

**REFERENCE:** P/16/600/FUL

**APPLICANT:** Linc Cymru Housing Assoc. c/o Richard Hallett, Head Office, 387 Newport Road, Cardiff, CF24 1GG

**LOCATION:** Land at former Archbishop McGrath School Heol yr Ysgol Tondy CF32 9EG

**PROPOSAL:** 15 bedspace care unit & 25 extra care apartments with communal ancillary facilities and 19 no. dwellings served by adopted access road

**RECEIVED:** 4 August 2016

**SITE INSPECTED:** 10 August 2016

### **APPLICATION/SITE DESCRIPTION**

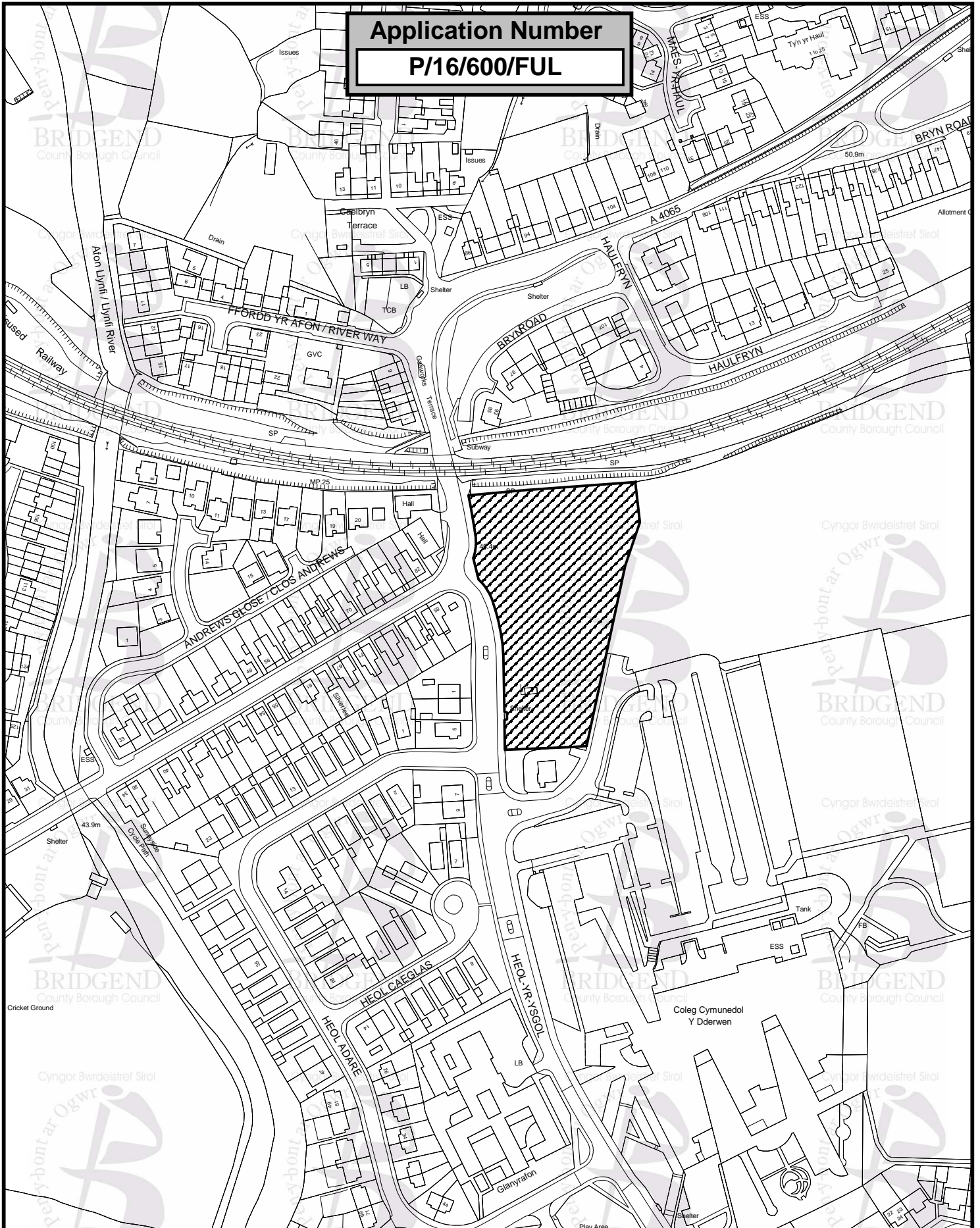
LINC Cymru are seeking full planning permission to erect a Residential Care and Extra Care Facility, together with 19 dwellings on the site of the former Archbishop McGrath Comprehensive School, located adjacent to Heol yr Ysgol and its junction with Bryn Road, the neighbouring school caretaker's bungalow and Coleg Cymunedol Y Dderwen (CCYD) to the south and the Garw Valley railway and supporting vegetated embankment to the north. The land to the east is currently undeveloped but provides the site for the new Brynmenyn Primary School.

The 'Extra Care Facility' will be accommodated in a three storey building with its 'L' shaped footprint, positioned around a landscaped garden. The western elevation facing Heol Yr Ysgol and existing properties opposite will comprise three storey double gables, set back between 2.4 and 4.8m from the site boundary, at a width of 17m and a height of 11.5m to the ridge of the roof (see extract below). The landscaped garden will share the boundary with Heol Yr Ysgol with the southern wing of the care facility being set back some 21m from the western site boundary. Nos 1, 3 and 5 Heol Yr Ysgol, all bungalows, front the development site at a distance of 22.5m when measured on the submitted drawings.



Application Number

P/16/600/FUL



Scale 1:2,500

Date Issued:  
17/11/2016

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

Communities Directorate,  
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O/Drive/Plandraw/new MI layouts/  
Committee DC Plan

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The southern boundary of the site is shared with the school caretaker's bungalow which is set behind an existing 1.8m high boundary fence with windows principally facing Heol-Yr-Ysgol to the west and the college car park to the east. One window, located in the northern elevation facing the care site, serves a bathroom. The southern elevation of the care home will again comprise double gables, one 3 storey, the other 2 reduced to lessen the massing of the building and impact on the existing bungalow. The northern elevation will incorporate the main entrance and will face the proposed car park and the new housing site beyond. The massing of the building is most significant when viewed from the east which bounds the new access road that will serve this development. This elevation will face the road, the access and the car park of CCYD.

Accommodation in the facility will comprise:

- Ground: 15 bedrooms with bathrooms, communal rooms, (two dining rooms and lounge) and ancillary/service rooms including the reception for the Extra Care unit;
- First & second floors: 25 (23 one bed and 2 two bed) Extra Care apartments with ancillary accommodation - all Extra Care apartments are accessed via an 8 person stretcher sized lift.
- Additional external amenity and parking spaces for vehicles, buggies and bicycle

A total of 22 car parking spaces will be provided on the northern side of the facility and will include accessible parking bays adjacent to the entrance. Space has been provided to allow all vehicles to turn within the site.

The external finishes of the building will comprise a mix of reconstructed silver grey stone on the ground floor with a mixture of red/buff brickwork on the elevations above. Slate effect concrete interlocking tiles will be used on the pitched roofs.



The proposed housing will occupy the northern part of the site and will be accessed from Heol Yr Ysgol via the existing junction that serves CCYD and a new section of road that will connect to the development and the recently consented primary school. Nineteen 2 and 3 bedroom units will front new estate roads. All units are two storeys and, in the main, split into semi-detached units. Each unit will be allocated a minimum

of two car parking spaces provided either to the side or front of the units with visitor parking allocated on street. Amended plans have been received incorporating a turning facility at the eastern end of the private drives serving Plots 9-19.

A bicycle/pedestrian access to the primary school will be provided along the section of road fronting the aforementioned units and the provision of a defensible area has been incorporated in the design comprising a 900mm high painted metal railing fence and pedestrian gates. This arrangement will allow residents to personalise the frontage to the units with either hard landscaping or the opportunity to provide plants and shrubs. The opportunity has also been taken to include an area of landscaping to the left of the site access bell mouth and a native species tree proposed to the eastern section of the pedestrian/cycle way.

Each house unit is provided with a rear private garden, enclosed with 1.8m close boarded fencing except for those properties that will back-onto the junction of Bryn Road and Heol-Yr-Ysgol. In this location a more substantial boundary will be provided consisting of a solid brick wall with a minimum 325mm square brick pier and capping with vertical board fencing located between piers.

External finishes for the housing is similar to the 'Extra Care Facility' but more restrained. The pallet will be multi brick and reconstructed stone to the front facade with dark blue/black brick to the rear. Windows are to be grey uPVC with grey Upvc fascias and barge boards (see extract below)



Vehicular site access to both sites will be provided from the north east via a shared access road with the adjacent school. The Extra Care & Housing schemes are required to integrate with the access road proposed by the new Brynmenyn Primary School which is intended to be constructed during the same period as the extra care/housing. Both projects in tandem will connect with the spur road constructed to access CCYD's car and bus parking area. An upgraded highway junction with Heol-Yr-Ysgol and Bryn Road is proposed as part of the area wide development.

A Traffic Impact Assessment by Jubb Consultancy has informed the assessment of this application and the recent permission for the primary school.

A series of reports including a Site Investigation Report, Coal Mining Assessment, a Flood Risk Assessment & Drainage Strategy and Japanese Knotweed Management Plan & Method Statement have accompanied the application.

## **RELEVANT HISTORY**

P/16/578/BCB - New primary school with capacity for 420 plus 60 nursery places - Conditional Consent - 30<sup>th</sup> September 2016.

## **PUBLICITY**

The application has been advertised on site and in the local press. Neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity has expired.

## **CONSULTATION RESPONSES**

Group Manager Public Protection: No objection subject to conditions.

Welsh Water Developer Services: No objection subject to the imposition of conditions and advisory notes to ensure no detriment to existing residents, the environment and to Dwr Cymru Welsh Water's Assets.

Natural Resources Wales: No objection subject to conditions.

Head of Street Scene (Highways): No objection subject to conditions.

Head of Street Scene (Drainage): No objection subject to conditions.

## **REPRESENTATIONS RECEIVED**

Letters of objection have been received from the occupiers of the following properties:

5 Heol yr Ysgol (Speaker); 7 Heol yr Ysgol (Speaker); 9 Heol yr Ysgol (Speaker); 6 Heol Cae Glas; 4 Penybryn Road; 83 Bryn Road;

A letter has also been received from Chris Elmore MP on behalf of the occupier of 4A Haul Fryn who is concerned that the new school and housing will exacerbate problems of parking associated with the community hall.

The following is a summary of the objections received:

1. Existing traffic levels are unacceptable - additional traffic will exacerbate existing problems and roads are unable to accommodate the additional Bryn Road junction cannot accommodate additional traffic.
2. The road layout for the new development does not accord with the standards - no turning heads have been provided to allow service vehicles to turn - hazard given that it will be the route to the school.
3. Insufficient parking provision within the development.
4. View from houses will be altered by the position and size of the new building.
5. Residents have already had to endure significant disruption, dust, noise and dirt during the construction of Coleg Cymunedol Yr Dderwen. This will be exacerbated during the construction phase.
6. No decision should be made on this application until layout for the new school has been considered.
7. The biodiversity interests in the site and adjoining land will be compromised by the development.

## COMMENTS ON REPRESENTATIONS RECEIVED

The following observations are provided in response to the objections raised by local residents:-

1. A Traffic Impact Assessment has accompanied the application and considers the impact of this development and the new primary school on the immediate and wider highway network. The Council's independent highway consultant has reviewed the report and recommended changes to the network. Subject to improvements being made to a number of junctions including Heol Yr Ysgol/Bryn Road, the network can accommodate the additional traffic that will be generated. The application site boundary has been amended to provide space for the junction improvements. It is understood that the works will be undertaken as part of the contract for the construction of the new primary school. Whilst it is acknowledged that the A4065 is already a busy route, on the evidence submitted, an objection on the basis of traffic generation impacting highway safety would not be sustainable.

2. Objectors have highlighted deficiencies in the proposed internal road layout serving the new housing and a lack of turning facilities. A revised plan has however been received, incorporating such a facility at the eastern end of the private drive. Although the highway design accords with the Council's standards, movements to and from the parking spaces will be constrained but not to such an extent as to be unsafe to users of the highway. Driveways on a number of properties will cross the 'school route' but this is not an uncommon arrangement and vision for road users will be more than adequate. The changes to the scheme address this objection.

3. Car parking provision for the extra care facility meets the Council's guidelines. It has, however, been necessary to revise the layout to incorporate additional spaces for a number of the new housing units to address this concern that was also highlighted by the Head of Street Scene (Highways).

4. Apart from the traffic and highway safety concerns, the impact of the new three storey care facilities on the properties opposite (1, 3 and 5 Heol Yr Ysgol) is perhaps the most challenging issues on the assessment of this application, a matter that was brought to the architect's attention as part of the pre-application discussions. A Site Investigation Report has identified a possible mine shaft which has determined the design and position of the building which represents an improvement from that submitted as part of the pre-application submission.

A double 3 storey gable will however be constructed close to the boundary of the development site and will be in view from the front windows of the aforesaid properties in Heol Yr Ysgol. In applying the Council's guideline for assessing domination and/or overshadowing (the 25 and 45 degree lines measured directly from habitable room windows) the development technically complies as the three storey element has been sited so as not to be directly facing the habitable room window of 1 Heol Yr Ysgol. Furthermore, a distance of some 25m separates the development from the affected property which more than exceeds the recommended distance (21m).

Nevertheless, the occupiers of these bungalows have, in more recent years enjoyed an open aspect albeit one that fronts a busy route and when the previous school occupied the site the buildings were set back some distance. In this case, the impact of the development on the living conditions of the occupiers of the properties opposite has been much reduced by the revisions to the design and siting of the building. Furthermore, the impact has to be weighed against the significant social and community benefits of providing this extra care facility.

Privacy levels will be affected which is inevitable when you introduce any form of new residential accommodation with window openings in the extra care facility facing the existing housing. The Council's privacy standard (21m) will not however be compromised.

The close relationship of the new development to the caretaker's house has been carefully considered and here the separating distances are considerably less. Some consideration has been given with the designer introducing a two storey gable on the southern elevation. Only one side facing window faces the development which the applicant confirms serves a bathroom. Again the scale and proximity of the development is likely to impact the occupier of the adjoining property but, being sited on the northern side of the house, which has its principal windows on the west and east elevation, the impact is not significant enough to require that the proposal be rejected.

Overall the impact on the neighbouring properties is balanced by the benefits of the proposal in meeting a need to provide care to the elderly in a location that is, in all other respects, appropriate for such a use.

5. Inevitably construction works associated with this development and that of the new school will result in some disturbance to residents. It is considered that a Construction Method Statement would address this issue and to minimising disruption for both the local residents and the adjoining school.

6. Planning permission has now been issued for the new primary school and the assessment of this application, particularly in the context of traffic generation, has considered this consented development.

7. Biodiversity - The application for the primary school was accompanied by an Ecological Assessment together with a supplemental reptile survey which also includes this development site. The development will be required to implement the recommendations contained within these documents via the imposition of appropriately worded conditions. It is also noted that Natural Resources Wales has suggested that conditions be imposed to address concerns regarding the impact of the development on local biodiversity. It is considered that a condition requiring protective fencing along the site boundary will prevent any encroachment into the area of woodland on the railway embankment.

## **APPRAISAL**

The application is referred to Committee to consider the objections raised by local residents.

The application site forms part of the Valleys Gateway Strategic Regeneration Growth Area as designated by Policy PLA3 (13) of the Bridgend Local Development Plan 2013 (LDP). The Policy seeks to regenerate brownfield and under-utilised sites within defined settlements with an appropriate mix of land uses. The development of each of the designated regeneration sites will be undertaken in accordance with a development brief or appropriate highway agreements, which are required to be agreed with the Authority prior to development commencing. In this case, the extra care facility, affordable housing units and new primary school are compatible with the aforementioned Policy.

In accordance with Policy SP14 of the LDP, new development often creates the need for planning obligations to be provided to offset any negative impacts of development. The proposal for 44 residential units triggers Policy COM5 of the LDP which requires 20% affordable housing in this location. As such 9 of the units will be provided as affordable housing to be transferred to the RSL with an appropriate tenure to be agreed between the applicant and the Housing Strategy Department.

The proposed site layout indicates the provision of a communal garden area to the rear of the care facility to serve this element of the proposed scheme but the space provided for the proposed housing is minimal. Given the constraints of the site, a commuted sum secured through a Section 106 obligation is more appropriate to fulfil the requirement of Policy COM11 as opposed to on site provision. Such a contribution could then be spent on the improvement of facilities within close proximity to the proposed development. Records indicate that the nearest facilities are the Bryn Road recreation space or the shared community facility within Coleg Cymunedol Y Dderwen. Based on current costs for provision, the contribution required would equate to £470 per dwelling.

With regards to Education, the scheme meets the threshold of 5 or more residential units identified in SPG 16 as being large enough to place increased pressure on local educational facilities. However, the Children's Directorate have confirmed that with the opening of a new Primary School adjacent to the development site, there is sufficient capacity in the local nursery, primary and secondary schools to accommodate the number of children projected to be generated by the development.

The aforementioned infrastructure improvements can be secured by way of a planning obligation.

In terms of design, Policy SP2 of the LDP requires all development to 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 Policy establishes fifteen criteria against which development proposals will be assessed and in respect of this application, it is considered that criteria 1, 2, 3, 4, 6, 7, 10, 12, 13, 14 and 15 would be relevant.

The first four criteria require the design of both elements to respect or enhance the local character of the area, be of an appropriate scale, use land efficiently and thereby comply with national policy. The development efficiently maximises the use of the site and will provide a hub of residential and community uses in an established settlement in a manner that is highly sustainable which accords with both national and local policy. The scale of the development does raise some issues which have already been considered but those impacts do not undermine the principle of the development which is acceptable. It is therefore considered that the proposed development is compatible with these criteria.

Criterion 6 requires development proposals to have good linkages within and outside the site to ensure efficient access. The application has been accompanied by a Transport Assessment, which has been considered by the Authority's own transport consultants. The Highways Department has advised that, subject to appropriate conditions, the access and parking arrangements are acceptable.

Similarly, criterion 10 requires development to safeguard and enhance biodiversity and green infrastructure. An Ecological Assessment together with a subsequent reptile survey has been submitted with the application and these reports identify mitigation measures. It is proposed to include appropriately worded conditions to ensure that the



identified mitigation measures and safeguards during the construction phase are implemented.

This requirement reflects Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21<sup>st</sup> March, 2016.

Section 6 (1) states that "a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions."

Section 6(2) goes on to state that "In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular (a) diversity between and within ecosystems; (b) the connections between and within ecosystems; (c) the scale of ecosystems; (d) the condition of ecosystems (including their structure and functioning); and, (e) the adaptability of ecosystems."

Regulation 9 of the Conservation of Habitats & Species Regulations 2010 requires Local Planning Authorities to take account of the presence of European Protected Species at development sites. If they are present and affected by the development proposals, the Local Planning Authority must establish whether "the three tests" have been met, prior to determining the application. The three tests that must be satisfied are: (1) That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment". (2) That there is "no satisfactory alternative". (3) That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

Given the nature of the application site and the proposed safeguarding and mitigation measures, it is considered that, overall, there will be no significant adverse residual impacts on biodiversity.

The next criterion (12) aims to ensure that the viability and amenity of neighbouring occupiers will not be adversely affected. This has been discussed in detail in the previous section of the report and where impacts have been identified, they are not to a significant level and they are outweighed by the social and community benefits of the delivering this care facility. The new housing is positioned on site, such that it has no direct impacts on the amenity of neighbours in terms of privacy, loss of daylight etc. Amenity also encompasses concerns in terms of disturbance during construction but those impacts are short term and can be managed through appropriate conditions.

Consideration has been given to the living conditions of the future occupiers of the new housing, with regard to the surrounding uses (both existing and proposed). However, the revised layout generally complies with the Council's guidelines. The activities of the surrounding uses, (schools and care home) will provide the context for the new housing but one that is entirely reasonable.

Criterion 13 requires development to incorporate appropriate arrangements for the disposal of foul sewage, waste and water. The Land Drainage Engineers are satisfied

that subject to a condition suitable arrangements can be provided. The final two criteria aim for development to make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change and also contribute towards local physical, social and community infrastructure. An Energy Strategy has been provided with the application which confirms that the development addresses the following; efficient use of a previously developed site, reducing energy consumption, increasing energy efficiency and the use of low and zero carbon sources, minimising waste through contractual arrangements that will require the construction of both extra care and housing to meet with ISO standards. As the function of the building is to contribute to local social and community infrastructure, it is considered that criterion 15 will also be satisfied.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development rather the proposed development will contribute to a more cohesive community and incorporates in the design features which demonstrate that it is seeking to contribute to global responsibilities in relation to climate change.

During the processing of this application Policies PLA3 (13), COM10 (5) and SP2 of the Bridgend Local Development Plan were considered.

## **CONCLUSION**

This application is recommended for approval because the development complies with Council policy and guidelines and will not adversely affect privacy, neighbours' amenities or visual amenities nor so significantly impacts on highway safety as to warrant refusal.

## **RECOMMENDATION**

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

(i) Provide 20% of the units as affordable housing units in accordance with the Affordable Housing Supplementary Planning Guidance (SPG). The Section 106 Agreement will provide for these units to be transferred to a Registered Social Landlord, with the type of units, location within the site, affordable tenure, transfer price and timescale for delivery to be agreed by the Council.

(iii) Provide a financial contribution of £10,830 on the commencement of development towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site

(B) The Corporate Director Communities be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:

1. The development shall be carried out in accordance with the following approved plans and documents: plan numbers 5285/P/101 - Revision D; P-0200 Revision A; P-0201 Revision A; P-0202 Revision A; P-0700 Revision B; P-0701 Revision A; P-0120-B; P-0121 Revision B; P-0122 Revision B; P-0123 Revision B; P-0124 Revision B; P-0750 Revision B; P-0751 Revision A; P-0752 Revision B; P-2000: P-2001; P-2002; P-3000 Revision C; P-0301 Revision B; P-0302 Revision B and the conclusions and recommendations in the following supporting documents: Linc-Cymru Limited - Site Investigation Report - 11669/AF/16/SI/Rev A, and Jubb's Transport Assessment.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of the safety and free flow of traffic.

2. 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.

3. Notwithstanding the submitted plans, 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 buildings 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.

4. Notwithstanding the submitted plans, 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 and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable and the boundary treatments shall be retained and maintained as such in perpetuity.

Reason: To ensure that the general amenities of the area are protected.

5. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how the foul, road, and road/yard water will be dealt with, including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the drainage system shall be implemented in accordance with the agreed scheme prior to the development being brought into beneficial use.

Reason: In the interest of providing safe drainage for the site and to ensure that flood risk is not increased.

6. The agreed landscaping works (Drawing Nos: P-0120-B, P-0121-B, P-0122-B, P-0123-B and P-0124-B) shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed by 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.

7. A Landscape Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and agreed by the Local Planning Authority prior to the occupation of any part of the development. The Landscape Management Plan shall be carried out as agreed.

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

8. Notwithstanding the approved plans, details of a scheme of fencing to protect the trees along the northern site boundary, shall be submitted to and agreed in writing by the Local Planning Authority. The fencing shall thereafter be erected in accordance with the agreed scheme prior to any equipment, machinery or materials are brought onto the site for the purposes of the development. The agreed fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard the trees outside but adjoining the site in the interests of both visual amenity and biodiversity.

9. Any site clearance works shall be undertaken in accordance with the method statement described in Section 2 of the Reptile Method Statement prepared by David Clements Ecology Ltd and dated August, 2016 and thereafter throughout the development, the mitigation measures identified as recommendations contained in Section 6 of the Ecological Assessment shall be implemented in full.

Reason: In the interests of biodiversity and nature conservation.

10. 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 and not at any time on Sundays and Bank Holidays.

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

11. No development shall take place, including any works of demolition/site clearance until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall provide for:-

- i. The routing of HGV construction traffic to/from the site in order to avoid Bryn Road;

- ii. The parking of vehicles of site operatives and visitors;
- iii. Loading and unloading of plant and materials;
- iv. Storage of plant and materials used in constructing the development;
- v. Wheel washing facilities;
- vi. Measures to control the emission of dust and dirt during construction;
- vii. The provision of temporary traffic and pedestrian management along Heol Yr Ysgol and Bryn Road.

The construction works and site clearance shall thereafter be undertaken in accordance with the agreed Method Statement.

Reason: In the interests of highway safety.

12. Notwithstanding the requirements of Condition 10 above, no construction vehicles shall enter or leave the site during the 30 minute period either side of the school operating times of the adjoining Coleg Cymunedol y Dderwen School (8.50am to 3.20pm).

Reason: In the interests of highway safety.

13. The proposed access onto the extended access road shall be laid out with vision splays of 2.4m by 25m before the development is brought into beneficial use and retained as such in perpetuity and no structure, erection or planting exceeding 0.6m in height above the adjacent carriageway level shall be placed within the stipulated vision splay.

Reason: In the interests of highway safety.

14. The internal access roads of the development shall be completed in permanent materials in accordance with the approved details prior to any of the individual units or the extra care facility the development being brought into beneficial use.

Reason: In the interests of highway and pedestrian safety.

15. 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.

16. Vision splays of 1m x 1m shall be provided for each individual dwelling driveway before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of pedestrian safety.

17. No development shall commence until details of the extended access road into the site from the junction with the access to Coleg Cymunedol y Dderwen and improvements to the Heol yr Ysgol/Bryn Road and Heol Cwrddy/Heol Canola junctions have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and no part

of the development shall be brought into beneficial use until the improvement works have been implemented.

Reason: In the interests of the safety and free flow of traffic.

18. No individual accesses from the housing development, vehicular or pedestrian, shall be created onto Bryn Road or the new extended school access road.

Reason: In the interests of highway safety.

19. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the local planning authority. Following completion of an approved monitoring scheme, in the event that gases are being generated the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the local planning authority. All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the site.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 (Construction Industry Research and Information Association) and/or BS8485 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: In the interests of safety.

20. No development shall commence until an assessment of the nature and extent of contamination affecting the application site has been submitted to and approved in writing by the local planning authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwater and surface waters

adjoining land,  
property (existing or proposed) including buildings, crops, livestock, pets,  
woodland and service lines and pipes,  
ecological systems,  
archaeological sites and ancient monuments; and  
any other receptors identified at (i)  
(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

Reason: In the interests of safety.

21. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

22. The remediation scheme approved by condition 21 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

Reason : To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological

systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

24. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced

25. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

26. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

This application is recommended for approval because the development complies with Council policy and guidelines and will not adversely affect privacy, neighbours' amenities or visual amenities nor so significantly impacts on highway safety as to warrant refusal.



The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

Unprocessed / unsorted demolition wastes.

Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances. Japanese Knotweed stems, leaves and rhizome infested soils.

In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**MARK SHEPHARD**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background Papers**

None