

RECOMMENDATION : SECTION 106

REFERENCE: P/14/838/FUL

APPLICANT: BARRATT SOUTH WALES
C/O ASBRI PLANNING LTD. UNIT 9 OAK TREE COURT CARDIFF GATE
BUSINESS PARK CARDIFF

LOCATION: LAND EAST CWM FELIN & SOUTH CRAIG TERRACE / EBENEZER
TERRACE BLACKMILL

PROPOSAL: ERECTION OF 36 DWELLINGS, CAR PARKING, AN ACOUSTIC FENCE,
LANDSCAPING AND ASSOC. WORKS

RECEIVED: 18th December 2014

SITE INSPECTED: 20th December 2014

APPLICATION/SITE DESCRIPTION

Barratt Homes South Wales Limited is seeking planning consent for the erection of 36 dwellings and associated works on an area of vacant land situated between Isfryn Industrial Estate, to the east, existing housing on Cwm Felin to the west and the Ogwr Fach River to the south, located in the village of Blackmill. The application site also includes an area of undeveloped, sloping land, in the ownership of the Council that adjoins the highway and properties on Ebenezer Terrace and fronting the access and yard serving Coppice Alupack, an industrial operator on Isfryn Industrial Estate.

BACKGROUND INFORMATION

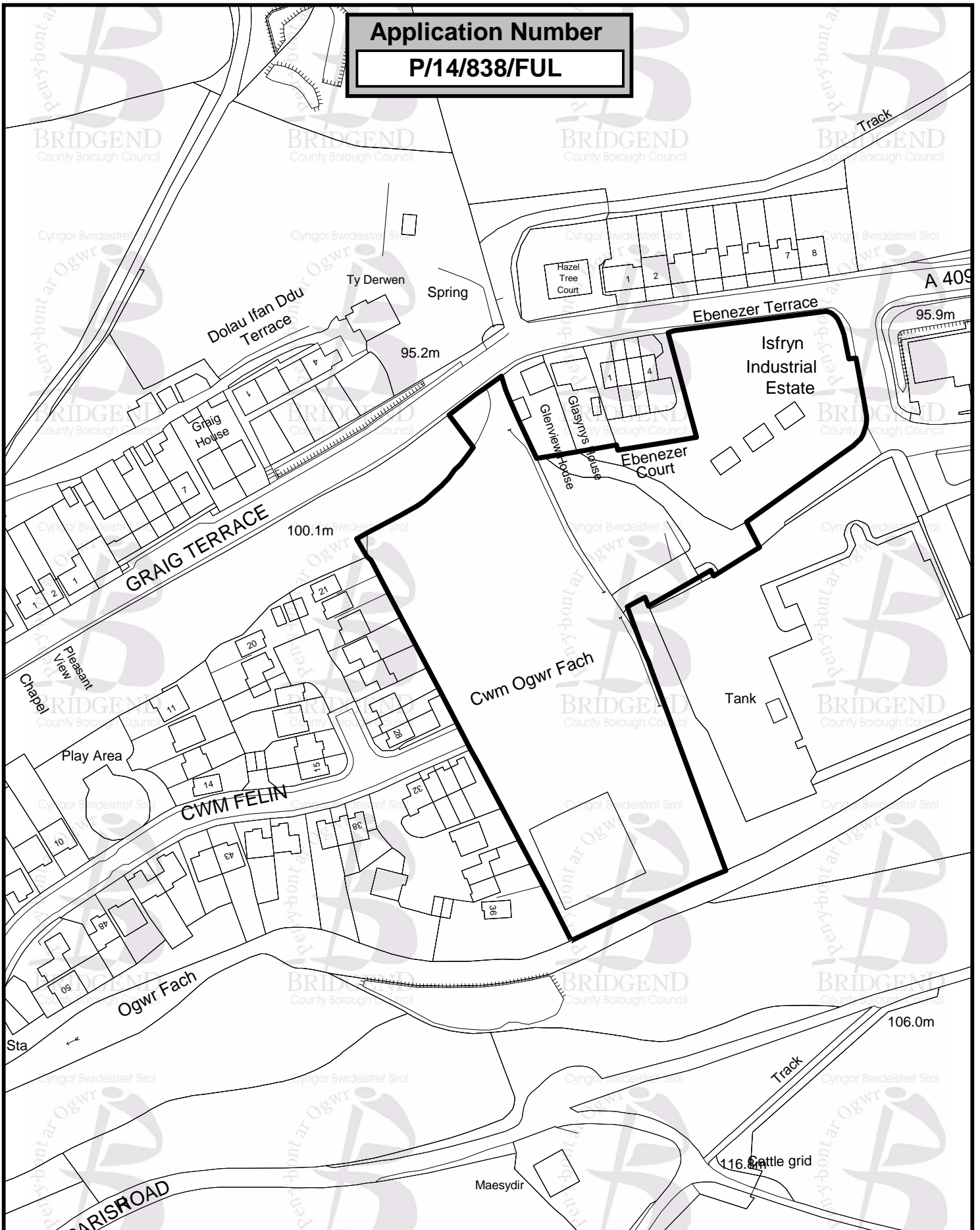
The site has a long planning history which records a number of applications where the Council has resisted the development of housing on this site that, under previous development plans, had been allocated for employment uses. In August 2010, under planning reference P/09/691/OUT, the Council resolved to grant planning permission for a mixed use development of 43 residential units, 'Live Work' units and an enterprise centre on the current application site. Permission was to be granted subject to Barratt Homes signing a S106 agreement which required the provision of a financial contribution of £200,000 to be used for the development of employment and community facilities, provision of 8 'Live Work' units, 6 affordable housing units and various land transfers between the developer and the Council. The S106 agreement was not progressed as the developer was unable to find a partner to deliver the 'Live Work' and affordable housing units.

A report proposing alternative heads of terms was prepared for the meeting of the Development Control Committee on 30 May 2013. The application was deferred to consider a legal challenge from Solicitors, acting on behalf of Coppice Alupack, who claimed that the Council had not properly considered the impact of the proposed housing on the operation of their client's business. It became apparent that consideration of the application was based on a 2009 noise survey which the Group Manager Public Protection recommended should be reviewed. On the basis of a detailed examination of site operations and information contained in a revised noise report, it became apparent that part of the application site would no longer be viable for residential development - the predicted noise levels would exceed those permitted in legislation. The development, as proposed on the indicative plan that accompanied application P/09/691/OUT, could no longer be supported on the basis of the predicted noise levels and discussions with the developer focused on a revised application which resulted in this current submission.

The current application has been the subject of prolonged negotiation and consultation and, as

Application Number

P/14/838/FUL



Scale 1:1,500

**Date Issued:
10/02/2016**

**Development-Mapping
Tel: 01656 643176**

Mark Shephard

Corporate Director-Communities

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

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

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Cyngor Bwrdeistref Sirol



revised, proposes 36 dwellings being a mix of three house types, including 1 bedroom flats, two/three bedroom terraced and semi-detached properties. The Planning Statement confirms that the proposed finishes will consist of a mixture of yellow and red facing brick with a variation of brick detailing and grey tiled roofs. The proposed boundary treatments between properties will generally be formed by a combination of 1.8m privacy panels and 1.2m high post and wire fencing between plots and either 1.8m close boarded fencing or screen walling in other locations. On the riverside boundary, to the rear of Plots 22-29, 1.8m high 'hit and miss' fencing will allow, in an extreme event, flood water to enter and egress without restriction.

Access, both vehicular and pedestrian, to the proposed housing site from the public highway will be from the A4093 via the un-adopted estate road that currently serves the existing Cwm Felin estate. This will be extended, bisecting the development area into two halves. The new access road will then form a 'T' junction at the north east boundary with two separate arms extending into the two portions of the site. These access roads run along the length of the north east boundary terminating in turning heads which provide access to parking courts and the associated dwellings. The Planning Statement indicates that car parking and cycle provision will both be provided at a ratio of at least one space per unit. The majority of car parking will be located in parking courtyards off the main access route, with the exception being those spaces accessed directly off the main estate road in to the development area.

In an attempt to mitigate the impact of noise from the adjacent Coppice Alupack operation and to limit potential complaints from future residents, the application proposes the construction of a 5m high acoustic barrier to be positioned between the diverted watercourse and the adjacent factory unit. A number of existing trees will be removed to accommodate the barrier, the design of which has been informed by a noise report prepared by Hunter Acoustics. Additional noise mitigation works, as recommended in the aforesaid report, are proposed to the adjacent factory. These include replacing the tonal reversing beepers on the forklifts with white noise alarms and providing alternative access arrangements to the warehouse. A legal agreement is proposed to secure these measures and initial discussions with representatives of Coppice Alupack indicate that such an agreement will be signed by the parties.

That part of the application site that lies adjacent to Ebenezer Terrace and the Coppice Alupack operation is to be retained for future community/employment use, with the developer proposing to eradicate invasive species on site (Japanese Knotweed), clear scrub and plant new trees and shrubs. The Planning Statement suggests that this will assist the Council in attracting investors to Isfryn Industrial Estate.

The proposed planning obligations have also been recently revised with the developer proposing 2 affordable units on-site (as opposed to the 6 on the original submission) with the remainder being in the form of a financial contribution. A viability appraisal has accompanied the revised offer which seeks to support a financial contribution of £124,000 towards off-site affordable housing provision, in addition to the 2 on-site affordable units proposed and the £20,000 contribution to be offered towards off-site community facility improvements.

The application has been accompanied by the following supporting documents:

- * Planning Statement (Asbri Planning)
- * Design and Access Statement (Asbri Planning)
- * Environmental Noise Survey (Hunter Acoustics)
- * Hydrology Assessment (Waterco Consultants)
- * Flood Consequence Assessment (CD Gray & Associates)

- * Site Investigation Report (Integral Geotechnique)
- * Site Preparation Report (Integral Geotechnique)
- * Blackmill Supplemental Soakaway Tests (Integral Geotechnique)
- * Coal Mining Risk Assessment (Integral Geotechnique)
- * Extended Phase 1 Habitat Survey and Summary of Ecology (Soltys Brewster)
- * Site Report and Management Plan for Control and Eradication of Japanese Knotweed and After Dig Report (Elcot Environmental)
- * Tree Survey (Treescene)

RELEVANT HISTORY

P/05/1425/FUL REFUSED 23-12-2005
ERECT 26 DWELLINGS WITH ASSOCIATED HIGHWAYS & ENGINEERING WORKS

P/07/340/FUL REFUSED 05-11-2007
RES DEV COMPRISING 32 DWELLINGS & ASSOCIATED WORKS PLUS COMMUNITY CENTRE

P/08/591/FUL REFUSED 27-11-2009
RES. DEV. OF 32 DWELLINGS & ASSOCIATED WORKS AND COMMUNITY CENTRE

P/09/691/OUT
MIXED USE DEVELOPMENT COMPRISING 44 RES. UNITS, COMMUNITY CENTRE & EMPLOYMENT UNITS

P/98/1009/RES APPROVED 23-02-1999
+conditions
RESIDENTIAL AND EMPLOYMENT DEVELOPMENT COMPRISING 40 RESIDENTIAL UNITS AND 7 INDUSTRIAL UNITS

P/98/407/RES APPROVED 22-12-1998
+conditions
RAISING OF GENERAL GROUND LEVEL ABOVE FLOOD LEVEL WITH IMPORTED INERT MATERIAL

P/99/475/RLX APPROVED 03-08-1999
REMOVAL OF CONDITION 14 OF CONSENT 98/1009 RE: DIVERSION OF EXISTING MAIN FOUL SEWER

P/99/476/RLX APPROVED 03-08-1999
+conditions
REMOVAL OF CONDITIONS 2 4 & 15 OF CONSENT 98/407 RE: HIGHWAY MATTERS

P/99/477/RLX APPROVED 03-08-1999
+conditions

REMOVAL OF CONDITIONS 2 4 & 15 OF CONSENT 98/407 RE: HIGHWAYS

P/99/478/RLX APPROVED 03-08-1999
REMOVAL OF COND 14 OF CONSENT 98/1009

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 will expire on 17th February 2016.

NEGOTIATIONS

Negotiations commenced on 11th February 2015 in response to observations received from Natural Resources Wales, Public Protection, the Coal Authority and the Transportation and Engineering Section.

CONSULTATION RESPONSES

Town/Community Council Observations

Notified on 23rd December 2014

The Community Council provided two sets of observations dated 27th January 2015 and 17th July 2015 objecting to the development for the following reasons:

- * Highway through Cwm Felin (Phase 1) which has not been adopted and is not fit for extra traffic
- * Car parking not enough on plan, already problems with Phase 1 due to insufficient place for parking
- * Threat to factory if residents complain about future noise problems
- * Is sewerage system able to cope with extra load?
- * That any future resident/tenants are not affected by the noise from the factory. The factory must be protected from possible noise complaints against them.

Head Of Street Scene (Highways)

No objection subject to conditions.

Head Of Street Scene (Waste & Recycling)

Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The Developer should consider provision of suitable collection points where necessary

Head Of Street Scene (Drainage)

No objection subject to clarification and additional information to be submitted and agreed through a condition to be imposed on the consent requiring the agreement of a comprehensive and integrated drainage for the site, showing how foul drainage, highway and roof/yard water will

be dealt with.

Head Of Parks & Playing Fields

Previously provided comments concerning an earlier application by the same applicant in 2009,(P/09/691/OUT). At the time of the previous application, the Parks and Playing Fields Manager considered that, as the applicant provided play facilities above the value of those normally required in the Phase 1 development, no on site provision or off-site in-lieu payment would be necessary.

I note that the total number of dwellings for both developments would be 86 (50 Phase 1 + 36 Phase 2). Based on the provision of one LEAP per 100 dwellings it is considered that the provision of the equipped children's play area on Phase 1 is sufficient for both development phases. The Council has adopted the open space with equipped children's play area on the Phase 1 development area and has noted that the standard of provision is more in line with the standard required for a NEAP type play area.

Natural Resources Wales

Revised observations from Natural Resources Wales are expected in response to the revised planning layout which removes the proposed development from the C2 flood zone. These will be verbally reported to Members at the Committee Meeting or included on the amendment sheet.

Welsh Water Developer Services

No objection subject to advisory notes.

Crime Prevention Design S.Wales Police

Comments provided - no objection.

The Coal Authority

No objection subject to conditions.

Group Manager Public Protection

No objection subject to the following:

1. A 5m closed boarded fence shall be erected along the eastern boundary as shown on plan 3187/SP2 - Proposed Housing Layout Plan of the noise report by Hunter Acoustics entitled 'Environmental Noise Survey 3187/ENS1_Rev1' dated 17 December 2014 to remove line of sight from first floor windows to the service yard of Coppice Alupack. The fence shall be maintained in perpetuity.
2. The layout of the houses shall be designed as shown on 3187/SP2 - Proposed Housing Layout Plan of the noise report by Hunter Acoustics entitled 'Environmental Noise Survey 3187/ENS1_Rev1' dated 17 December 2014 i.e. with no habitable rooms directly overlooking the service yard of Coppice Alupack with gable ends facing the site.
3. There shall be no residential development on the parcel of land shown on the layout '3187/SP1 on the supplementary letter by Hunter Acoustics to Sam Courtney dated 30 October 2013.
4. A legal agreement shall be in place between Barratt and Coppice Alupack so that Coppice Alupack will carry out work to replace the tonal reversing alarms with white noise reversing alarms and alternative arrangements shall be put in place to prevent the necessity for the forklifts at Coppice Alupack to sound their horns as they enter and leave the building.

REPRESENTATIONS RECEIVED

Open Spaces Society, C/O Dr Jay Kynch

This is an unnecessary and opportunist attempt to eliminate open space and should be rejected as outside, and contrary to, the democratic spirit of allocation of land for development after consultation under the Local Development Plan (adopted 18 Sept 2013).

Deprive the community of the enjoyment, health and welfare benefits of their local open spaces.

Bridgend CBC ought to protect its grassed open spaces and reject this application and others like it in line with Bridgend CBC's own policies and the Welsh Government's Well-Being of Future Generations Act 2015.

Objections:, .

Residents have been consulted on three occasions in response to variations to the submitted scheme with the latest consultation being sent on 1 February 2016. Objections have been received from the residents of the following properties:

2, 6, 12, 17, 21, 22, 29, 32, 33, 35, 37, 44, 48, 47 and 49 Cwm Felin;

2 Mount Pleasant Blackmill;

Blackmill and Glynogwr Residents and Tenants Association;

On 15 January 2015, a petition signed by 59 residents of Cwm Felin was also received objecting to the development. The following is a summary of the objections received to date:

1. The status of the land was previously 'greenfield' but the applicants now maintain that this has changed to brownfield - on what basis?

2. The proposed development is out of character and differs from the surrounding - the mix of house types has changed and the density is higher. The three storey flatted development will affect the neighbours privacy, will dominate outlook and will overshadow homes and gardens.

3. Can the existing access road cope with the additional traffic? increase in traffic will affect the safety of the children in the streets - existing traffic calming facilities are ineffective in controlling speed. The level of car parking for the proposed housing is below the required standard.

4. The site drains poorly with the natural flow of water impeded by the developer's actions and ground conditions. Local Authority must be satisfied that the proposed surface water collection, storage and discharge arrangements are sufficient and fit for purpose; are the foul and surface water drainage connections adequate to serve the proposed development?

5. Flood Consequence Assessment is based on out dated information.

6. Buildings works and associated construction traffic, noise, dust will inconvenience existing residents and affect the levels of amenity that are currently enjoyed.

7. Loss of wildlife.

8. The proposed acoustic barrier is no guarantee to preventing noise nuisance - the proposed dwellings in close proximity to the industrial premises could give rise to complaint which could constrain the commercial activity and potentially result in job losses or relocation of the

business. The proposed 5m acoustic fence will be an eyesore - a dominant feature to those living close to the structure.

9. The method used for the eradication of Japanese Knotweed is not a guarantee that the invasive species will not return. The developer must have regard to the potential re-infestation.

COMMENTS ON REPRESENTATIONS RECEIVED

Objections received from residents are relevant to the acceptability of the application and are generally considered in detail in the following section of the report, however, the following comments are offered in response to the specific representations received:

1. Planning Policy Wales indicates that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. As the site has not previously been occupied by a permanent structure, it could not be defined as brownfield. Nonetheless, it lies within the settlement boundary of Blackmill and is allocated for mixed use development including residential, employment and community uses.

6. Inevitably, a development so close to existing properties is going to result in some inconvenience for highway users and noise and general disturbance during the construction phase and thereafter. Whilst this is not grounds for refusing planning permission, given the scale of the development it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a traffic management plan throughout the period of construction. The Group Manager Public Protection has not indicated that the additional traffic along the existing estate road will cause an unacceptable level of disturbance.

7. Any potential ecological impacts have been considered in an 'Extended Phase I Habitat Survey undertaken by Soltys Brewster. The survey concluded that the area revealed a range of habitat types which were generally considered to be of low intrinsic ecological value although the ponds were of local ecological value in the context of the site. The report recommends that the development should seek to minimise the impacts on the broadleaf woodland and riparian corridors. Reptiles (common lizard and slow worms) were noted on site and it is understood that the developer has already implemented a programme of translocation from the development area. The Extended Phase I Survey also includes a number of recommendations in respect of vegetation clearance, translocation of amphibians from ponds and the eradication of invasive species which will be the subject of a planning condition. Any loss of habitat is considered to have only local significance and would not be grounds for resisting the grant of planning permission.

9. The existence of knotweed is acknowledged by the landowner and a site report and management plan for its eradication has accompanied the application. Implementation of the plan has also commenced which involves application of herbicide, the digging out of all material containing knotweed, sifting out rhizome material, followed by a period of inspection and management. Should permission be granted, a condition will be imposed to ensure that the developer follows the management plan prior to works commencing on construction. On the basis of the information before the Authority it would appear that the landowner's management of this invasive species accords with the Environment Agency's code of practice.

Comments in response to the observations provided by Open Spaces Society:

The application site does not constitute an area of 'open space' and is allocated for a mixed use development under Policy PLA3 (17) of the Bridgend Local Development Plan 2013. The

application will deliver housing under Policy COM2 (4) which, contrary to the observation of the Open Spaces Society, does contribute to housing supply for the County Borough.

In response to the comments of the Head of Street Scene (Waste and Recycling) the scheme has been designed to ensure access to all parts by a refuse vehicle.

APPRAISAL

The application is referred to the Development Control Committee for determination in view of the number of objections received from local residents and the Ogmore Valley Community Council.

The application and site history are described in detail in the first section of the report. The main issues relevant to the determination of this application are:

(i) whether the form of development proposed accords with the allocation of the Bridgend Local Development Plan:

Under the Bridgend Local Development Plan (2013) the application site is allocated for 'Regeneration and Mixed Use Development' (Policy PLA3 (17) refers) where it was intended that the site would accommodate a mix of uses comprising residential, work units and local community facilities. The allocation reflected the resolution to grant permission for a mixed use development under P/09/691/OUT but, as indicated at the beginning of the report, a change in site circumstances, namely the revised noise profile associated with the Coppice Alupack operation and the resultant reduction in the developable area, prevents the delivery of the original scheme. The application, according to the supporting planning statement, has sought to address the identified constraints and brings forward the residential element of the mixed use with associated affordable housing (reduced from six to two units), on and off-site noise mitigation works, a contribution to community facilities and enhancements to the undeveloped land on Isfryn Industrial Estate.

The current proposal represents a significant downsizing both in terms of housing numbers but also the employment provision (the omission of 'Live Work' and starter units) and the levels of community benefit which previously included a new community centre. It is accepted that development viability has been significantly affected by the reduction in the housing numbers and delivering the original scheme and the associated levels of obligation is no longer achievable. Whilst the development will not realise the economic benefits of earlier submissions it will deliver the housing element of the mixed use allocation without prejudicing the implementation of the remaining policies. Furthermore, the proposed housing will meet a wider need in a sustainable location. The application does also propose obligations which are at a level that reflects the revised quantum of housing whilst including measures to mitigate against the potential negative impacts of the development. It is considered that the principle of the development accords with the site's allocation and broad policies of the Bridgend Local Development Plan.

(ii) the effect of the proposal on the character and amenities of the area, specifically those enjoyed by existing residents:

Strategic Policy SP2 relates to design and sustainable place making and the proposed scheme should comply with the criteria of Policy SP2. Policy SP2 of the LDP states:-

'All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment'

The Supplementary Planning Guidance (SPG) 02 - Householder Development, adopted on 12/12/2008, sets out objectives that define development that is likely to be acceptable. Whilst the SPG relates to householder development it is considered that its principles are generally relevant

to this application and in particular Notes 1, 2, 6 & 8, addressed below.

Objectors have highlighted the difference between the existing Cwm Felin estate and the proposed development in terms of housing mix, density and the scale of the development. On the recent revisions, the three storey flatted complex in the north western corner of the development has been omitted. All housing units are now two storeys and, apart from the two (one bedroom) flats on Plots 10 and 11, are either two or three bedroom semi-detached or link units. The housing mix is not significantly different to the adjoining site and is the house builder's response to market demand. Concerns about density are also noted although Policy COM 4 of the LDP (2013) does establish a density requirement of at least 35 dwellings per hectare. Although this is exceeded, the numerical increase is not in itself grounds to refuse permission. Increased densities should not, however, be accepted if the living environment created is poorly designed. For the majority of the properties, the level of private amenity space is modest with garden lengths not achieving the 10m that would be the preferred distance. In some of the more recent higher density schemes approved by this Council, such compromises in garden sizes have been accepted. The privacy that will be afforded to the future occupiers of the new dwellings will meet the Council's privacy standard and although garden lengths will not be particularly generous, spacing between the proposed units will ensure that the outlook is relatively open.

The supporting planning statement maintains that the proposed layout has been carefully considered to ensure that the amenity of the adjacent existing residents is not unduly harmed. The omission of the three storey units has assisted in this regard. Units 1 and 12 on the revised layout are the closest on the northern part of the development with a gable end (8.6m to the ridge) of the proposed dwelling being 'set in' approximately 1m from the shared boundary, with a distance of between 12.5m and 14m being recorded on plan, between the rear elevation of the existing dwelling and the side elevation of the new units. Even accounting for any minor change in ground levels, the new dwellings should not unreasonably overshadow or dominate outlook. Whilst the open aspect that is currently enjoyed by the occupiers of the neighbouring properties will be lost, the layout in this respect, meets the Council's guidelines for spacing between new and existing properties. No habitable room windows will directly overlook the existing properties from the new dwellings so privacy will not be compromised. The relationship on the southern part of the proposed layout is slightly different with the nearest units being on Plots 22 and 36. Again on Plot 22, an 8.6m high gable end of the new dwelling will be positioned adjacent to the shared boundary with the nearest existing dwellings (35 & 36 Cwm Felin). From the submitted plans, a separating distance of 14m is recorded which, for the reasons set out above, is acceptable. Plot 36 will share a similar orientation to 29 Cwm Felin with the driveways of the existing and new dwellings creating space between. Such an arrangement is again acceptable and should ensure that the amenities of the occupiers of this neighbouring dwelling are not unreasonably affected by the development.

The car-parking courtyards in the northern and southern parts of the site will share the remaining boundaries with the existing houses and it is intended to provide screening in the form of fencing and new planting to minimise the impact of the proposed works.

(iii) the effect of the development on the highway network and highway safety generally:

The transportation and highway safety implications of the proposal have been fully considered by the Transportation and Development Control Officer who has not objected to the development subject to conditions. The most recent revisions to the proposed layout have been in response to concerns regarding the level and accessibility of the parking bays and the width of the proposed estate road. A reduction in the number of units and consequential demand for resident car parking, the provision of more convenient residents car parking and visitor parking on the widened carriageway has addressed previous objections. Whilst it is understood that the existing estate road serving Cwm Felin has not been adopted, that process is continuing and does not prejudice the consideration of the new application. Given the number of units proposed, the

highway (vehicular and pedestrian) infrastructure is considered acceptable to serve the development.

(iv) the effect of the development on the existing drainage systems and connected flood risk:

Apart from Natural Resources Wales, the relevant drainage bodies have commented on the proposed development and offered no objection to the development subject to conditions. The Council's Land Drainage Engineer confirms that discussions have taken place with the developer's drainage engineers and it is considered that an appropriate scheme can be designed and accommodated within the site.

Part of the south eastern corner and the southern boundary of the development site are located within 'Zone C2' as identified on the Welsh Government Development Advice Maps. In response to the original consultation on this application Natural Resources Wales indicated that the modelling and data on which the Flood Consequences Assessment (FCA) was based was out of date and they requested the submission of additional survey and modelling work. Barratt Homes response has been to amend the application site boundary and remove any built development from within the C2 zone. Natural Resource Wales have been asked to provide comments on the revised layout and any observations received will be brought to Members attention. The expectation is that no objection to the development will be made. If observations to the contrary are received, the application will be deferred to enable the comments to be considered further.

(v) Whether the development would impact on the adjoining employment site which is allocated and protected under policies of the Bridgend Local Development Plan.

Under Policy REG1 (31) of the Bridgend Local Development, Isfryn Industrial Estate is allocated and protected for employment uses. Planning Policy Wales (2016) indicates that employment and residential uses can be compatible but local planning authorities should have regard to the proximity and compatibility of proposed residential development adjacent to existing industrial and commercial uses to ensure that both amenity and economic development opportunities are not unduly compromised. In response to the noise survey that has accompanied the application, and on the advice of colleagues in the Public Protection Section, a number of noise mitigation measures are proposed as part of this application. The proposed acoustic barrier is one part of a series of measures to mitigate the impact of noise emanating from the Coppice Alupack operation on the existing residents and those that will occupy the development. The additional measures are set out elsewhere in this report and include replacing the tonal reversing beepers on the forklifts with white noise alarms and providing alternative access arrangements to the warehouse. Such measures and a plan of implementation will be the subject of a S106 Agreement which will be signed by the Council, the developer and the appropriate parties in Coppice Alupack. This will ensure that the mitigation works will be implemented prior to the occupation of the proposed dwellings. Having regard to the advice contained in Technical Advice Note (TAN) 11: Noise 1997, this approach is consistent with Welsh Government Guidance. Furthermore, it provides some comfort that the continued operation of the Coppice Alupack will not be compromised by the introduction of new housing on the adjacent land.

It is acknowledged that a 5m structure will appear as a somewhat 'alien feature' on this new housing estate. If such a structure does diminish the visual amenities of the area, its purpose along with all other forms of mitigation, is to protect residential amenity and allow the delivery of the residential element of this mixed use allocation thus providing housing to meet local need.

In summary, it is considered that the development accords with SP2, PLA3 (17) and COM4 of the Bridgend Local Development Plan and will have a design that is appropriate in scale which will ensure that the viability and amenity of neighbouring users/occupiers will not be adversely affected. The implementation of biodiversity enhancements, as required by conditions 7 and 9, will help contribute to the environmental sustainability of the development and will demonstrate

compliance with Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. On the advice of the land drainage bodies, appropriate arrangements for the disposal of foul sewage, waste and existing land drainage can be accommodated on the development and methods to deal with invasive species have been incorporated in the planning submission. Finally, safe and efficient access within and outside the site can be provided by the development

CONCLUSION

This application is recommended for approval because the development is in accord with the policies of the Bridgend Local Development Plan and will deliver housing on a sustainable site without any significant adverse impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents and adjoining users will be safeguarded.

The representations received have been taken into account however, on balance, it is not considered that they outweigh the merits of the development and the Local Development Plan.

RECOMMENDATION

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

(i) Provide 2 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 and a financial contribution of £150,000.00 as the equivalent value to providing the level of affordable housing on site under Policy COM5 of the Bridgend Local Development Plan (2013).

(ii) Provide a financial contribution of £20,000.00 towards improvements to the existing community centre in Blackmill or towards the provision of a new community building

(iii) Secure the following noise mitigation works on their existing site on Isfryn Industrial Estate:

a) Replace the tonal reversing alarms with white noise reversing alarms on the forklift trucks in operation on the land currently being occupied by Coppice Alupack;

b) Provide an alternative access arrangement to the existing warehouse to prevent the necessity for the forklift trucks operating at Coppice Alupack to sound their horns as they enter and leave the building;

(iv) Ensure the aforementioned mitigation works are implemented on the Coppice Alupack site prior to commencement of the development approved under P/14/838/FUL:

(v) Establish a 'Management Company' for the future maintenance of the acoustic barrier, the existing watercourse on the eastern boundary of the development site and all storage drainage systems in the private areas of the development. Details of the Management Company, including the funding of the Management Company, and the maintenance regime shall be agreed in writing by the Local Planning Authority to ensure that the maintenance works are carried out in perpetuity.

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

1 The development shall be carried out in accordance with the following approved plans: Job No. 1327 Drawing No. 1000 Revision T, 1060, 1061, 1062, 1063, 1066 and 1067.

Reason: For the avoidance of doubt as to the nature and extent of the approved

development.

- 2 No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how road, roof and yard water will be dealt with has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of any dwelling.

Reason: To ensure that effective drainage facilities are provided for the proposed development

- 3 No development shall commence until a scheme showing the scale, design, specification and precise location of the required acoustic barrier to be erected along the eastern boundary of the application site has been submitted to and agreed in writing by the Local Planning Authority. The acoustic barrier shall be erected in accordance with the agreed scheme, prior to the occupation of any dwelling and maintained in perpetuity.

Reason: To maintain noise levels in the interests of the occupiers of the residential properties.

- 4 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 dwellings 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.

- 5 No development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

- 6 No development shall commence, including any works of site clearance until a 'Site Clearance Method Statement' has been submitted to and agreed in writing by the Local Planning Authority. The statement shall include details for avoidance of harm to reptiles and nesting birds. The development shall be carried out strictly in accordance with the agreed method statement.

Reason: In the interests of visual and residential amenity and to promote nature conservation

- 7 No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a soft and hard landscaping scheme. The agreed landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

- 8 No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

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

- 9** No development shall commence until a scheme for the erection of bird and bat boxes and a programme of implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as agreed.

Reason: In the interests of visual and residential amenity and to promote nature conservation

- 10** No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities
- haulage routes

Reason: In the interests of highway safety

- 11** No development shall commence on site until a scheme has been submitted to and agreed in writing showing the internal access road 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.

- 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) 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 and to prevent loose stones, mud and gravel being spread on to the highway, in the interests of highway safety.

- 13** The development shall be carried out strictly in accordance with the recommendations set out in Chapter 6 of Soltys Brewster's Extended Phase 1 Habitat Survey and Summary of Ecology dated April 2015 and the Knotweed Management Plan set out on pages 7-8 of Elcot Environmental Site Report and Management Plan for Control and Eradication of Japanese Knotweed and After Dig Report dated October 2015.

Reason: For the avoidance of doubt and in the interests of protecting biodiversity interest and the environment.

- 14** Construction works shall not take place outside 07:30 hours to 17:30 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of residential amenities.

* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- (a) This application is recommended for approval because the development complies with the

policies of the Bridgend Local Development Plan and will deliver housing on a sustainable site without any significant impact on the highway network and local drainage system. Furthermore, the proposed housing layout has been designed to ensure that the amenities of existing and future residents and adjoining users will be safeguarded.

(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) It is a requirement under Section 153 of the Highways Act 1980 that any gates must be located and fitted so as not to open out over the highway.

(g) The Highway Authority will require the developer to enter into a Section 38 Road Agreement and a Section 104 Sewer Agreement, including appropriate bonds to secure the implementation of the proposed highway and sewer works.

(h) The applicant 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.

(i) 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.

(j) 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.

(k) 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.

(l) Details of any retaining walls within the site to be submitted to the Authority should 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) Street nameplates reflecting the official street name allocated by the Council should 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.

(o) Any building materials delivered to the development site should not be deposited or stored on the highway, without the express PRIOR consent of Bridgend County Borough Council as the Highway Authority.

(p) An information pack containing public transport information including timetables shall be provided by the developer upon occupation of each residential unit.

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

(r) The developer should consider provision of suitable waste/recyclates collection points where necessary.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background Papers

None