



## Adroddiad

Ymchwiliad a gynhaliwyd ar 12&13/07/05  
Ymweliad safle a wnaed ar 13/07/05

## Report

Inquiry held on 12&13/07/05  
Site visit made on 13/07/05

**gan/by Emyr Jones** BSc(Hons) CEng MICE MCMI

**Arolygydd a benodwyd gan Gynulliad  
Cenedlaethol Cymru**

**an Inspector appointed by the National  
Assembly for Wales**

Dyddiad/Date 16/08/05

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TOWN AND COUNTRY PLANNING ACT 1990

BRIDGEND COUNTY BOROUGH COUNCIL

APPEAL BY THE WELSH DEVELOPMENT AGENCY

LAND AT TP DRAW FARM, PYLE

**File Ref: APP/F6915/A/05/1175163**

**Site address: Land at Tŷ Draw Farm, Pyle**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by the Welsh Development Agency against Bridgend County Borough Council.
- The application Ref P/00/813/OUT is dated 14 September 2000.
- The development proposed is residential development (approximately 150 houses).

**Summary of Recommendation: The appeal be dismissed.**

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**Procedural Matters**

1. Although the appeal relates to a failure to give notice within the prescribed period, the Council subsequently resolved on 24 March 2005 that it would have refused the application (Document 8). The reasons given being:
  - (i) The site is allocated in the adopted Ogwr Borough Local Plan by policy E8(2), for employment purposes falling within use class B1 of the Town and Country Planning (Use Classes) Order 1987. This proposal for residential development is therefore out of accord with the existing Development Plan, being contrary to Policy E(8)2 and Policy E10 of the Plan, which presumes against the loss of identified industrial land for alternative purposes.
  - (ii) There is a genuine lack of alternative employment sites of similar calibre and proximity to the M4 Motorway within the County Borough.
  - (iii) There is specifically, a lack of employment land in the locality, and its development for employment purposes will contribute to the economic and social regeneration of a particularly deprived part of the County Borough.
  - (iv) The supply of residential land is more than adequate to satisfy the needs of the County Borough within the UDP Plan period and for the foreseeable future. This is demonstrated by the fact that according to the most up-to-date Joint Housing Land Availability Study, the supply of readily available residential land in the County Borough stands at 9.7 years, substantially greater than the minimum 5 years supply recommended by National Planning Policy Guidance (PP Wales – TAN 1).
2. I have attached all documents and plans submitted to the Inquiry, including statements of evidence and closing submissions. These documents are generally as originally submitted, in other words they do not take account of how the evidence may have been affected by cross-examination or other aspects of the Inquiry, or reflect any deviations from or additions to the text when the closing submissions were read out. The Council reported an error on the plan at BCBC4 Document 8 in that Site 16 had been over represented; the area that I have cross hatched should not have been included.
3. At the Inquiry an application for costs was made by Bridgend County Borough Council against the Welsh Development Agency (WDA). This application is the subject of a separate Report.

**The Site and Surroundings** (Plans A1 & A2, Document 7 and Appendix 3 to Document 12)

4. The site lies to the west of the A4229 Link Road between the A48 to the north and M4 junction 37 to the south, but lies below the level of the Link Road and is separated from it by a substantial belt of woodland. The M4 motorway to the south is elevated at this point. On its western side the site adjoins the Broadlands Housing Estate from which it is partly

separated by the line of a dismantled railway. The site fronts a local distributor road known as Fairfield to the north.

5. The site comprises four fields used for grazing and slopes in a north to south direction. The site as a whole measures 6.7Ha in area and includes a 275m length of Fairfield in order to accommodate a new access to the requisite standards. The developable area is approximately 6.1Ha. The main part of the appeal site, that is the land south of Fairfield, forms a low ridge some 15m high at its broader northern end where the site measures around 165m in width. The land falls away relatively steeply in the northern part of the site. The site flattens out and tapers to the south narrowing to a minimum width of 33m.

## Planning Policy

6. The development plan is the *Bridgend County Borough Unitary Development Plan* (UDP) adopted on 12 May 2005. The full texts of the policies referred to can be found either attached to the Appeal Questionnaire or in Document 22.
7. Policy E6 allocates and safeguards five sites for the establishment of high quality 'special employment sites'. Such sites must be developed to the highest design and environmental standards and are reserved specifically for high technology business and manufacturing, research and development and related office development, and for no other purpose. The sites are:
  - E6(1) Bridgend Science Park/Island Farm (Plan B2);
  - E6(2) Land south west of Sony, Pencoed (Plan B1);
  - E6(3) The Triangle site, Pencoed (also known as Bocam Park) (Plan B2);
  - E6(4) Pencoed Technology Park (Plan B1); and
  - E6(5) Tp Draw Farm, North Cornelly (the appeal site) (BCBC 3 Document 8).
8. Policy H3 is generally supportive of housing on "windfall" sites, defined as unallocated sites of 10 or more dwellings, up to and within the designated boundaries of the main settlements, including North Cornelly. The supporting text assesses that windfall sites can contribute 320 dwellings to future housing provision between 2000 and 2016. Where a local need is demonstrated, policy H7 expects an appropriate element of 'affordable housing' on suitable sites capable of accommodating 15 or more units or exceeding 0.5Ha in size. Policy RC5 requires provision of a satisfactory level and standard of outdoor sport and children's playing space and public open space for all new housing developments.
9. The *M4 Corridor Study: Development Opportunities 1995* (Document 19) was produced by the Standing Conference on Regional Planning Policy in South Wales but has not been subject to public consultation or adopted as Supplementary Planning Guidance and should be afforded limited weight. It emphasises the role of the M4 corridor as a location for inward investment and the attraction of junction locations for the prestige manufacturing and high technology sector as well as offices. It also notes that land with development potential is clearly a finite resource and that the development plan process must be capable of giving long term protection to such sites given the time lag that can occur between the approval of a site and development actually taking place. The Study includes 6.4 Ha at Junction 37 North Cornelly (the appeal site) in a Table headed 'M4 Corridor: Industrial Land Availability'.
10. The *Property Strategy for Employment in Wales (2004 – 2008)* (Documents 26A – 26C) sets out the Welsh Assembly Government's and the WDA's strategy for employment sites and buildings across Wales. It classifies sites into different types including business parks which are likely to have a minimum area of 12Ha, 2-3 of which are envisaged along the M4 corridor; strategic sites of substantial scale, often in excess of 20Ha, concentrated on large

centres of population with proximity to the primary road network; and special category sites, only one of which is envisaged in the whole of Wales. The sites listed within the Council's area do not include the appeal site, but the list includes a site at Junction 36, Sarn Park, although the Welsh Assembly Government objected to its continued inclusion in the UDP (Document 21B).

11. National planning policy is found in *Planning Policy Wales* (PPW) and this is supplemented by various Technical Advice Notes (TANs). Of particular reference to this case are those on *Joint Housing Land Availability Studies* (TAN 1), and *Planning and Affordable Housing* (TAN 2).

**Planning History** (Document 7 and Appendices 9 & 12 Document 12)

12. Three planning applications for residential development were refused in 1974, 1975 and 1976. Prior to the acquisition of the site by the Land Authority for Wales (LAW) in 1978, a letter was received from the Borough Planning Officer (Appendix 10 Document 12) indicating on an informal basis that there was no objection in principle to residential development of the site. In 1978 LAW submitted two planning applications which were withdrawn in 1981 and replaced by a single application for residential development and a public house in November 1981.
13. LAW presented evidence to the *Kenfig – Pyle Local Plan* Inquiry in 1986 in relation to its objection to the allocation of the site for appropriate industrial development which is environmentally compatible with the adjacent residential area. The Inspector accepted Ogwr Borough Council's case and the special employment allocation under Policy E3 was retained (Appendix 15 Document 12), although the Local Plan was not formally adopted. The planning application for residential development and a public house was subsequently refused in March 1987 on the grounds that the site was allocated for high technology industry in the *Kenfig – Pyle Local Plan*.
14. The *Mid Glamorgan County Structure Plan incorporating Proposals for Alteration Number 1* (approved September 1989) (Appendix 13 Document 12) included Policy E5 which reserved sites with good access to the M4 for special employment purposes. This included Tŷ Draw Farm, North Cornelly for high technology industry.
15. At the 1994 Inquiry into the *Ogwr Borough Local Plan* evidence was again presented by LAW against allocating the site for employment purposes – the Local Plan now proposed a more general B1 use. The Inspector did not agree with these objections and the adopted Local Plan (April 1995) (Appendix 16 Document 12 & BCBC 2 Document 8) allocated the site under Policy E8 for B1 use. The *Bridgend County Borough Council Mid Glamorgan Replacement Structure Plan* was adopted in March 1997 (Appendix 14 Document 12) and included policy E5 which states that sites with good access to the M4 will be reserved for special employment purposes. The three sites listed did not include Tŷ Draw Farm, on the basis that it was now allocated for B1 purposes in the Local Plan.
16. An application was submitted by Farm Villages Limited in September 1998 for the construction of a Farm Village (comprising industrial and retail uses) together with related restaurants and hotels. This application was refused in 1999 (Appendix 11 Document 12 & BCBC 8 Document 8).
17. In July 2000, the Council issued a Pre-Deposit Draft UDP (Appendix 18 Document 12) with the site allocated for housing under Policy H1(62). The Deposit UDP (Appendix 20 Document 12) was issued in March 2001 and included the site as a special employment site

under Policy E6. The WDA's representations for the allocation of the site were heard at the UDP Inquiry in 2002 and the Inspector's Report published in April 2003 (Appendix 21 Document 12) recommended in favour of designating the site for housing.

18. The Planning Officer's Report to the Planning Committee on 5 February 2004, in relation to the Inspector's Report and the Council's Statement of Decisions recommended that the site be included for housing in the UDP. This was considered by the Planning Committee but the site was retained as an allocation for special employment. The Proposed Modifications published in June 2004 designated the site for special employment purposes (Appendix 23 Document 12). Further Modifications to the UDP were issued on 16 December 2004 and the Council proceeded to issue its Notice of Intention to Adopt on 7 April 2005 and the UDP was adopted on 12 May 2005.
19. The appellants have submitted an application under Section 287 of the **Town and Country Planning Act 1990** to quash in part the UDP insofar as it affects the property known as T<sub>p</sub> Draw Farm, Pyle (Document 27).

### **The Proposals**

20. The appeal relates to an outline application, but means of access forms part of the application. The application plans include an access arrangement agreed with the Highway Authority as being appropriate to serve 150 dwellings (Document 7 and Plan A3). The appellants have submitted a Section 106 Unilateral Undertaking (Document 30). If planning permission was granted, this would provide a financial contribution of £104,664 for off-site improvements to North Cornelly playing fields and related facilities to satisfy UDP Policy RC5 (Document 22).

### **THE CASE FOR THE APPELLANTS**

The material points are:

#### **Revisiting UDP Inquiry (Documents 16 & 17)**

21. It is not correct to submit that it is not permissible to revisit exactly the same arguments that were considered at the UDP Inquiry or to go behind the decision of democratically elected councillors. The UDP process is statutory and allows policies to be tested so that policies which are not justified or sound can be identified. The development plan regulations require reasons to be given for rejecting a recommendation and those reasons must themselves be sound.
22. The UDP Inspector gave a structured response with reasons against the site being reserved for employment purposes and as to why it should be allocated for housing. No evidence was submitted that criticises the Inspector's Report, nowhere were reasons given to disagree with the conclusions or to find fault with the facts found and the recommendations made. In this case, great weight should be attached to the UDP Inspector's conclusion because it is recent and, on the Council's own admission, there have been no significant changes in material circumstances. Its arguments are exactly the same as those considered at the UDP Inquiry, and it has given no reason for rejecting the recommendations save for repeating those arguments and the mantra that elected councillors are free to do what they choose.
23. The Council indicate that the only basis of a review under Section 287 are that it acted perversely, or failed to take into account all relevant planning considerations, or gave wholly inadequate or unintelligible reasons. All these elements are present, but that is not a matter to be determined through this appeal. Nonetheless, the process is slow and inconclusive and

will not result in planning permission or a revised plan allocation. It could only result in part of the plan being quashed and reconsidered by the same democratically elected councillors. A Section 78 appeal is, therefore, more appropriate to determine the issues relating to the future use of the site. What is more relevant is that it is the Council that is relying on exactly the same arguments as made to the UDP Inspector. It has not explained on what basis those arguments can be sustained in view of the UDP Inspector's conclusions.

24. The Act allows for appeals and recognises that there may be material considerations which indicate a decision other than in accordance with the development plan. These will include that the policy is not capable of being implemented, that its adoption was perverse, that it is contrary to the recommendation of the Inspector and the Council's officers, and that it does not apply relevant national policy, all of which are present in this case.
25. Under the new development plan system, plans will be subject to independent examination of their soundness. Local planning authorities will not be able to adopt plans other than in accordance with the Inspector's recommendations, such that unsound policies will not be re-introduced at the whim of members. Whilst this requirement is not yet in force, the principle is good and it is a material consideration that the UDP Inspector found Policy E6(5) to be not sound.
26. The proposal is not in accordance with the development plan, but there are compelling material considerations that indicate against a decision in accordance with the policy. These considerations go to the heart of the policy which is not sound.

#### **Availability of Employment Sites** (Documents 11, 13, 16 and 17)

27. The evidence presented has confirmed that the site has been allocated and positively and actively marketed for employment development for over 25 years but has not been taken up. A sale board has been maintained on or adjacent to the site since 1979. From 1986 the property has been on the WDA's list of inward investment sites which became the Industrial Land Database for Wales in 1989. Economic development departments of successive local authorities have been aware of the availability of the land and it has been recorded in the Industrial Land Availability Register. More active marketing has included newspaper adverts on various occasions including spring 2001, autumn 2001, and spring 2002. Marketing particulars are included as Appendix 6 to Document 13.
28. The LAW and WDA have a proven track record in the assembly and disposal of sites for development by others. The UDP Inspector noted that there had been limited interest in the site and that its history counts against its inclusion for employment purposes. As a statutory authority the WDA have a duty to obtain best consideration on their disposals and any receipts would be re-invested in the public sector to the benefit of regenerative projects.
29. On the grounds of visibility, profile and accessibility the site cannot be considered as a high profile motorway site. The topography would make development for employment purposes difficult and it has rock outcrops which limit the extent of development. There are substantial cost implications for providing access from the low profile local road. The gross area of the site nets down because of the narrow tapering and shape of the site such that a single occupier would be most likely. By prestige manufacturing/high technology or business park standards the site area is small. The cost of producing a serviced site ready for development for employment purposes would be around £1,100,000, of which £460,000 would relate to access provision (Second plan in Appendix 2 Document 13). However, in response to my questioning, the appellants' property witness indicated that he had been given these figures

- by the WDA (Appendix 5 Document 13) and he could not verify them. Against an estimated net value of £900,000 - £1,000,000, this would create a viability deficit.
30. Allowing the appeal would not reduce the supply of employment land because the site is not genuinely available: it is not commercially viable without subsidy and the priority for subsidy lies elsewhere. The WDA's policy is one of clearly prioritising properties for investment as the *Property Strategy for Employment in Wales* shows. Special employment sites would be in the other business parks or strategic sites categories, or could possibly be a special category site. However, the appeal site would not meet the specification for any of these categories and it would not fit into the hierarchy.
  31. The site was considered in the *Bridgend Major Employment Sites Study*, a joint exercise between the WDA and the Council. This concluded that the site was appropriate for development, but that it should be an alternative residential area, and not for employment purposes. The selection of sites to be given priority was agreed with the Council, who has not previously argued that Tŷ Draw should be given priority for the allocation of funds, with Brocastle and Pencoed Technology Park being brought forward by the WDA (Item 6 Document 18). Pencoed has over 36Ha (90 acres) in total and, although part lies in the neighbouring area of Rhondda Cynon Taf, it is well placed to serve Bridgend.
  32. The County Borough has an abundance of land available for employment and industry, as recognised by the UDP Inspector (Appendix 21 Document 12). At October 2004 the supply stood at 236Ha (Appendix 22 Document 12); with take-up averaging 11.75Ha per annum this equates to a 20 year supply. The balance of the UDP period is 12 years; on the average take-up this requires 141Ha and there is a surplus of nearly 100Ha. These figures take no account of the potential additional supply of land and buildings becoming available as a result of closures. Neither is there a shortage in the locality of the site with some 4Ha still being available at the Village Farm Industrial Estate.
  33. The definition of special employment sites is uncertain, with little obvious distinction in the special criteria, as is the way in which the Council applies its policy. On the Triangle site planning permission was given for mixed uses including housing and car-showrooms/servicing and on the appeal site the Council suggests that it would welcome a special secure hospital. Furthermore, there is little to support the Council's argument on the importance of and demand for this site by virtue of its proximity to Junction 37 on the M4 and the UDP Inspector concluded that access to this junction is not sufficient reason to persist with the safeguarding for employment purposes. The Council's planning witness suggested that the site is comparable to the sites south west of Sony and the Triangle. Nonetheless, this is not so as Junction 35 is in a far more attractive location and these two sites are very different from the appeal site in location, visibility, viability, and the benefits of the cluster. If there is a need for special employment land, there is land available at Island Farm (26Ha) and at the Pencoed Technology Park (7.5Ha within the Council's area).
  34. PPW advises against maintaining unrealistic allocations of land for employment which will not be taken up during the lifetime of the UDP. The allocation of the site is unrealistic and there is no prospect of it coming forward for employment use. In reality allowing the appeal would make no difference to the supply of employment land or reduce the opportunities for industrial development in the County Borough over the UDP period. The statements by Council officers at the Local Members Seminar on 9 August 2000 (Appendix 17 Document 12) shows that the then proposed allocation for housing had been carefully considered and recognises that the site could not be realistically retained for employment purposes.

### **Justification for Residential Development** (Documents 11, 13, 16 and 17)

35. The site is physically suitable for housing and its development for this purpose is a realistic and appropriate use of the site. Its suitability has been recognised throughout, in location and physical terms. This includes the Ogwr Borough Council letter in 1987 (Appendix 10 Document 12), the *Kenfig – Pyle Local Plan* Inspector's view that it was equally suitable for residential development or for a well landscaped low density development for high technology uses, the Council's first draft of the UDP (Appendix 18 Document 12), which followed a thorough review including social and economic considerations, and the UDP Inspector's Report (Appendix 21 Document 12).
36. The development is sustainable in terms of ease of access to local facilities such as shops and schools (Appendix 4 Document 12). Pyle is well served by public transport, having a railway station on the main London – Swansea line and benefiting from regular bus services (Appendix 8 Document 12). The UDP Inspector agreed that the site is well served by public transport and roads so that commuting to Bridgend or Neath/Port Talbot and beyond is feasible (Appendix 21 Document 12).
37. The Council's housing land availability calculation is doubted as it is based on the 2003 study, not UDP figures, and it takes an unreal figure for completions. Rather than the 305 used, the correct figure should be around 500 (Appendix 24 Document 12) which the Council confirmed as being the average figure since 1991.
38. If the Policy E6 allocation is disregarded, as it should be, the proposal is otherwise in accordance with the UDP and what was intended by the first draft (Appendix 18 Document 12) and what was recommended by the UDP Inspector (Appendix 21 Document 12). The site lies within the settlement boundary in a sustainable location, and the proposal would provide a good neighbour to existing housing and amount to a rounding off at this location, as recognised by the UDP Inspector. Furthermore, housing development can itself be regenerative and the proposal would bring benefits in the form of affordable housing and a contribution to the improvement of playing fields and related facilities at North Cornelly (Document 30). The two nearest primary schools, between them, currently have a spare capacity of some 82 pupils and declining school rolls are forecast up to 2008. The Cynffig Comprehensive School also has spare capacity and the proposal would help to sustain these schools. In accordance with the advice of PPW, the proposal represents a better use of a site otherwise subject to an unrealistic allocation.

### **Conditions** (Document 11)

39. No objections are raised to the Council's suggested conditions save that the two drainage conditions could be replaced by a single condition (Document 28). In addition, TAN 2 states that conditions may be legitimately used to ensure the provision of affordable housing and this is preferred to the alternative approach of using a Section 106 Agreement as initially required by the Council.

### **THE CASE FOR BRIDGEND COUNTY BOROUGH COUNCIL**

The material points are:



## Revisiting UDP Inquiry (Documents 14 & 15)

40. The availability of special employment sites has only recently been safeguarded through the adoption of Policy E6 within the UDP. Proposing a housing development on one such site within 2 months of the UDP's adoption launches a full-frontal attack not just on that very recent allocation but also on the very integrity of the plan led system. Although this system affords primacy to the UDP through Section 54A, at least five protections are specifically aired in PPW. These are that the plan is up to date, procedural protections, the supervisory role of the Assembly Government, the ability to challenge in the High Court and other material considerations.
41. The UDP is very up to date and, through not attracting any contrary direction from the Welsh Assembly Government (Documents 21A & 21B), the specific allocation must be taken as being fully consistent with national and regional policy. Objections are subject to independent scrutiny by an Inspector at an Inquiry. However, the local planning authority is vested with the power to accept or reject an Inspector's recommendations, subject to giving clear and cogent reasons for choosing not to accept any such recommendations.
42. Section 287 of the **Town and Country Planning Act 1990** affords the opportunity to challenge the validity of any part of the UDP, but only on the basis that its adoption was either substantively or procedurally *ultra vires*. Unless and until there has been a successful challenge to an adopted policy, it must be presumed to be entirely lawful and valid. It follows that the UDP carries its full weight in accordance with Section 54A and only if there are other material considerations of such significance as to outweigh its clear import can departure from it even be contemplated.
43. In this case there have been no changes in material circumstances since the adoption of the UDP. It is submitted that it is simply not possible to argue that the words 'material considerations' in Section 54A can include matters identically raised before the adoption of the UDP, which the Council decided in its discretion to reject, without there being any subsequent change in circumstances. To construe otherwise would make section 54A into an unworkable and schizophrenic statutory provision. On the one hand the decision maker would be duty-bound to decide in accordance with the plan, but would simultaneously be entitled not to decide in accordance with the plan relying upon exactly the same arguments which had been rejected in deciding the UDP's policy contents. To construe otherwise would also fly in the face of the statutory provision which provides the exclusive basis upon which a recently adopted UDP can be properly challenged. Parliament has enacted that such a challenge can only be made on points of law and not on the merits.
44. In this case, the appellants have made such a legal challenge and must not be allowed to pre-empt that challenge by arguing that the policy is to be ignored on a basis which will not be capable of challenging its legal validity in Court, even though it is to be presumed in law to be valid. The wholesale abandonment of a very recently approved policy, without there being any change in material circumstances, would completely defy the very basis of the plan-led system and the relative certainty and consistency which it is designed to impart.
45. The desirability of UDPs affording certainty is especially apposite in respect of land-use allocation policies contained within an up to date UDP. In particular, such policies actually prescribe the uses to which a parcel of land can be put and are the most certain policies imaginable. In the words of Lord Justice Walker (*R. v. Leominster District Council, ex p. Pothecary* [1997] 3 PLR 91; [1998] JPL 355 quoted in Volume 2 of the Planning Encyclopaedia page 2-3150/43 at side paragraph P54A.07) they are 'bald and unqualified'.

46. In the alternative, if it is ever permissible to re-visit exactly the same arguments as were made at a UDP Inquiry in a subsequent appeal there would have to be some compelling, wholly exceptional, reason for following such an extraordinary course of action. However, no reason can be thought of which is capable of constituting such a justification.

**Availability of Employment Sites** (Documents 8, 9, 14 & 15)

47. The site is the north west quadrant of Junction 37 of the M4 and is currently hidden from the motorway only by the belt of trees surrounding the site on land held by the Welsh Assembly Government. It is equidistant between Port Talbot to the west (5 miles) and Bridgend to the east (5 miles) with both centres being easily accessible via the M4 and A48 trunk road. Moreover, the site is not just strategically located in the M4 corridor – potentially attractive to inward investors – it is also located in an area of considerable deprivation where such investment is very greatly needed.
48. For the above reasons, and the likely long lead-in time for development, successive statutory development plans have sought to safeguard the site for employment purposes. The *Kenfig Hill – Pyle Local Plan* Inspector was of the opinion that to opt for housing would waste the employment potential of a site which enjoys quite exceptional accessibility to the road and rail networks. In approving the *Mid Glamorgan County Structure Plan including Alterations Number 1*, the Secretary of State stated that sites allocated under Policy E5 were of high quality and in limited supply, and should where possible be used only for high technology or prestige forms of employment.
49. There was a change in emphasis to B1 uses in the *Ogwr Borough Plan* to allow greater flexibility in terms of changes between light industry, office and research and development, whilst affording environmental protection especially in relation to adjacent residential areas. The Local Plan Inspector remarked on the site's exceptional accessibility to the main road network and did not consider the sloping nature of the northern part of the site an insurmountable obstacle to the development of the overall site. Indeed he considered this to be an asset since it is that part of the site which is visible from the M4.
50. The UDP Inspector considered that it was timely to review the future of this employment site and recommended that it be allocated for housing. However, Parliament gave the Council the discretion to accept or reject this recommendation. In choosing to reject the recommendation it gave reasons in the *Statement of Local Planning Authority's Decision on the Recommendations contained in the Inspector's Report*. These being that there is a lack of alternative employment sites of similar calibre and proximity to the M4 Motorway.
51. Furthermore, there is specifically a lack of employment land in the locality and its development would contribute to the economic and social regeneration of a particularly deprived part of the County Borough. These communities have traditionally been dependant on heavy industries for employment but this base has been devastated by large scale and continuing redundancies in the steel industry and the destruction of the local deep mining industry. The geographical distribution of available industrial land is heavily concentrated around Bridgend and the eastern part of the County Borough.
52. The appeal site and a general industrial allocation (E3(13)) (BCBC 4 & 6 Document 8) at Heol y Splott, South Cornelly are the only available sites of more than 4Ha (10 acres) within the western half of the Council's area accessible to the communities of Kenfig Hill/Pyle/North Cornelly and Porthcawl. The South Cornelly site, which is in private ownership, is located immediately adjacent to an active group of quarries and, together with adjacent land, is also identified for the recycling of mineral waste products (W4(1) & W4(3))
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such that its environmental quality and availability are questionable. Village Farm Industrial Estate at Pyle, described by the appellants' property witness as being of low environmental quality, is a long established estate allocated for general industrial and commercial purposes. Only a limited amount of land is available on small ad hoc plots (BCBC 5 Document 8), most are in private ownership and are either committed or are being retained for existing businesses.

53. The appeal site is located in the Cornelly ward, directly adjacent to an Objective 1 Target Area (BCBC 7 Document 8). According to the 1999 Welsh Index of Deprivation, this is the 6<sup>th</sup> most deprived ward in the County Borough and is the 150<sup>th</sup> most deprived ward out of 865 in the whole of Wales. 41.2% of households in the target area (30.2% in the ward) have no access to a car or a van against a County Borough wide figure of 25.6%. The next Objective 1 funding programmes, commencing in 2007, will again direct funds to areas of greatest need. On best estimates, as much as 65% of the money allocated to the region in the last round will be available next time. By then the WDA will no longer exist but nine years of the UDP will remain.
54. There have been no changes in material circumstances since the adoption of the UDP which militate against the allocation. If anything, subsequent general industrial job losses in the area, which have resulted in 18% of the manufacturing base in the County Borough being lost, lend further support to it. These losses reflect the continuing global trend of general industrial jobs going to countries where labour costs are cheap. In response, the Council is seeking to attract growth sectors such as high technology, IT, financial services, telecoms, publishing media and business services, as encouraged by the *Property Strategy for Employment in Wales*.
55. Only two other sites of comparable size and location are identified in the UDP for special employment purposes. These are land south west of Sony, in the north east quadrant of Junction 35, and the Triangle Site, in the south west quadrant of the same junction. The former has, for the most part, already been developed as a call centre for Lloyds TSB, with less than 2Ha remaining undeveloped. This was recently marketed by the WDA (Appendix to Document 9) and is now the subject of negotiation with a potential developer. The latter is currently being developed for employment purposes comprising eight separate business units, a substantial number of which are already pre-let, and a Mercedes-Benz Regional Centre is currently under construction on the site with only 3.3Ha of land remaining. Both comparable sites are, therefore, either developed or committed and the appeal site remains the only undeveloped site of similar locational characteristics.
56. Two further sites for special employment purposes are allocated in the UDP. The Island Farm site is away from the M4 corridor and may yet be developed as a centre of excellence for the Welsh Rugby Union. This is now in the High Court and, depending on the outcome, the employment potential of the site may be reduced to 6.9Ha. The Sony Technology Park has recently been purchased by the WDA and its development features in the Agency's three year business plans subject to the availability of funding. At the time of preparation of the UDP, the five sites allocated represented 55.9Ha. Without the appeal site, potentially as little as 19.1Ha (34%) might remain only half way through the UDP period.
57. The site is clearly physically capable of development for employment purposes – even the UDP Inspector rejected the WDA's evidence that it was too inaccessible, too invisible or too steep (Appendix 21 document 12). There are a number of public subsidy mechanisms which are typically used for bringing forward employment sites, including European Structural Funds with three sites in Bridgend having recently received such money for this purpose.

The WDA has made no attempt to secure European money, or utilise its own resources, to provide infrastructure to make this site more attractive as an employment site.

58. Moreover, the extent of the subsidy required seems to be exaggerated. A potentially cheaper access from the A4229, costing around £300,000, has not been considered (Document 20). The savings which could be achieved may be very considerable, and are only subject to the Assembly Government allowing a breach in the perimeter trees. Under cross examination, the Council's planning witness accepted that the Welsh Office Highways Directorate consultation response on the Farm Village application (Appendix 11 Document 12 & BCBC 8 Document 8) indicated that a previous request for an access at this location was rejected on environmental grounds. However, she was of the view that situations may change, especially if the prospect of jobs was put in the balance, and noted that the appellants' functions are to be taken over by the Assembly Government in April 2006.
59. No outside agents have ever been instructed to market the land and for the most part of the 25 year period passive marketing only was attempted. Nonetheless, considerably more than a hundred expressions of interest were made (Document 13). With more active marketing, some public subsidy and no housing bottom line the evidence of Junction 35, which is only 10 miles/10 minutes away indicates that the site could be developed. Furthermore, a firm interest came forward in 2004, after the UDP Inquiry, from a company seeking to build a specialist hospital that would have created some 250 jobs. If the response from the WDA had been positive, a planning application might well have been submitted and the comparative benefits of 250 jobs against a high technology allocation for the future tested.

#### **Justification for Residential Development** (Documents 8, 14 & 15)

60. PPW states that sites designated for industrial development should not be used for other single purposes such as retail, leisure or housing development that could be located elsewhere. The strategic importance – and rarity – of the site strongly militates against it being developed for housing which could be developed anywhere.
61. In any event, there is no shortfall of housing land in the Bridgend area following adoption of the UDP. Based on the Structure Plan forecast of need and the residual method advocated by TAN 1 unless agreed otherwise, the *2003 Joint Housing Land Availability Study* published in March 2005 shows that the supply of readily available land in the County Borough at 30 June 2003 stood at 9.7 years. This is substantially more than the minimum 5 years supply recommended by PPW and TAN 1.
62. In the longer term, and in the context of the UDP Plan period up to 2016, the site is not required to satisfy the housing land requirements of the County Borough. The UDP Inspector concluded that there was no need to search for additional housing land having included the appeal site as housing. This conclusion was based on the capacity of Policy H1 sites (6856 homes) as added to by additional allocations of 332 homes (including 150 at the appeal site) giving a total of 7188 dwellings. However, adopted Policy H1 provides for 7766 new dwellings up to 2016 without the inclusion of the appeal site. This has been achieved by the inclusion of a number of sites already granted planning permission and an increase in density at the Porthcawl Regeneration Area.

#### **Conditions**

63. A list of proposed conditions and reasons is supplied on a without prejudice basis (Document 8). The reason for limiting the development to 150 units is that the proposal has been assessed on that basis, including the financial contributions sought for off-site improvements

to playing fields and related facilities. No objection is raised to the use of a single drainage condition. UDP Policy H7 (Document 22) requires an appropriate element of affordable housing and it is accepted that the use of a condition would be appropriate.

## THE CASE FOR INTERESTED PARTIES OBJECTING TO THE PROPOSAL

64. **Cllr Tildesley**, one of two ward members for the area including the appeal site, spoke at the Inquiry. The ward has a population of 5,982 and 67 new dwellings have been recently built and occupied with a further 474 homes under construction. However, there is no corresponding increase in services with a 4-5 week wait to see the dentist and one development being on the site of a former social and athletic club. These housing developments have changed the character of North Cornelly for the worse and resulted in construction traffic passing through the village making it difficult to cross the road safely with the Pharmacist being located on the opposite side to the GP's Surgery. Based on a door to door survey conducted when the application was submitted, the majority of residents of the Broadlands Estate were in favour of the proposal. However, because of the upheaval caused by the above developments and the lack of improvements to the village infrastructure, they are now totally against. A questionnaire was sent to the 91 houses backing onto the site, 32 were returned (Document 6) with 22 being against housing and the rest against any development.
65. **Cllr Granville**, the other ward member, also spoke at the Inquiry. The Assembly Government did not object to the democratic decision to go against the UDP Inspector's recommendation. The site might have been marketed for 20 years but this wasn't done very well and for the best part of 10 years the sign was covered in bramble. The village can't take any more housing development and recent job losses will slow down the housing market.
66. **Mrs Thickitt**, who lives at Mountain View immediately to the west of the site, spoke at the Inquiry. More houses have not resulted in additional social amenities such as a park and the route to amenities in Pyle is dangerous for those pushing prams and in wheelchairs.
67. **Mr F B Kemp**, who resides at Mountain View, (Document 3A) notes that there have already been 3 housing developments in Cornelly during the last 18 months, 2 of which were on greenfield sites. None of these have delivered any increase in village facilities such as schools and medical and dental facilities which already have long queues. He objects to the proposal on the basis that, without an increase to the village infrastructure, an extra 150 houses would represent an intolerable burden. **A J Andrews**, who also lives at Mountain View, (Document 3B) expresses concern as to the effect of traffic noise and pollution on the living conditions of proposed occupiers and the Council's ability to maintain the roads and footways.
68. **Mrs M Moon**, the local Member of Parliament, (Document 4) draws attention to the in excess of a thousand redundancies recently announced by a number of high profile companies and further possible redundancies by other large employers within the constituency. She urges that the fullest possible weight be afforded to the UDP employment land allocations. The appeal site, which is already in public ownership, in close proximity to the M4, and with a plan policy in favour of employment use, represents one of the better practical opportunities available. She is extremely concerned that an Assembly sponsored public body, charged with assisting in the resolution of the local jobs crisis, has seen fit to pursue a path directly opposed to the express policy decisions of the local elected authority.
69. **Cllr C A Green**, the Leader of the Council, (Document 5) emphasises that the decision to retain the site as an employment site was democratically made and expresses concern that the

WDA is placing a higher priority on maximising capital receipts rather than the regeneration and economic development of a deprived part of the County Borough. Attention is drawn to the need to attract jobs to the area, particularly in the light of recently announced losses which could surpass 1,500 jobs.

## **INSPECTOR'S CONCLUSIONS**

*The figures in brackets [] refer to paragraphs elsewhere in the Report.*

### **Main Issues**

70. I consider the main issues in this case to be:

- (i) The effect of the proposal on the availability of employment sites in the locality and in proximity to the M4 corridor; and,
- (ii) Whether the housing land supply situation in the County Borough justifies residential development on this greenfield site.

## Preliminary Matter

71. It is a matter of fact that the UDP is recently adopted and that the Assembly Government did not object to the allocation of the site, despite that being contrary to the Inspector's recommendations [6, 18, & 41]. Whatever the merits of a binding report, this is not part of the UDP regime and, subject to the provisions of Section 287, ultimate discretion rests with the local planning authority [25 & 41]. Although the appellants are challenging the allocation in the High Court, unless and until the Court quashes the allocation, it remains part of the statutory development plan and carries the full weight of Section 54A [19, 23, 42 & 44].
72. Whether or not it is permissible to use a Section 78 appeal to revisit exactly the same arguments as were put forward at a UDP Inquiry is a matter of legal opinion [21, 23 & 43]. However, I am not aware of any legal obstacle that would prevent a planning application being submitted and an appeal made on the same grounds as were put forward at a previous UDP Inquiry, even if these arguments had been rejected by the UDP Inspector. There is nothing to prevent the exercise of the right of appeal, provided this is done in a reasonable manner. Nonetheless, that is a separate matter and, in this case, is dealt with in my Report on the Council's Costs Application. I do not dispute that the UDP Inspector's recommendations are material considerations, but I will return to whether the arguments in support of the use of the appeal site for housing are sufficient to outweigh the site's allocation for special employment purposes in my overall conclusions, after considering the main issues identified above [22, 24, 26, 42 & 46].

## Availability of Employment Sites

73. The proposal clearly conflicts with UDP Policy E6 and a determination in accordance with the development plan should lead to dismissal of the appeal [26 & 40].
74. At the site visit, I noted that a short section of the M4 can be seen from the highest part of the site. During the course of the Inquiry, I also drove along the motorway in both directions and the site was not noticeable [47]. At the site visit, I did not see any rock outcrops, and the appellants' representatives were unable to show me any [29]. Nonetheless, I acknowledge that topography and shape are constraints, but possibly less so if the alternative access was acceptable [29, 57 & 58]. At 6.1Ha, the developable area is also somewhat on the low side and much less than the 12Ha and 20Ha cited in the *Property Strategy for Employment in Wales* [5, 10 & 29].
75. Although the LAW and WDA have consistently sought a housing allocation on the site, I accept that the passive marketing interspersed with more active campaigns was reasonable and appropriate [12, 13, 15, 17, 27 & 59]. The evidence on marketing history, together with the factors discussed in the previous paragraph and, to some extent costs, support the appellants contention that, in practice, allowing the appeal would not reduce the supply of employment land [28, 29, 30, 33 & 34]. Nonetheless, the interest in developing the site as a secure hospital illustrates that it has employment generating potential, although this would not satisfy the special employment definition [33 & 59].
76. There appears to be more than sufficient general employment land allocated within the County Borough [32]. However, the situation with regard to special employment land is different with very little undeveloped land remaining at Junction 35. It is also possible that the inclusion of the Sony Technology Park in the WDA's business plans will result in this allocation being developed long before the expiration of the UDP, although I note the availability of further land in Rhondda Cynon Taf [31, 33, 55 & 56]. In addition, some uncertainty exists regarding the availability of much of the land at Island Farm because of a

legal challenge. In any event, that site is not as close or as accessible to the M4 as the other allocated sites, including the appeal site [33 & 56].

77. Bridgend appears to be suffering from a decline in general manufacturing [54]. On the other hand, the high technology, IT, financial services, telecoms, publishing media and business services sectors, many of which would appear to fall within the special employment definition, are growth sectors. The substantial level of redundancies recently announced in the area gives added importance to the need to attract employers in these sectors into the area [68 & 69].
78. The Council accepts that developing the site would require public subsidy, but that is not uncommon in bringing forward employment sites and, given the possibility of an alternative access, the likely costs could well be overstated [30, 57 & 58]. The Council's and the WDA's priorities for such subsidy to date have clearly been elsewhere [30 & 31]. However, it would not be unreasonable to assume that take up of other allocated land will lead to the remaining land moving up in priority. In that respect, I note that the UDP period extends to 2016 and that a new round of bids for European Structural Funds is due to start in 2007, with the *Property Strategy for Employment in Wales* only covering the period up to 2008 [10 & 53].
79. Furthermore, the land allocated for both general and special employment purposes is biased towards the eastern end of the Council's area, as is the part of Pencoed Technology Park lying outside the Council's boundary [31 & 51]. As far as the western part of that area is concerned, there are undeveloped plots on the Village Farm Industrial Estate together with the allocation at Heol y Splott [32 & 52]. Nonetheless, there are questions as to the availability of most of this land. The environs of the latter make it unsuitable for the type of use envisaged by Policy E6. Neither is Village Farm particularly suitable for such a use because of the range of existing uses on the estate. North Cornelly and the site are reasonably well located in respect of public transport provision such that commuting elsewhere is feasible [36]. However, locating employment opportunities within walking/cycling distances of residential areas is generally even more sustainable and, in this case, would contribute towards the revitalisation of a ward which suffers severe deprivation and extremely low access to a car [4, 47 & 53].
80. PPW advises against maintaining unrealistic allocations of land for employment, but it also states that sites designated for industrial development should not be used for other single purposes that could be located elsewhere. As a result a balanced view needs to be taken [34 & 60]. Lack of prominence, limited area, topography and shape mean that the site is not ideal. However, it is very close to Junction 37 and it is possible that the bulk of the three other sites near to the M4, allocated for special employment purposes, will be taken up before the expiration of the UDP. Although developing the site would require public subsidy, the 2007 round of bids will afford an opportunity in this respect.
81. For the above reasons, I conclude that there is a reasonable prospect of the land being brought forward during the lifetime of the UDP. As a result, the proposal would reduce the availability of employment sites in the locality and in proximity to the M4 corridor. This would be harmful to efforts to regenerate the local economy and to revitalise a ward which suffers severe deprivation.

### **Justification for Residential Development**

82. The 2003 Housing Land Availability Study shows a 9.7 year supply, well in excess of the 5 year minimum required by PPW and TAN 1 [61]. Using past completions would reduce this



figure but TAN 1 advocates the use of the residual method unless agreed otherwise [37]. Whilst this study is not particularly up to date, the UDP makes provision for 7766 units, without the appeal site, which is well in excess of the 7188 units envisaged by the UDP Inspector, including the appeal site [62]. This amounts to a material change in circumstances since the issue of the UDP Inspector's report and I conclude that there is no shortfall of housing land in the County Borough for the foreseeable future.

83. The UDP places the site within settlement limits and Policy H3 is generally supportive of housing development on windfall sites [8 & 38]. Whilst no upper limit is given for an individual windfall development, it is most unlikely that those drafting the plan, or the UDP Inspector, anticipated that almost half the anticipated total of 320 dwellings over the life of the plan could be provided by a single windfall site.
84. The site is accessible to local shops and services and to public transport [36], but sustainability principles do not support the irreversible loss of greenfield sites of this scale where there is no recognised need for additional housing. Furthermore, allowing the appeal could encourage the development of the site before brownfield sites allocated for housing in the UDP. Although the site is physically suitable for housing development [35], I conclude that the housing land supply situation in the County Borough does not justify residential development on this greenfield site.

### **Other Matters**

85. I understand the local concerns about impact on local services [64, 65, 66 & 67], but construction traffic is only temporary in nature and it would appear that there is sufficient spare capacity in local schools to accommodate the proposal [38]. The proposal would also, through the Section 106 Undertaking, provide money to improve the North Cornelly playing fields and related facilities [20]. The development of up to 150 additional houses would, however, be likely to exacerbate existing problems of access to healthcare facilities.

### **Conditions and Obligation**

86. The Council submitted a list of proposed conditions and reasons on a without prejudice basis [63]. Subject to the following matters, and minor modifications in the interests of clarity and precision, I agree that these conditions should be imposed for the reasons given should the appeal be allowed. A schedule of recommended planning conditions that comply with Circular 35/95 on *The Use of Conditions in Planning Permissions* is set out in the Annex to this Report.
87. Means of access forms part of the application and it should not be listed as a reserved matter. It would be appropriate to replace the Council's two suggested drainage conditions by the single condition suggested by the appellants [39]. Any other means of access would require a further planning permission and a condition restricting access to that shown on the application plans is unnecessary. I consider that a condition relating to affordable housing is necessary to satisfy UDP Policy H7 and that the wording agreed at the Inquiry would be suitable.
88. The Section 106 Obligation is necessary to satisfy UDP Policy RC5 [20]. I also consider that it satisfies the other tests of Circular 13/97 on *Planning Obligations* in terms of being relevant to planning, being directly and reasonably related in scale and kind, and being reasonable in all other respects.

### **Overall Conclusions**

89. Having regard to my conclusions on both main issues, I do not consider that the arguments in support of the use of the appeal site for housing are sufficient to outweigh the site's allocation for special employment uses and the conflict with the recently adopted UDP. For this reason, I consider that the appeal should be dismissed.

### **RECOMMENDATION**

90. For the above reasons, I recommend that the appeal be dismissed.

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr P Stinchcombe, of Counsel                      Instructed by A Jolley, Head of Legal Services, Bridgend  
County Borough Council

He called

Mrs S Jones BA (Hons), Principal Officer, Bridgend County Borough Council  
DipTP, MRTPI

Mr J Peters BA (Hons), Principal Officer, Bridgend County Borough Council  
MIED

### FOR THE APPELLANTS:

Mr A Porten QC    Instructed by N Neal, Executive Director – Land  
Development and Legal Services, Welsh Development  
Agency

He called

Mr A Muir BSc Econ Harmers Limited, 39 Lambourne Crescent, Cardiff  
(Hons), DipTP, MRTPI Business Park, Llanishen, Cardiff CF14 5GG

Mr M A Lawley BSc, Cooke & Arkwright, 7/8 Windsor Place, Cardiff CF10  
FRICS, MCI Arb 3SX

### INTERESTED PERSONS:

Cllr J H Tildesley    23 Heol Fach, North Cornelly, CF33 4LB

Cllr R M Granville    64 Heol Onnen, North Cornelly CF33 4DS

Mrs A Thickitt    29 Mountain View, North Cornelly CF33 4EG

## DOCUMENTS

Document	1A & 1B	Lists of persons present at the Inquiry
Document	2A & 2B	Council's notification letters, lists of persons notified, and press notice
Document	3	Two letters of response
Document	4	Letter to Inquiry from Mrs M Moon MP
Document	5	Letter to Inquiry from Cllr C A Green, Leader Bridgend County Borough Council
Document	6	Bundle of responses to Cllr Tildesley's consultation, submitted by Cllr Tildesley
Document	7	Statement of Common Ground
Document	8	Mrs Jones' Statement of Evidence and Appendices
Document	9	Mr Peters' Statement of Evidence and Appendix
Document	10	Mr Muir's Summary Statement of Evidence
Document	11	Mr Muir's Statement of Evidence
Document	12	Appendices to Mr Muir's Statement of Evidence
Document	13	Mr Lawley's Statement of Evidence and Appendices
Document	14	Council's Opening Statement
Document	15	Council's Closing statement
Document	16	Appellants' Opening Statement
Document	17	Appellants' Closing Statement
Document	18	Supporting evidence regarding supply of sites and property
Document	19	M4 Corridor Study
Document	20	Letter to UDP Inquiry and plan regarding possible access from the A4229 link road
Document	21A & 21B	Two letters from the Welsh Assembly Government regarding Proposed Modifications to UDP
Document	22	UDP policies H3, H7 & RC5
Document	23	Internal mail from Head of Economic Development to Chief Executive
Document	24	Letter from Council's Chief Executive to appellants' Chief Executive

Document	25	Extract from BBC News Web Site regarding local MPs meeting with the Prime Minister to discuss job losses in Bridgend
Document	26A – 26C	Property Strategy for Employment in Wales
Document	27	Documentation regarding High Court challenge to UDP
Document	28	Suggested drainage condition
Document	29	E-mail from appellants' Chief Executive to Council's Chief Executive (reply to Document 24)
Document	30	Executed Unilateral Undertaking

Documents 18 – 25 were submitted by the Council and the appellants submitted documents 26 – 30.

#### PLANS

Plans	A1 – A3	Application Plans
Plans	B1 – B2	UDP Plans 23, 24, 27 & 28 showing Special Employment Allocations E6(1), E6(2), E6(3) & E6(4)

#### ANNEX

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## **PLANNING CONDITIONS RECOMMENDED BY THE INSPECTOR**

- 1) Approval of the details of the siting, design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the local planning authority in writing before any development commences.
- 2) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.
- 4) 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 walls 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 construction details so certified.
- 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 approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Construction work shall not begin until a scheme for protecting the approved development from noise from the motorway has been submitted to and approved in writing by the local planning authority, and the development shall be completed in accordance with the approved scheme.
- 7) No windows to any habitable room of the proposed dwellings shall directly face such a window of another dwelling at a distance of less than 21m. A habitable room includes a bedroom, lounge, living room, dining room, study and kitchen but not a bathroom, hall or utility room.
- 8) The detailed plans to be submitted shall make provision for public open space, including the provision of an equipped play area, and such public open space shall be laid out, landscaped and completed in accordance with a scheme to be submitted to and agreed in writing by the local planning authority prior to the commencement of work on site.
- 9) No occupation of dwellings shall take place until drainage works for the disposal of foul sewage and surface water drainage have been carried out in accordance with details to be submitted to and approved by the local planning authority.
- 10) The means of access shall be laid out in accordance with approved plan Drawing No PR-01 A dated May 2000 and be completed in permanent materials as approved by the local planning authority before any individual property is brought into beneficial use.
- 11) No obstruction, or planting when mature, exceeding 0.6m in height shall be placed within the vision splay areas shown on approved plan Drawing No PR-01 A dated May 2000.
- 12) The development will be limited to a maximum of 150 dwelling units.

- 13) The development shall not begin until the details of the arrangements for the provision of affordable housing as part of the development have been submitted to and approved in writing by the local planning authority. Such details shall include:
- i) the type, and location on the site of the affordable housing provision to be made, of which there shall be 39 units, 8 to be socially rented and 31 to be discounted market housing;
  - ii) the timing of the construction of the affordable housing;
  - iii) the arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
  - iv) the occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.
- The affordable housing shall be provided in accordance with the approved arrangements.