

PLANNING APPLICATION: P/14/742/OUT

PROVISION OF 26 No. BUILDING PLOTS AND ACCESS ROAD AND REMOVAL OF MODERN TYPE BARN

LAND NORTH OF ABERGARW FARM BRYNMENYN

The above mentioned application was considered by Committee on 11 June 2015, when it was resolved that subject to the applicant entering 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 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 Orders 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 28th 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

the Corporate Director Communities be given plenary powers to issue a decision notice granting outline consent in respect of the application once the applicant has entered into the aforementioned Section 106 Agreement, subject to the standard outline conditions and the 18 conditions detailed in the report.

The applicant's agent has advised that interests, expressed by prospective purchasers, have extended beyond identified phasing arrangements. Almost all such interested parties are reluctant to proceed any further as adherence to the presently suggested phasing would impact considerably on the ability to proceed with their individual projects. The developer has, therefore, requested that the proposed phasing arrangements are deleted in favour of allowing individual plots to be developed on demand with the following alternative terms:-

- (a) The entire estate road including kerb races being constructed up to and including base course level together with all associated drainage prior to development commencing in respect of the construction of any approved dwelling;
- (b) The cul-de-sacs/driveways being provided up to and including base course level prior to any development commencing in respect of the construction of any approved dwelling that gains access therefrom.
- (c) An agreed programme for final completion of all of the highways to adoptable standards.

On the basis that the above suggested amendments to the Section 106 Agreement would achieve the provision of estate road and cul-de-sacs/driveways serving the plots prior to any development commencing in respect of the construction of the dwellings, it is considered

that the proposed revised clauses would be acceptable. Members' agreement to the proposed revisions to the terms of the required Section 106 Agreement is now sought given the previous resolution of the Committee.

RECOMMENDATION:

That the terms of the required Section 106 Agreement are varied from that previously resolved by Committee by deleting Clause (vi) relating to the Phasing Plan and substituting the following Clause:-

(vi) Development of the site shall proceed in accordance with the following:-

(a) The entire estate road including kerb races shall be constructed up to and including base course level together with all associated drainage prior to development commencing in respect of the construction of any approved dwelling;

(b)The cul-de-sacs/driveways shall be provided up to and including base course level prior to any development commencing in respect of the construction of any approved dwelling that gains access therefrom.

(c) A programme to include timescales for the final completion of all of the highways to adoptable standards shall be agreed with the local planning.

(d) The completion of all highways to adoptable standards in accordance with the agreed scheme.

**MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None.