

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

27 JULY 2016

REPORT OF THE CORPORATE DIRECTOR – COMMUNITIES

DEPARTURE FROM DEVELOPMENT PLAN - PLANNING APPLICATION P/15/845/FUL

1. Purpose of Report

- 1.1 On 7th July, 2016, the Development Control Committee considered planning application P/15/845/FUL as a technical departure from the Local Development Plan. The Development Control Committee resolved not to refuse planning permission as the inclusion of this strip of land within the application site boundary will not compromise the integrity of the settlement boundary or damage the character or appearance of the surrounding countryside. As such the application has been referred to Council which is requested to approve the application subject to a Section 106 Legal Agreement to provide a contribution of £3,760 towards children's play provision and to secure two of the twelve units as affordable housing in perpetuity and subject to conditions.
- 1.2 A copy of the Development Control Committee report is attached at Appendix 1. The DC Committee considered revised wording to Condition 1 and the amendment sheet referred to an extra condition (15) to be added to the recommendation. Members resolved to approve the application on that basis subject to a referral to Council and the applicant entering into a Section 106 Legal Agreement.
- 1.3 In addition, DC Committee members resolved to increase the contribution towards children's play provision from £1,880 (as stated in the report) to £3,760. This is as a result of DC Committee members highlighting that the 4 No. 2 bed flats could realistically accommodate children and should therefore contribute to the improvement of an existing children's play area in the vicinity of the site. As a point of clarification all future schemes will be considered on this basis i.e. including flats with 2 or more beds within the calculation.

2. Connection to Corporate Improvement Plan / Other Corporate Priorities

- 2.1 The delivery of the County Borough Council's planning functions has links to all three of the Council's corporate priorities as outlined in the Corporate Improvement Plan 2016-2020.

3. Background

- 3.1 The application relates to the construction of 4 x 2 bed dwellings, 4 x 1 bed flats and 4 x 2 bed flats on a parcel of sloping scrub land, located at the end of the cul-de-sac of Lansbury Close, Maesteg.
- 3.2 The vast majority of the application site lies within the settlement boundary of Maesteg, as defined by Policy PLA1 of the adopted Bridgend Local Development Plan (LDP). A very small strip of land along the southern edge of the application site lies outside the settlement boundary and is therefore classed as being within the open countryside. However, the application site extends the development to the nearest defensible and logical boundary,

which is adjacent to an informal footpath that would remain in situ and outside the application site (see plan attached as Appendix 2).

- 3.3 Officers consider that the inclusion of this strip of land within the application site boundary will not compromise the integrity of the settlement boundary or damage the character or appearance of the surrounding countryside.

4. Current Situation

- 4.1 The application site is owned by the applicant, Valleys to Coast Housing Association, and is currently a parcel of sloping scrub land, located at the end of the cul-de-sac of Lansbury Close, Maesteg.

5. Effect upon Policy Framework & Procedure Rules

- 5.1 Whilst the application does not fully accord with the policies of the Bridgend Local Development Plan, the inclusion of this strip of land within the application site boundary will not compromise the integrity of the development plan and is considered to be a logical extension of the residential cul-de-sacs at Lansbury Close and Lansbury Crescent. Furthermore the development will result in the provision of much needed affordable housing in Maesteg. .

6. Equality Impact Assessment.

- 6.1 A screening for Equality Impact has been undertaken and no negative issues have been identified.

7. Financial Implications

- 7.1 A Section 106 Legal Agreement will need to be drafted and signed by all parties before the decision is issued. The agreement will secure a financial contribution of £3,760 towards children's play provision and two units as affordable housing in perpetuity.

8. Recommendations

- 8.1 That if Council is minded not to refuse the development then the Corporate Director Communities be given plenary powers to issue a decision notice in respect of this proposal once the applicant has entered into a Section 106 Agreement requiring the following:

- i) provide a financial contribution of £3,760 towards children's play provision.
- ii) secure two units as affordable housing.

- 8.2 That if Council resolve to approve the proposal, the following conditions be included on the consent:-

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

3265/PA/004 Rev.A - Proposed Site Layout (received 7 March 2016)
3265/PA/006 - House/Flat Types (received 18 December 2015)
3265/PA/010 Elevations (received 18 December 2015)
3265/PA/011 - Elevations (received 18 December 2015)

100 Rev.P2 - General Arrangement [Sheet 1 of 2] (received 18 December 2015)

101 Rev.P2 - General Arrangement [Sheet 2 of 2] (received 5 July 2016)
102 Rev.P3 - Drainage Layout (received 18 December 2015)
102 Rev.P1 - Crib Wall Elevation (received 10 May 2016)

SK01 - Crib Walling Proposals (received 11 April 2016)

Sections 9 and 10 of 'A Secondary Ecological Appraisal' [Conducted by Just Mammals Consultancy] (received 18 December 2015)

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of ecology/biodiversity

2. Notwithstanding the requirements of Condition 1, 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 development, 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. Notwithstanding the requirements of Condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a landscaping scheme which shall include details of both hard and soft landscaping works. The soft landscaping scheme shall include details of all existing trees and hedgerows on land, and details of any to be retained, together with measures for their protection in the course of development. All hard and soft landscape works shall be carried out in accordance with the agreed details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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

4. Notwithstanding the requirements of Condition 1 and 3, 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. Any tree that is planted is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective within the 3 year maintenance period another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

5. Notwithstanding the requirements of Condition 1, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials (including colours) and type of boundary treatment (including retaining walls) to be erected. The boundary treatments shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed plan and timetable.

Reason: In the interests of visual and residential amenities.

6. Notwithstanding the requirements of Condition 1, 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 and in the interests of visual and residential amenities.

7. Notwithstanding the requirements of Condition 1, 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 (including those which would have an influence on the highway) 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.

8. Notwithstanding the requirements of Condition 1, no development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul drainage, road and roof/yard (surface) water will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to the occupation of any of the residential units hereby approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased.

9. Notwithstanding the requirements of Condition 1, no development shall take place until full details (including the dimensions, design and external finishes) of the proposed Cycle and Bin Stores, as shown on drawing no. '3265/PA/004 Rev.A - Proposed Site Layout' (received 7 March 2016), have been submitted to and agreed in writing by the Local Planning Authority. The stores shall be installed in accordance with the agreed details prior to the development being brought into beneficial use and thereafter retained as cycle and bin stores in perpetuity.

Reason: In the interests of visual and residential amenities.

10. Notwithstanding the requirements of Condition 1, no development shall take place until full details (including the design, dimensions, position, projection and external finishes) of the proposed Solar PV Panels to be installed on the dwelling on Plot 4 and flats 5/6, as shown on drawing nos. '3265/PA11 and '3265/PA10 - Elevations' (received 18 December 2015), have been submitted to and agreed in writing by the Local Planning Authority. The panels shall be installed in accordance with the agreed details.

Reason: In the interests of visual amenities.

11. Notwithstanding the requirements of Condition 1, no development shall commence until a scheme has been submitted to and agreed in writing showing the south-eastern window of the premises known as 12 Heol Gelli Lenor, which directly faces proposed flats 11/12, as shown on drawing no. '3265/PA/004 Rev.A - Proposed Site Layout' (received 7 March 2016), being fitted with fixed pane obscured glazing to a minimum height of 1.8m from finished floor level of 12 Heol Gelli Lenor. The window shall be fitted with obscure glazing to a minimum of level 5 on the Pilkington index of obscurity and in accordance with the agreed scheme prior to the beneficial occupation of flats 11/12, hereby approved, and shall then be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

12. Notwithstanding the requirements of Condition 1, no development shall commence until a site clearance method statement has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall include measures to be implemented for the avoidance of harm to reptiles, nesting birds and for detailing the containment, control and removal of invasive, non-native species on site. The site clearance works and development shall be carried out in accordance with the agreed method statement.

Reason: In the interests of ecology and biodiversity.

13. Notwithstanding the requirements of Condition 1, 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:-
- a) Provision of a temporary compound for construction materials and plant and parking for contractor's vehicles during site clearance and the construction of the development; and
 - b) Details of a wheel washing scheme to prevent mud and debris from the site clearance and construction traffic being carried out onto the existing maintainable highways;

The agreed Construction Management Plan, shall be implemented for the duration of the site clearance and construction works.

Reason: In the interests of highway safety and general amenities.

14. Notwithstanding the requirements of Condition 1 and prior to the occupation of any dwelling or flat, hereby approved, the roads, footways, drives, turning areas and parking spaces, as shown on drawing no. '3265/PA004 Rev.A - Proposed Site Layout' (received 7 March 2016), shall be completed in permanent materials and at gradients that do not exceed 8.33% (1 in 12).

Reason: In the interests of highway safety.

15. Notwithstanding the requirements of Condition 1 and prior to the commencement of development (including excavation and site levelling works), the proposed carriageway widening and on-street parking bays along Lansbury Close shall be completed in permanent materials, with the parking bays demarcated in permanent materials, in accordance with the approved layout – Drawing No. 8672/101 Rev. P3 (received 5th July, 2016).

Reason: In the interests of highway safety.

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27th July, 2016

Contact Officer

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Background documents

Appendix 1: Development Control Committee Report

Appendix 2: Plan indicating the application site extent and the settlement boundary for Maesteg