

REFERENCE: P/14/464/OUT

APPLICANT: SOUTH WALES LAND DEVELOPMENTS
C/O ARUP PARTNERSHIP 4 PIERHEAD STREET
CARDIFF

LOCATION: LAND EAST OF A4061 (BNDR) COITY

PROPOSAL: OUTLINE APPLICATION FOR 220 DWELLINGS

RECEIVED: 8th July 2014

SITE INSPECTED: 16th August 2014

It was the decision of the Development Control Committee at the meeting on 11 June 2015 that the above application be granted planning consent subject to the signing of a S106 Agreement. The Heads of Terms identified in the Officer's Report included...

"a financial contribution on the commencement of development towards the provision of a Neighbourhood Equipped Area of Play, public open space and associated facilities to serve the proposed residential development in the North East Brackla Development Area, the monetary contribution being based on the most up to date formula for the calculation for equipped areas, recreational facilities and open space, based on the number of dwellings."

However, the Report also included the following condition:

"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 10th 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 the site."

The applicant considers the original Committee resolution to be onerous in that the development scheme is required to provide a financial contribution to the wider provision of open space and an equipped on-site scheme through the discharge of the planning condition. Accordingly, they have requested that the Local Authority reconsiders either the Heads of Terms of the S106 Agreement to exclude the Public Open Space contribution or the wording of the relevant planning condition.

The matter has been the subject of discussion with officers of the Parks Section and the Council's Section 106 Officer and, given the current policy framework, requiring a financial contribution and an on-site provision is unjustified and inappropriate. Members should be aware that related S106 agreements for other developments in the North East Brackla Development Brief area will secure up to £145,100 towards the provision of an equipped play area and open space. Seeking a further financial contribution is therefore not supported by policy or the development brief.

The provision of a satisfactory level of outdoor recreational/play space is addressed in the original committee report. The Parks and Playing Fields Section indicated that, due to the close proximity of a new children's play area at Clos Joslin which is connected to the site by a footpath, a formal play area will not be required. They also indicated that the area of Public Open Space illustrated on the masterplan should be equipped with natural play items to create a minimum of twenty opportunities for play for a full range of age groups up to 14 years of age. It is considered that the provision of the aforementioned play area can be secured through a planning condition and this is achieved by condition 4 as set out on the original report. Varying the heads of terms to exclude the requirement for a contribution is therefore considered acceptable.

RECOMMENDATION: That the Heads of Terms of the required Section 106 Agreement for application P/14/464/OUT be amended as follows:

(A) The applicant enters into a Section 106 Agreement to:

(i) Provide for 11 units of affordable housing to be transferred to a Registered Social Landlord, with the type of units, location within the site and affordable tenure to be agreed by the Council.

(ii) Provide a financial contribution in accordance with the Educational Facilities Supplementary Planning Guidance (SPG) formula towards the provision of additional nursery and primary school places in the schools serving the development; this figure being dependent on the final development mix and numbers with contributions provided on a pro-rata basis.

(iii) Provide a financial contribution of £7,000 towards the processing of revised traffic orders on the A4061/Brackla Link Road.

(iv) That A1 Loo Hire enters into the S106 obligation to secure the following noise and odour mitigation works and restrictions on their existing site operation on the A1 Loo Hire premises:

* No pumping activity is undertaken at the A1 Loo Hire premises between the hours of 8pm and 7am on any day;

* That A1 Loo Hire put in place a new bio-filter system in accordance with the general design criteria proposed by the RPS report titled - 'Land at Brackla West - Odour Mitigation for A1 Loo Hire, Brackla Industrial Estate, dated 11th December 2014.

* That A1 Loo Hire submits and agrees a scheme of maintenance for the installed bio-filter system;

(v) The aforementioned mitigation shall be implemented on the A1 Loo Hire site prior to commencement of any phase of the residential development:

(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 and A1 Loo Hire has entered into the aforementioned Section 106 Agreement, subject to the

standard outline conditions and the additional conditions set out in the report to the Development Control Committee on 11 June 2015.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers
None.