

RECOMMENDATION : SECTION 106

REFERENCE: P/14/185/FUL

APPLICANT: MESSRS R DAVID, J DAVID & P POOK
C/O C2J ARCHITECTS & TOWN PLANNERS UNIT 1A COMPASS
BUSINESS PARK PACIFIC ROAD OCEAN PARK, CARDIFF

LOCATION: LAND AT WATERTON LANE WATERTON BRIDGEND

PROPOSAL: RES DEV OF 39 DWELLINGS, NEW ACCESS ROAD & ASSOC
PARKING & DEMOLISH EXISTING BUILDING

RECEIVED: 20th March 2014

SITE INSPECTED: 1st April 2014

APPLICATION/SITE DESCRIPTION

The application originally proposed the construction of 40 dwellings, new access road and associated parking. In order to facilitate the development, the existing former public house premises known as Waterton Manor will be demolished. The development comprised 6 two bed apartments in a three storey block, 12 x three bed semi-detached two storey houses and 22 two storey 4 bed detached and semi-detached properties of varying design.

The submitted layout shows that the apartment building will be sited on the northern side of a new access road where it joins Brocastle Avenue and immediately to the west of the building will be a parking area serving these dwellings and further west will be 12 semi-detached three bed houses. Continuing westwards along the new access road will be 6 semi-detached four bed dwellings and then 4 detached four bed properties before the access road turns virtually 90 degrees northwards then, in a further approximately 90 degree bend, the road turns westward again to link/join with the existing line of Waterton Lane. This arrangement creates an eastern section of the existing Waterton Lane that will run to the north of the above dwellings but be blocked with bollards to prevent vehicular access. On the western side of the bends in the road, 10 further detached and 2 semi-detached properties are proposed to be constructed on the southern side of the highway.

Following negotiation a revised layout has been submitted, which has reduced the scheme to 39 dwellings but retains the above described highway layout. On the western side of the bends in the road, it is now proposed to construct 11 four bedroom dwellings, with eight being of Design F, which is 2.5 storey comprising integral garage, hall/cloaks, kitchen and lounge/dining on the ground floor with three bedrooms (1 en suite) and a bathroom at first floor level and a study and bedroom with en suite in the roof space above. The remaining three on this western side of the development will be of Design A which is a 2 storey four bedroom dwelling comprising lounge, hall/cloaks, kitchen/dining and utility on the ground floor with four bedrooms (1 en suite) and a bathroom at first floor level. These dwellings will be located on the southern side of Waterton Lane and face northwards.

On the eastern side of the development, the dwellings on Plots 25-28, adjacent to the bends, will also be of Design A. Adjacent to these on Plots 15 - 24inc, the house designs will change to semi-detached 2.5 storey properties of Design G which comprises a kitchen, hall/cloaks, lounge dining area on the ground floor with three bedrooms and a bathroom at first floor level with and a fourth bedroom with en suite in the roof space. The dwellings on Plots 7-14 will also be semi-detached but of Design D which is two storey comprising lounge, hall/cloaks, kitchen and dining room on the ground floor with three bedrooms (1 en suite) and a bathroom at first floor level. The

apartment building will occupy plots 1 - 6 and be three storey in scale comprising 2 two bedroom apartments on each floor with a entrance/central staircase access. All of these units are sited on the northern side of the new section of access road and will face southwards.

Elevational drawings of all the house types indicate that the external finishes will be a mix of render with stone facing or render and brick with slate roofs. Hardstandings/driveways are provided to the frontages of the majority of the dwellings although communal parking areas are shown for the semi-detached properties on Plots 9-12 and similarly between the apartment building and Plot 7 to serve the flats. The new section of access road and the existing section of Waterton Lane are to have a uniform width of 5.5m with turning heads provided at each of the ninety degree bends and visitor parking will be catered for in laybys on the southern side of the new section of access road and traffic calming measures have also been incorporated into the highway design.

RELEVANT HISTORY

P/08/1132/OUT

PROPOSED REDEVELOPMENT OF SITE TO PROVIDE 36 FLATS

P/08/776/OUT

APPROVED 18-09-2009
+conditions

RESIDENTIAL DEVELOPMENT 8 DETACHED HOUSES

P/10/296/OUT

APPROVED 20-07-2011
+conditions

OUTLINE APPLICATION FOR 3 DWELLINGS (1 DETACHED AND A PAIR OF SEMI-DETACHED)

P/14/56/FUL

APPROVED 11-04-2014
+conditions

PROPOSED CONSTRUCTION OF DETACHED RESIDENTIAL DWELLING

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 21st April, 2014. Following re-consultation on the amended plans, the period allowed for response expired 23rd April, 2015.

NEGOTIATIONS

Whilst no negotiation was initiated, the applicant's agent became aware of concerns in respect of noise, highway issues including shortfall in parking and the objection of Dwr Cymru/Welsh Water in respect of the easement for the sewer which crosses the site. Meetings have been held with officers from the Highways Department and Public Protection which has resulted in the submission of amended plans and noise assessments. The revised plans indicate a 14m easement for the trunk sewer.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 21st March 2014

The Community Council wishes to register concerns regarding the road access to the new development which seems to be very narrow and could be problematic to emergency vehicles if the passing bays were misused. Moreover, given that the majority of the dwellings are four bedroomed then the number of vehicles per household could increase the possibility of road side parking and further restrict access. This is the observation the Community Council wishes to bring to your attention not a material planning objection.

Councillor E Venables

I would like to object to this application and make the following comments:-

1. The scheme is not in keeping with the rest of Waterton Lane. Waterton Lane consists of detached houses some of which are hundreds of years old. In the new development less than half the properties are detached.
2. The development changes the exit for current residents of Waterton Lane to drive through this new development out onto Brocastle Avenue. Perhaps it would be better if this development was self contained, exiting onto Brocastle Avenue whereas the rest of Waterton Lane was redirected towards Clos Waterton. Waterton Lane could then join up with Clos Waterton and exit onto the A473. Part of this new development could then accommodate a turning point for Waterton Lane. The closure of Waterton Lane could be between the old part of the Lane and this new development.
3. The new road is very narrow and although there are passing places these may well be parked in which in turn would cause problems.
4. The report refers to schools in Brackla being near, however the catchment schools for this area would be Coychurch Primary and Pencoed Comprehensive. Prediction of the number of children from this development according to SPG16 would be 2 nursery children, 8 primary children and 6 comprehensive children. Eight primary children would be half of the PAN for Coychurch Primary. Any children living at this development would have to be transported via the school transport system as it is not deemed a safe route from Waterton to Coychurch.
5. Twenty percent of the development needs to be affordable housing. I would query whether there were 8 properties that were affordable at this development - presumably the 6 flats will be.
6. The parking provision discussed talks about each property having between 2 and 3 parking spaces. However, according to SPG17 each house needs 1 space per bedroom (maximum of 3). That would mean that each house needs 3 parking spaces. The plan does not show 3 spaces for each house. It says that house types A & B will have 3 spaces and then C & D will have 2 spaces. However, on the final plan there is no type C house and there is no mention of the new type E & F houses. It also discusses having 1 visit space per 5 units which is difficult to determine on the plan.
7. The flood consequence assessment has been conducted on a different site plan to the one that has been submitted for planning permission.

Head Of Street Scene (Highways)

No objection subject to conditions.

Destination & Countryside Management

No objections subject to conditions.

Head Of Street Scene (Waste & Recycling)

No objection subject to condition.

Head Of Street Scene (Drainage)

No objection subject to a condition.

Group Manager Public Protection

Following submission of an appropriate Noise Survey Report and consideration of amended plans, which incorporate design features to address some of the concerns, there is no objection subject to conditions.

Head Of Parks & Playing Fields

No objection subject to the payment of an 'an lieu' of on-site provision to allow for the enhancement of nearby facilities.

Natural Resources Wales

No objection subject to condition.

Welsh Water Developer Services

No objection to the proposed development but it is requested that advisory notes are included within any decision notice.

Crime Prevention Design S.Wales Police

Advice on specific design issues is provided which can be attached to any decision notice granting consent for the development that the Authority may be minded to grant.

Glamorgan Gwent Archaeological Trust

No objection subject to a condition requiring the applicant to submit a detailed programme of investigation for the archaeological resource.

REPRESENTATIONS RECEIVED

Objections From The Occupiers Of 10 Dwellings At Waterton, And The Agents For The Operators Of The Retail Park.

The grounds of objection are summarised as follows:-

1. The proposal to locate a road through the field adjacent to the river ultimately joining the existing Waterton Lane, will create a large cul-de-sac for there is no provision on the development plans for a turning area for large service, or delivery, vehicles.
2. The delivery, service and construction vehicles servicing the proposed 40 dwellings will have to travel through the new development into the existing hamlet in order to turn around at the hammer head at the western extremity of Waterton Lane.
3. The lane through our hamlet is single track with no pavements and so this is clearly a serious health and safety risk to both residents and walkers passing through our hamlet.
4. There are 16 separate dwellings in Waterton Hamlet at present. This proposal will see construction of 40 additional dwellings This must be added to that of another site in the lane for an additional 9 dwellings, previously granted planning approval by the WAG Planning Inspector.
5. The effect of both planning consents will result in an increase of 300% in the number of dwellings in the hamlet in effect creating a new village and with an increase of over 300% in vehicular traffic.

6. Waterton Lane is currently in a poor state and in serious need of upgrade and has been so for a number of years. It is totally unable to take the associated loading for the construction of a further 48 dwellings and represents a serious HSE risk for all parties using the lane. Thus, we ask that all construction traffic for the development be confined to the field due to the HSE risks previously identified.

7. There is an operating farming business at Waterton Farm. The additional heavy traffic will clash with the movement of the farm vehicles. - not to mention the risks associated with the two 90 degree bends where the proposed access road crosses the development, to link up with the existing section of Waterton Lane.

8. Currently, residents have to queue, at peak times, to, leave their homes and return home again via Brocastle Avenue. This situation will be significantly exacerbated by a 300% increase in the volume of traffic.

9. There is no provision for a recreation area for the new resident's children. It is likely that, children will use the lane as their only means of recreation, with all associated risk and consequence.

10. The increased HSE risks to all persons using the lane as a result of this development and the other development in the lane could be addressed by placing conditions to address all of the above and on the following propositions.

11. The plans should be amended to include a hammer head to the east of the village and the western pedestrianised portion of Waterton Lane should be re-opened to vehicular traffic, reversing the direction of the flow of traffic through our hamlet. This would provide a safe route for construction traffic to the other development. This could be further enhanced by closing off the eastern portion Waterton Lane back to the mini roundabout adjacent to B&Q, from where the new road through the field enters Waterton Lane.

12. The provision of the hammerhead would ensure that traffic from the new development could be minimised by the restriction of only those properties opening onto Waterton Lane using the lane. All other development traffic would enter and return using the new road in the field and the new hammerhead to depart the development through the Waterton Manor access point to Brocastle Avenue.

13. Consider communication from developer and Council to be inconsistent

14. Section of Waterton Lane which would become disused by current proposals and could give rise to crime and security fears.

15. Development which includes semi-detached properties will be out of character with existing properties at Waterton which are generally substantial detached.

16. The operator of the Retail Park has expressed concern that the developer has not adequately considered noise impacts from night time deliveries and this may lead to complaints from future occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Highway issues - the concerns in respect of road width, passing places, access for large service/delivery vehicles, additional traffic, parking facilities have been addressed in the

amended plans and the Highways Department considers the arrangements acceptable subject to conditions and phasing of the development.

Scale of development - residents have highlighted that proposals would result in a significant increase in the numbers of dwellings in this area from the existing 16 with 48 additional houses now proposed - 39 now in this development and 9 approved at the western end of the settlement. The area lies within the settlement boundary and the application site is allocated for residential development by Policy COM1 of the Bridgend Local Development Plan. The density is compatible with Policy COM5 of the Local Development Plan.

Insufficient Recreation Space - Residents have highlighted that the development makes no provision of children's play space and considers that the public open space area between the new section of access road and the Afon Ewenni to be a safety hazard being between a road and a river. It is acknowledged that there would be an under-provision but the Parks & Playing Fields Manager considers that this can be addressed by requiring a financial contribution to off site provisions with two options being either the upgrade of facilities in Coychurch or using the monies towards a future provision as part of the nearby Parc Afon Ewenni Regeneration Area.

Out of Character - Whilst objectors have highlighted that existing properties at Waterton Lane are characterised by detached dwellings, it is noted during the site inspection that these are of varying size, design and external finishes. The proposed development includes properties of varying size and design and it is not considered that the introduction of semi-detached properties would be so alien as to warrant refusal for this reason particularly as these house types are located in the eastern section of the proposed development.

Sewers - Objectors initially advised that residents currently experience problems and considered that more critical to the layout of the development was the location of a combined sewer which runs through the site given that Dwr Cymru/Welsh Water will require a significant easement. Similarly it was considered that the layout does not make provision for a culverted outfall in the south western corner of the site and the potential need for an easement. The revised plans show a 14m easement provided for the combined sewer and a standard 6m easement for the culvert.

Alternative Access Arrangements - A number of local residents have suggested that access and traffic movements for existing properties would be assisted by the re-opening of the section of Waterton Lane to the north of the Waterton Close development to allow vehicles to exit onto the A473 at the existing junction to the west of Waterton Close. Whilst this suggestion is noted, it does not form part of the development proposals comprised in this application and is therefore not relevant to this assessment.

Parc Afon Ewenni Regeneration - Some respondents consider that the application is premature and should form part of the wider regeneration proposals of land to the west known as Parc Afon Ewenni Regeneration. Again these comments are noted but the Local Planning Authority has a duty to determine valid applications and therefore the submitted proposals must be assessed on their planning merits. As described above most of the site is already allocated for residential development in the LDP and it is not considered that the approval of this application will prejudice the future regeneration of the wider area.

Environmental Impacts - Some residents have highlighted that some site clearance works have already been undertaken together with some tree planting and earthworks albeit that some of these works relate to the development of a single dwelling on an adjoining plot. Whilst such works do not require planning permission, concerns appear to relate to primarily to the method of dealing with Japanese Knotweed at the site. The Regulations relating to invasive species are not enforced by the Local Planning Authority and would be a matter for Natural Resources Wales however an appropriately worded condition requiring submission of a control protocol can be imposed. Similarly earthworks which allegedly prevent the dispersal of surface water run-off from Waterton Lane and thereby result in flooding would be likely to be an issue for Natural

Resources Wales. Some objectors consider that the construction of the new section of access road and the dwellings will adversely impact on trees and hedgerows and therefore the biodiversity of the area. Some protection to these natural features may be possible by the imposition of appropriately worded conditions in the event that the Authority were minded to approve the development.

Disruption - The construction phase of the development may temporarily disturb nearby residents but regulations governing construction hours should prevent unreasonable disruption. An element of the disruption referred to by local residents, however, relates to additional traffic using the turning facility at the western end of Waterton Lane. This issue has been partially addressed by the inclusion of turning heads at either side of the bends. It is suggested that inclusion of phasing plan for the development can also be included as part of a Section 106 Agreement to assist in this regard.

Lack of consistent communication - A resident has highlighted that some months prior to this submission, the applicant's agent explained proposals to residents but this is not consistent with the application scheme. This issue is not relevant to the Local Planning Authority's assessment of the planning merits of the submission.

Noise - The agents acting for the operator of the nearby Retail Park have expressed concern that future occupiers of the proposed dwellings may raise objections on noise grounds to any night time deliveries to the retail units. It has been explained that currently the majority of deliveries take place between 8am and 8pm but the operator consider it important that retailers who require night time deliveries for operational reasons are not prevented from operating their servicing efficiently. Clarification of the operational need for night time deliveries has been sought as it does not appear reasonable to prevent the proposed development on this basis.

Similarly an agent acting on behalf of the Haulage Company located on the southern side of the river has lodged a holding objection on the basis of noise. Following discussion between the applicant's acoustic consultant and the Public Protection Department it is considered that an acoustic fence 4m in height and required by an appropriately worded condition will adequately mitigate this noise source of future occupiers of the properties in the western section of the proposed development.

APPRAISAL

The application is referred to Committee to consider the objections submitted by the Ward Member, local residents and adjoining business users.

The application now seeks consent for the construction of 39 new dwellings, a new access road and associated parking facilities on land south of Waterton, Waterton, Bridgend. The application site extends to approximately 1.6 acres located to the east of existing dwellings on Waterton Lane. The application site lies to the south of the existing highway but north of the Afon Ewenni. It is roughly rectangular in shape and includes the currently vacant former public house premises known as Waterton Manor. The demolition of the existing vacant building forms part of the current development proposals. The remainder of the site is undeveloped land laid to grass, which appears to have been used for the grazing of horses with a stable type structure towards the north western corner of the site. It was noted during the site inspection that the land within the application site is generally flat lying approximately 1m above the River. There is, however, a significant difference in land level between the application site and Brocastle Avenue of approximately 3m. The submission has been accompanied by a Design and Access Statement, Flood Consequences Assessment, Ecology Survey and Report and a Code for Sustainable Homes Pre-assessment.

In terms of principle, in accordance with the Bridgend Local Development Plan, the entire site is located within the settlement boundary of Bridgend as defined by Policy PLA1. The majority of

the site is also allocated for residential development under Policy COM1(11) and COM1(14). The remainder of the site can be considered to accord with Policy COM3 of the Local Development Plan which allows for windfall residential development within settlement boundaries through the re-use of vacant or under-utilised land where no other LDP Policy protects land for an existing or alternative use. Given that the proposals are also of an acceptable density in the context of Policy COM4, the principle of the proposed residential use of the site is considered to be in accordance with the Local Development Plan.

Turning to consider the planning obligation requirements of the proposals, SPG 16 Educational Facilities and Residential Development identifies that a contribution to educational facilities will be sought from all proposals of 5 or more residential units where development is likely to increase demand on local schools beyond their existing or planned capacity. The site is in the catchment of Coychurch Primary and Pencoed Comprehensive Schools and currently sufficient capacity exists in both schools to accommodate the likely number of school age children generated by the proposals. A contribution is therefore not required.

Policy COM5 states that affordable housing should be sought from sites capable of accommodating 5 or more dwellings or exceeding 0.15ha in size. The target for the Bridgend Housing Market Area is 20% and, as such, 8 of the proposed units should be secured as affordable housing. The applicant's agent has confirmed that the apartments and semi-detached properties on Plots 7 and 8 are to be offered as the affordable housing contribution with tenure and appropriate management arrangements for transfer to a registered social landlord to be included within a Section 106 Agreement.

Policy COM11 of the Local Development Plan requires residential development to provide outdoor recreation space at a minimum standard of 2.4ha/1000 population. This requirement is in addition to the basic amenity space requirements necessary to meet the immediate needs of occupiers. The provision of public open space along the River Ewenny, as indicated on the proposed site plan, is welcomed and will provide occupiers with amenity space beyond the boundary of their dwelling. However, given the size of the site and the fact that Council data indicates a lack of both outdoor sports and children's play facilities in the immediately vicinity, the provision of outdoor recreation facilities on site or a financial contribution towards the improvement of an existing or new facility off site is considered to be required. Given the geographical constraints of the site, an off site contribution is likely to be more appropriate. The most up to date cost guidance held by the Council indicates a sum of £470 per dwelling to provide or improve a children's play facility. It is noted that the Parks & Playing Field Manager has suggested a contribution be spent at the nearest facility off Glenwood Close, Coychurch. However, its location in relation to the application site is quite remote given the difficulty of gaining pedestrian access across the A473. An alternative solution may be considered to use the contribution towards the future provision of outdoor recreation space provided as part of the adjacent Parc Afon Ewenni Regeneration Area Policy COM1(3).

The significant concerns in respect of the original design and layout of the access road and parking arrangements, which were expressed by Highways, appear to have been largely addressed in the revised plans such that there is no objection subject to conditions. Similarly, the presence of the 1275mm combined public sewer that runs through the site now also appears to accommodate the required easement together with an adequate easement for the existing culvert. The site lies, it has been acknowledged, within a C2 Flood Zone and Natural Resources Wales has confirmed that, on the evidence of the submitted Flood Consequences Assessment, flood risk can be satisfactorily managed.

The site lies to the south of an existing retail park and the north of part of Waterton Industrial Estate. Public Protection has highlighted that Technical Advice Note 11 recommends that developers establish which noise exposure category the proposed dwellings will fall within in order that an assessment of the impact on the development can be made and whether mitigation measures would need to be incorporated into the dwellings. The Public Protection

Department has provided advice on potential noise sources to the applicant's acoustic consultants, which has resulted in the submission of Noise Report which suggests that a range of mitigation measures to moderate sound reduction performance can be incorporated into the development. Appropriately worded conditions will ensure the provision of the necessary mitigation.

With regard to the submitted layout drawings, notwithstanding the above, the dwellings on Plots 14-28 inclusive, which lie in the eastern section of the site, are set back from the proposed new access road with much of their frontages used to provide off street parking facilities. This results in the rear private amenity space being constrained with an average of 6m being provided. In addition these gardens will abut the section of Waterton Lane that is now proposed to be closed off with bollards. A path shown as running to the rear of Plots 9/10 & 11, linking with the proposed new access road via a link between Plots 8 & 9 has now been omitted on the advice of the Police Architectural Liaison Officer to overcome concerns in respect of security and fear of crime.

Initially there were a number of issues raised in respect of the apartment block at the eastern end of the site with regard to parking and turning facilities and the ability of Council refuse vehicles to access this part of the development. Also as previously described, there is a significant difference in land level between the application site and Brocastle Avenue. Whilst no details of levels or the gradient of the new access road in this location have been submitted it is considered that there is a reasonable likelihood that a retaining wall will be required to support this section of the highway up to the junction with Brocastle Avenue. In view of the proximity of the access road to habitable room windows in the ground floor apartments, there was concern that these windows would be dominated and overshadowed thereby providing a poor level of amenity for future occupiers. The revised layout plan shows the area to the south of the apartment building landscaped although the retaining wall enclosing the southern and eastern sides of the building has been retained. The applicant's agent has indicated that the wall will reach a maximum of 2m but is likely to reduce in height as it approaches the car parking area on the western side of the building. In order to ensure a reasonable level of amenity is retained for future occupiers of the ground floor apartment, it is considered that an appropriately worded condition to require that the retaining wall is engineered to reach a maximum height of 1m outside the ground floor living room and kitchen in apartment block 4,5,6 should be included on any consent.

The submission has been accompanied by an Ecology survey and report, which identifies that there is Himalayan Balsam and Japanese Knotweed present on the site. In the event that the Council were minded to approve the development conditions requiring a management plan to adequately control the spread of these species during the construction phase would be required. Similarly in view of the aesthetic and biodiversity value of the hedgerow and trees along the northern site boundary, conditions requiring protection measures and retention of this tree line would also be necessary.

A pre-assessment report on the code for sustainable homes has been submitted, which demonstrates the manner in which the proposed new dwellings will attain Code Level 3 and 1 additional credit under ENE1. In this way, the developers have shown the scheme's compliance with Policy PLA4 of the Bridgend Local Development Plan and thereby make a positive contribution towards tackling the causes of and adapting to the impacts of Climate Change and Peak Oil issues.

Whilst determining this application Policies PLA1, COM1, SP1, SP2, PLA4, COM4, COM5, SP3 & PLA11 of the Bridgend Local Development Plan and Supplementary Planning Guidance 8, 13 & 17 were considered.

CONCLUSION

This application is recommended for approval because the development is compatible with Government and Council policies and guidelines and does not adversely impact on highway safety, privacy or visual amenity nor significantly harms neighbours' amenities. The proposed development contributes 39 dwellings to the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, including an affordable housing contribution on an allocated regeneration site. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is not considered that there are any material reasons why planning permission should be refused.

RECOMMENDATION

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

(i) Contribute the dwellings on Plots 1-8 inclusive as affordable housing with the tenure and appropriate management arrangements for transfer to a nominated registered social landlord.

(ii) Pay the sum of £18,330 in lieu of the provision of Public Open Space on Site.

(iii) Pay a contribution of £7,000 to cover the cost of a Road Traffic Order for a 20mph zone.

(iv) Develop the site in accordance with a Phasing Plan to be attached to the Agreement with the access road up to and including the turning heads and Plots 1-28 developed prior to the dwellings on Plots 29 -39. Thereafter the improvements to the existing section of Waterton Lane shall be completed to at least base course level prior to any construction commencing on Plots 29-39 .

(v) The payment of the contributions in respect public open space provision 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 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 AL(90)01 Rev R, AL(00)01, AL(00)02, AL(00)10, AL(00)11, AL(00)13 Rev A, AL(00)14, AL(00)15 Rev A, AL(00)16 Rev A, AL(00)21 Rev B, AL(00)17 Rev A, AL(00)18 Rev A, AL(00)19 Rev A and HCD Engineering Ltd.'s drawing C100 labelled Layout Plan Existing Conditions.

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

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

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

3 No individual plot shall create or benefit from any pedestrian or vehicular access to or from

that length of Waterton Lane abutting the northern boundary of Plots 12 - 28 at any time.

Reason : In the interests of highway safety.

- 4** No development shall commence until a scheme for restricting motorised vehicular traffic traversing along that length of Waterton Lane abutting the northern boundary of Plots 12 28 and a programme for its implementation has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full in accordance with an agreed programme.

Reason : In the interests of highway safety.

- 5** The rear boundaries of Plots 12-28 shall be set back 450mm from the edge of the carriageway of Waterton Lane.

Reason: In the interests of highway safety.

- 6** Notwithstanding the submitted details, the means of access to the site onto Brocastle Avenue shall be laid out and constructed with minimum 6m radius kerbing and minimum vision splays of 2.4m by 45m 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** No structure, erection or planting exceeding 0.9m above carriageway levels shall be placed within the required vision splay areas 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 access road and being subjected to a 20mph speed restriction. The agreed scheme shall be implemented prior to any building on the site being brought into beneficial occupation.

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 during the demolition and construction of the development; and
- * Details of a wheel washing scheme to prevent mud and debris from the construction traffic being carried out onto the existing maintainable highways; and
- * A scheme of temporary traffic management to facilitate the construction of the proposed junction onto Brocastle Avenue and any other element of the road construction where such traffic management is necessary; and
- * The phasing of the demolition and construction; and
- * Measures to control the emission of dust and dirt during demolition and construction; and
- * Storage facilities for all fuels, oils and chemicals; and
- * Details of the nature, type and quantity of any materials to be imported onto the site; and
- * Measures for dealing with any contaminated material (demolition waste); and
- * Identification of any buried services such as foul sewers to ensure their protection during the course of the development
- * Details of emergency contacts

Any construction or demolition 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 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.

- 11** 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 Equalities Act and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.

- 12** 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.

- 13** No development shall commence until the intrusive site investigation works 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 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 or road to be constructed.

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

- 14** The first floor bedroom windows in the southern (front) elevations of the dwellings on Plots 7-25 inclusive shall be fixed pane non openable but these bedrooms shall instead be fitted with openable oriel windows in the side elevations. All of these windows shall be retained in perpetuity.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 15** No development shall commence until there has been submitted to and agreed in writing by the Local Planning Authority details of the glazing and mechanical ventilation to be installed to the first floor bedroom windows in the southern (front) elevations of the dwellings on Plots 7-28 inclusive and to the habitable room windows in the eastern elevation of the apartment building facing Brocastle Avenue to ensure that with windows close, internal noise levels shall not exceed 30dB(LAeq15mins) for bedrooms and 35dB(LAeq1hour) in living/dining rooms. The scheme shall include the specifications and acoustic performance of the glazing and mechanical ventilation to be installed, together with the ventilation rates needed to achieve these internal noise levels. The agreed glazing and ventilations shall thereafter be installed in these dwellings prior to them being brought into beneficial use and so retained in perpetuity.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 16** There shall be a 2m close boarded fence at the rear of Plots 1-28.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 17** No development shall commence on site until there has been submitted to and agreed in writing with the Local Planning Authority a scheme for mitigating noise from the Industrial Estate to the south of the site either by the provision of a contiguous acoustic barrier along the southern boundary of the development adjacent to Waterton Industrial Estate or alternative mitigation scheme. The barrier or alternative means of mitigation shall thereafter be provided in accordance with the agreed details and so retained in perpetuity.

Reason : In the interests of residential amenity for future occupiers by mitigating potential noise nuisance.

- 18** 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.

- 19** No development shall take place within the area indicated until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and agreed in writing by the Local Planning Authority.

Reason : To secure the provision of archaeological excavation and the subsequent recording of non replaceable archaeological assets.

- 20** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority an invasive non-native species protocol, which shall detail the method of containment, control and removal of invasive non-native Himalayan Balsam, Giant Knotweed and Japanese Knotweed. The measures identified in the scheme shall thereafter be undertaken strictly in accordance with the agreed protocol prior to development commencing.

Reason : In the interests of prevention of pollution.

- 21** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting

that Order with or without modification), no development which would be permitted under Article 3 and Classes A,B,C,D,E,F & G of Part 1 to Schedule 2 of the Order shall be carried out within the curtilage of any dwelling without the prior written consent of the Local Planning Authority.

Reason : In the interests of visual and residential amenities.

- 22** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto the road.

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

- 23** No development shall commence on site until there has been submitted to and agreed in writing by the Local Planning Authority details of refuse and recycling storage facility/area serving the apartments on Plots 1-6.
The refuse and recycling storage facility/area shall be provided in accordance with the agreed details prior to the apartment building being brought into beneficial use and retained thereafter for that purpose in perpetuity.

Reason : In the interests of residential amenity.

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

(a) This application is recommended for approval because the development is compatible with Government and Council policies and guidelines and does not adversely impact on highway safety, privacy or visual amenity nor significantly harms neighbours' amenities. The proposed development contributes 39 dwellings to the Authority's strategic aim of providing 2,888 dwellings for the period 2011-2016, including an affordable housing contribution on an allocated regeneration site. Legislation and national policy dictates that planning applications must be determined in accordance with the approved development plan unless material circumstances suggest otherwise. In this case, notwithstanding the objections received, it is not considered that there are any material reasons why planning permission should be refused.

(b) Foul and surface water shall be drained separately.

(c) No surface water will be allowed to discharge to the public sewer.

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

(e) Rainwater run-off from driveways 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.

(f) 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.

(g) 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.

(h) 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.

(i) 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.

(j) 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.

(k) In the event that any part of the development is to be developed on a self build basis, each plot developer is advised to liaise with the estate developer to confirm the line and level of boundaries before driveways and boundary walls are constructed.

(l) Details of any retaining walls within the site to be submitted to the Authority shall include 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.

(m) 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.

(n) The junction arrangement onto Brocastle Avenue will have to include for an appropriate 'Keep Left' sign to direct traffic to turn left only to travel north along the dual carriageway that is Brocastle Avenue.

(o) 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.

(p) 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.

(q) All lorries should be suitably sheeted before leaving the site.

(r) The development site is crossed by a 1275mm public sewer and no part of any building will be permitted within 7.2m either side of the centre line of the public sewer.

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

(t) The observations of South Wales Police Crime Prevention Design Advisor are attached for the developer's information and consideration in respect of security issues.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None