for the reasons outlined above. The development was not an EIA development and whilst no statement was submitted in respect of the potential impact on the roots of the protected Ash tree, the development would be located approximately 14m from the trunk of the tree on an

area already hard surfaced. With regard to breaches of Section (m) of the decision notice, it is highlighted that this section is merely an advisory note not a condition.

- E. Restrictive covenants - These are a separate legal matter not relevant to the planning application.
- F. Discrepancies in Plans - the objector has highlighted differences between the details included in the Estate Agent's sales information and the plans submitted in 2014. This is not considered to be relevant to the current application.
- G. The applicant's status within Homestyle Care Ltd - whilst the objector's concerns are noted these are not relevant to the assessment of the planning merits of the scheme. With regard to the parking of vehicles on a hard surfaced area (paved) laid over the root system of the protected tree, it is clear from examination of aerial photographs that the hard surfacing of the area in front of and to the side of the dwelling had been completed before 2012, when it was being used for the parking of a vehicle. It was also evident at the Committee Site Inspection, from the condition of the pavements and the moss in between, that the existing area was not a recent installation. It is clarified that the creation of a hard surfaced area within the curtilage of a dwelling did not require planning permission. Given that the surfacing has existed for a significant period of time without noticeable detriment to the tree, which has been confirmed during the inspection undertaken during the assessment of the planning application relating to the tree house, it is not considered that a further tree report would be required in this instance.
- H. Parking arrangements and accessibility for vehicles required to enter or leave the property via the security gate and emergency services. When the application was considered by Committee on 30 April 2015, a condition requiring the provision of 3 spaces in accordance with the Authority's adopted Supplementary Planning Guidance 17 was recommended. Subsequently the applicant has demonstrated in a photograph that 9 vehicles can be parked within the curtilage of the property and supplied a plan showing 5 parking spaces, each of which can be independently accessed allowing access and egress from the site in a forward gear. At the time of the Committee Site Inspection, it was noted that 8 vehicles were parked within the curtilage of the property.
- I. Breach of Code of Conduct - The objector's opinion that as a Community Councillor, the applicant has breached the standards in public life by not declaring any interest as an elected member has previously been addressed. Question 9 on the application form requires clarification whether with respect to Bridgend County Borough Council, the applicant is either:-
  - (a) A member of staff;
  - (b) An elected member;
  - (c) Related to a member of staff
  - (d) Related to an elected member.
- J. As a Community Councillor, the applicant has correctly answered no to this question and given that it is not the Brackla Community Council that are determining the planning application, there is no conflict of interest or breach of codes of conduct as far as the Local Planning Authority is concerned.



the primary container. With regard to surface water from any fuel storage, refuelling and goods vehicle parking areas an interceptor may be needed.

TAN 21 provides guidance on how the planning system should contribute toward sustainable waste management and resource efficiency. Paragraph 4.2 of the TAN states that to enable proper consideration of the principles contained within the TAN, a Waste Planning Assessment should be submitted with applications for a waste facility classified as a disposal, recovery or recycling facility. In respect of this application, whilst there has not been the submission of a single document entitled Waste Planning Assessment to accompany the application, sufficient information in respect of the operation, days and hours of operation, the design, layout, building and plant included within the development, amenity and nuisance prevention measures including light, noise and dust together with emissions from the treatment process has been submitted for assessment. On the basis that the current application is a rationalisation of the existing operations at the site, it is considered that the application is compatible with the requirements of the TAN.

Members should be mindful that Technical Advice Note 23 requires that the economic benefits of a development scheme are a material consideration that should be afforded equal weight to other factors such as social and environmental issues. In this case, the proposed use will create additional employment (3 jobs) and should maintain the long term viability of the business and those factors should be considered in the determination of the application.

## **RECOMMENDATION**

That the following additional advisory note be included within the decision notice :-

- i. The observations of Natural Resources Wales are attached for the developer's consideration and information in respect of emission into surface waters or groundwaters and pollution prevention.
- j. The developer is advised that the implementation of any part of this consent will result in the creation of a new planning unit whereby all previous planning permissions are superseded and are no longer relevant.

**8e**

**141**

**P/15/25/FUL**

The application was subject to a full Committee site visit on 10 June 2015. The applicant and objector were in attendance.

## **RECOMMENDATION:-**

Condition 1 be replaced with the following:-

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

- 1480 100 Rev K (received 5 May 2015)
- 1480 103 Rev B (received 18 May 2015)
- 1480 104 Rev B (received 18 May 2015)
- 1480 110 Rev A (received 1 April 2015)
- 1480 111 Rev A (received 1 April 2015)

1480 112 Rev A (received 1 April 2015)  
1480 113 (received 16 January 2015)  
1480 114 (received 16 January 2015)  
1480 115 Rev A (received 1 April 2015)  
1480 150 (received 16 January 2015)  
1480 151 Rev A (received 17 February 2015)  
1480 152 (received 16 January 2015)  
1480 153 Rev A (received 29 April 2015)  
1480 153-1 (received 18 May 2015)  
1480 154 (received 16 January 2015)  
1480 155 (received 16 January 2015)  
1480 156 (received 16 January 2015)  
1480 157 (received 16 January 2015)  
1480 158 Rev A (received 29 April 2015)  
1480 159 (received 16 January 2015)  
1480 160 (received 16 January 2015)  
1480 161 (received 16 January 2015)  
1480 162 (received 16 January 2015)  
1480 163 (received 16 January 2015)  
1480 164 (received 16 January 2015)  
1480 165 Rev A (received 17 February 2015).

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

#### Notes

The following note be added:-

A commuted sum to cover the extraordinary long term maintenance costs of the proposed highway drainage system will be a prerequisite of the adoption of the local road works as highways maintainable at the public expense.

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**157**

**P/14/543/FUL**

a. The application site was inspected by the Development Control Committee on 10 June 2015. The Ward Member, representatives of Maesteg Town Council one of the residents registered to speak and the applicant were in attendance.

b. The Head of Street Scene (Highways) has provided the following formal observations on the application: -

The proposed development is not considered to generate any significant vehicle movements during the operational phase. Furthermore the construction phase of the development (approximately 30 Weeks) will generate in the order of 521 trips to deliver 73,612 solar panels and ancillary construction materials. The most likely route for construction traffic has been identified as the A4063. As a Classified Road this route is subjected to standard HGV movements and has no restriction on such movements. Based on a 30 week construction programme, of 5.5 working days, this equates to 3 deliveries (6 movements) per day. There are no abnormal loads required. This level of construction traffic, over this temporary period, does not generate any concern with regard the highway.

In respect of the site access it is noted that this lies within the Neath Port Talbot administrative area and trust they would assess its suitability. It should be noted that these figures are based on the "as proposed scheme" and we are aware that you have been negotiating a revised proposal in order to limit the scale and impact of the proposal. Accordingly the above figures are not anticipated to be realised.

Notwithstanding the above we have been considering the potential for a requirement for a community route facility from the developer to accord with Policy PLA7(1) of the LDP although given your advice that the proposal is unlikely to gain planning permission in its current form we have not sought to pursue negotiations in this regard.

c. Neath Port Talbot Council has no objection to this application.

d. The Chair and all Members of the Development Control Committee should have received, via email, a letter from Mr Robert Currie of Marcol Afan Energy. Whilst a copy of the letter can be reproduced in full at Committee, the following is a brief summary of its contents:

1. Negotiations with officers have taken place over many months in respect of the landscape and visual impacts so the decision to recommend refusal is surprising.
2. Applicant does not consider that the landscape opinion set out in the report provides sufficient grounds in itself to warrant refusal.
3. Request Members grant planning permission and the reasons being: no objection from statutory consultees and limited objection from the community; V2C supports the development; development will make a significant contribution to energy supply; development is acceptable on all other matters apart from the subjective matter of landscape and visual impact; considerable community benefits; temporary use of land.
4. Benefits associated with the development outweigh any negative impacts.
5. If Members are minded to refuse permission, request that the application is deferred until the next Committee to allow further negotiations with the Council with regard to the scale of the development.

**8g**

**197**

**P/14/742/OUT**

The Highways Department has provided the following observations in respect of the above mentioned application:-

The developer has indicated visibility splays commensurate with 30mph traffic speeds on a de-restricted section of public highway and has provided no evidence to support such design parameters. It is considered that it will be necessary to pursue a revision to the limit of the highway restricted to 30mph via a new Road Traffic Order. Alternatively, it would be necessary to require vision splays of 6m by 215m unless evidence is submitted confirming that the 85 percentile traffic speed at this location is less than 30mph.

The developer would also be required to enter into a Section 106 Agreement to fund a Traffic Order to create a 20mph zone in respect of the internal estate road and private driveways together with the above mentioned relocation of the 30mph extents on the unnamed road serving the site. The required funding would be in the sum of £7,000 to cover the cost of publication of the Order.

With regard to the phasing of the development and programming of works, it is considered that the Section 106 Agreement should also require the developer to formally agree the

phasing of the development in order to ensure that the development proceeds in an orderly manner with the plots laid out in accordance with the approved layout and with access from the internal road and/or private driveways serving each plot provided prior to any construction on that plot.

In addition to the above issues, the Highways Department has raised no objection to the development but has suggested a number of conditions. In light of the above and in the interests of clarity the following Recommendation and conditions should be substituted for those contained in the report to Committee:-

**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. Pay a contribution of £7,000 to cover the cost of publication of Road Traffic Order(s) to require the relocation of the existing 30mph extents on the un-named road serving the site and a 20mph zone on the internal estate road;
  - v. To develop the site strictly in accordance with the Development Brief including the programming of works received on 28 May 2015;
  - vi. develop the site in accordance with the Phasing Plan (attached to this Agreement) with the plots laid out in accordance with the approved layout and with access from the internal road and/or private driveways serving each plot provided to at least base course level prior to any construction on that plot commencing.
  - vii. The payment of the contributions in respect of affordable housing, primary education and public open space provision also to be in a phased manner as the development progresses in conjunction with the Phasing Plan and sale of the plots or as otherwise agreed with the Local Planning Authority during the drafting of the legal agreement.
- (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 No 4572-01 and Access Road and Shared Drive Long Sections - Plan No 4572-02 received on 2 April 2015 and the amended location plan received on 8 May 2015.

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

2. Prior to works commencing on site, the realignment of the unclassified road fronting the site and improvement of the junction at the unclassified road and the A4064 together with associated footways shall be improved in accordance with details to be submitted to and agreed in writing by the Local Planning Authority to provide 6m radius kerbing and minimum vision splays of 2.4m by 43m in both directions.

Reason : In the interests of highway safety.

3. No individual plot shall create or benefit from any pedestrian or vehicular access to or from the unnamed route abutting the western site boundary and leading to Ty Fry Close at any time.

Reason : In the interests of highway safety.

4. No development shall commence until a scheme for permanently stopping up the existing access at the north western corner of the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to any other development commencing on site.

Reason : In the interests of highway safety.

5. No development shall commence until a scheme for the provision of a 1.5m wide footway on the eastern side of Route A4064 has been submitted to and agreed in writing by the Local Planning Authority. The footway shall link with the proposed 1.8m wide footway arrangement adjacent to Plot 1 of the adjacent private drive development to the north and the existing footway arrangement adjacent to the south western corner of Plot 1 of the adjacent private drive development to the south. The footway works shall be implemented as agreed in permanent materials before any construction on any of the plots commences.

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

6. Notwithstanding the submitted details, the means of access to the site onto the existing unclassified road shall be laid out and constructed with minimum 6m radius kerbing and minimum vision splays of 2.4m by 43m north and 2.4m by 25m to the south in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to any construction on any of the plots commencing.

Reason : In the interests of highway safety.

7. Notwithstanding the submitted details, the revised junction arrangement of the existing unclassified road with the A4064 shall be laid out and constructed with minimum 6m radius kerbing and minimum vision splays of 2.4m by 43m in both directions in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to any construction on any of the plots commencing.

Reason : In the interests of highway safety.

8. Notwithstanding the submitted details, the means of access to the adjacent private drive onto the existing unclassified road shall be laid out and constructed with minimum 6m radius kerbing and minimum vision splays of 2.4m by 25m in both directions in accordance with details to be submitted to and agreed in writing with the Local Planning Authority prior to any construction on any of the plots commencing.

Reason : In the interests of highway safety.

7. No structure, erection or planting exceeding 0.9m above carriageway levels shall be placed within the required vision splay areas identified in Conditions 2, 6, 7 & 8 above at any time.

Reason : In the interests of highway safety.

8. No development of any of the building plots shall commence on site until a scheme has been submitted to and agreed in writing showing the internal access road and private driveways serving the site being subjected to a 20mph speed restriction. The agreed scheme shall be implemented prior to any building on the site being brought into beneficial use.

Reason : In the interests of highway safety.

9. No development shall commence on site 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 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 undertaken at the site shall thereafter be 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.

10. Notwithstanding the submitted drawings, no works shall commence on the construction of the proposed roads in each respective phase until full engineering details comprising longitudinal and cross sections, constructional details, street lighting, surface water drainage, traffic calming, retaining structures (embankments or walls) supporting the highway or land alongside have been submitted to and agreed in writing by the Local Planning Authority. The construction of the roads shall be implemented in accordance with the agreed engineering details and completed to binder course level of bituminous material as appropriate to the phase being constructed and shall be substantially completed prior to beneficial

occupation of the last dwelling or otherwise in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To ensure safe and satisfactory vehicular and pedestrian access to the dwellings in the interests of public and highway safety.

11. Notwithstanding the submitted drawings, no works shall commence on the construction of the roads until such time as a comprehensive traffic calming scheme, including full engineering details, has been submitted to and approved in writing by the Local Planning Authority for traffic calming restricting 85% tile traffic speeds to 15—20 m.p.h. The traffic calming facilities shall be implemented in accordance with the approved engineering details and completed within the same programme identified for the associated streets.

Reason: In the interests of highway safety.

12. No dwelling shall be occupied until the individual drive and parking bays serving the dwelling concerned have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) at a minimum length of 6m, if fronting a garage, and 4.8m otherwise, with a minimum width between boundary walls of 3.3m for a single drive/parking bay and 5.7m for a double drive/parking bay arrangement or otherwise in accordance with the approved layout and shall be retained thereafter for parking purposes.

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

13. The plans and particulars submitted in accordance with the reserved matter in respect of landscaping shall include:-
- i. 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;
  - ii. details of the species, diameter (measured in accordance with paragraph i 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 iii and iv below apply;
  - iii. details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
  - iv. 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.
  - v. 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;

- vi. 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;
- vii. 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.

14. 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.

15. 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.

16. No development shall commence 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 and establish what precautions are necessary in relation to the structural design of the dwellings and the design, construction and maintenance of the proposed highways and associated retaining walls, sewers and attenuation structures. The remedial works, precautions and designs identified in the report shall thereafter be undertaken in accordance with requirements of the report as appropriate to the structure to be constructed.

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

17. 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;
- 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;
- 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.

18. 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 the method of demolition and details of removal of the 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

- 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.
- 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.
- 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

- Foul and surface water shall be drained separately.
- No surface water will be allowed to discharge to the public highway.
- No land drainage run-off will be permitted to discharge either directly or indirectly into the public sewerage system.
- 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.
- 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.
- The observations of the Crime Prevention Design Advisor are enclosed for the developer's information and consideration.
- The observations of Dwr Cymru/Welsh Water are enclosed for the developer's information and consideration.
- (The Highway Authority will require the developer to enter into legal Agreements (Section 111 Licence Agreement, Section 38 Road Agreement and Section 104 Sewer Agreement), including appropriate bonds to secure the implementation of the proposed highway and sewer works.
- The application is advised that the Highway Authority reserves the right to invoke the powers contained in Section 59 of the Highways Act, 1980 and recover additional expenses incurred in maintaining certain lengths of the highway network.
- 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.
- 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 shall apply at junctions. Access roads shall have a minimum gradient of 1:125.

- The developer should make every effort to ensure surface water from any permanent surface drains onto adjacent porous surfaces, thereby reducing the demand on the drainage system. Alternatively, the developer may wish to explore the use of permeable materials for the access and parking areas, although compacted chippings would not be acceptable as they may be dragged onto the highway to the detriment of highway and pedestrian safety. As a result of the above, impermeable surfacing such as concrete or tarmac extending across the full width of the access and parking areas should not be considered as a first option.
- As this is a self build site, the applicant is advised to liaise with the estate developer to confirm the line and level of boundaries before driveways and boundary walls are constructed.
- Details of any retaining walls within the site to be submitted to the Authority shall include 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 BD2/12 - Technical Approval Highway Structures as well as qualification that the structure will achieve a 120 year life span.
- 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 public expense.
- 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.
- The applicant should be advised that any building materials delivered to the development site shall not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.
- An information pack containing public transport information including timetables, shall be provided by the developer upon occupation of each residential unit.
- All lorries should be suitably sheeted before leaving the site.
- The Welsh Government has introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru/Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA)

1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

- Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of the DCWW website - [www.dwrcymru.com](http://www.dwrcymru.com). Further information on the Welsh Ministers Standards can be found on the Welsh Government website - [www.wales.gov.uk](http://www.wales.gov.uk).

**8h**

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**P/14/464/OUT**

- A. A letter of intent, signed by two of the directors of A1 Loo Hire Limited has been received confirming their authority and agreement to enter into the Section 106 obligation in accordance with the heads of terms set out in this report.
- B. Representations have been received from the prospective developer of the site in respect of the wording of the proposed planning conditions. Whilst a number of the requested changes are unacceptable it is considered appropriate to amend the wording of the conditions in the interests in assisting the future delivery of this proposed housing development site.

The following conditions should be re-worded as accordingly:-

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

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

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

Reason: In the interests of promoting sustainable travel patterns.

12. No works shall commence on site until such time as a scheme has been submitted to and agreed in writing by the Local Planning Authority for the provision of cycleway/footway links to the Coity Higher Community Centre and Parc Derwen at

the A4061/Heol West Plas roundabout. These links will consist of 3m wide uncontrolled crossing points on the Heol West Plas arm and the A4061/Rotary Way arm. Where a refuge is required on those crossing points these shall be a minimum depth of 2.4m. Such a scheme shall be implemented, as agreed, in permanent materials before any dwelling on the development is brought into beneficial use or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

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

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

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

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

Reason: In the interests of promoting sustainable travel patterns.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

