

REFERENCE: P/16/985/FUL

APPLICANT: Wales & West Housing Association Archway House, 77 Parc Ty Glas, Llanishen, Cardiff, CF14 5DU

LOCATION: Parc Farm Buildings Heol Spencer Coity CF35 6AS

PROPOSAL: Residential development of 24 affordable dwellings comprising 20 houses and 4 flats

RECEIVED: 12 December 2016

SITE INSPECTED: 19 December 2016

APPLICATION/SITE DESCRIPTION

Boyer Planning has submitted a full planning application on behalf of Wales and West Housing Association that seeks consent for a development of 24 residential units on the site of the former Parc Farm house and associated buildings which lie to the north of the village of Coity and immediately adjoining properties in the north eastern corner of Parc Derwen.

The principle of the site being developed for housing (14 units) was first established under permission P/11/881/OUT which, following the signing of a Section 106 obligation was issued on 8 January 2014. The outline permission was subsequently extended until 8 December 2019 under permission (P/16/847/RLX refers).

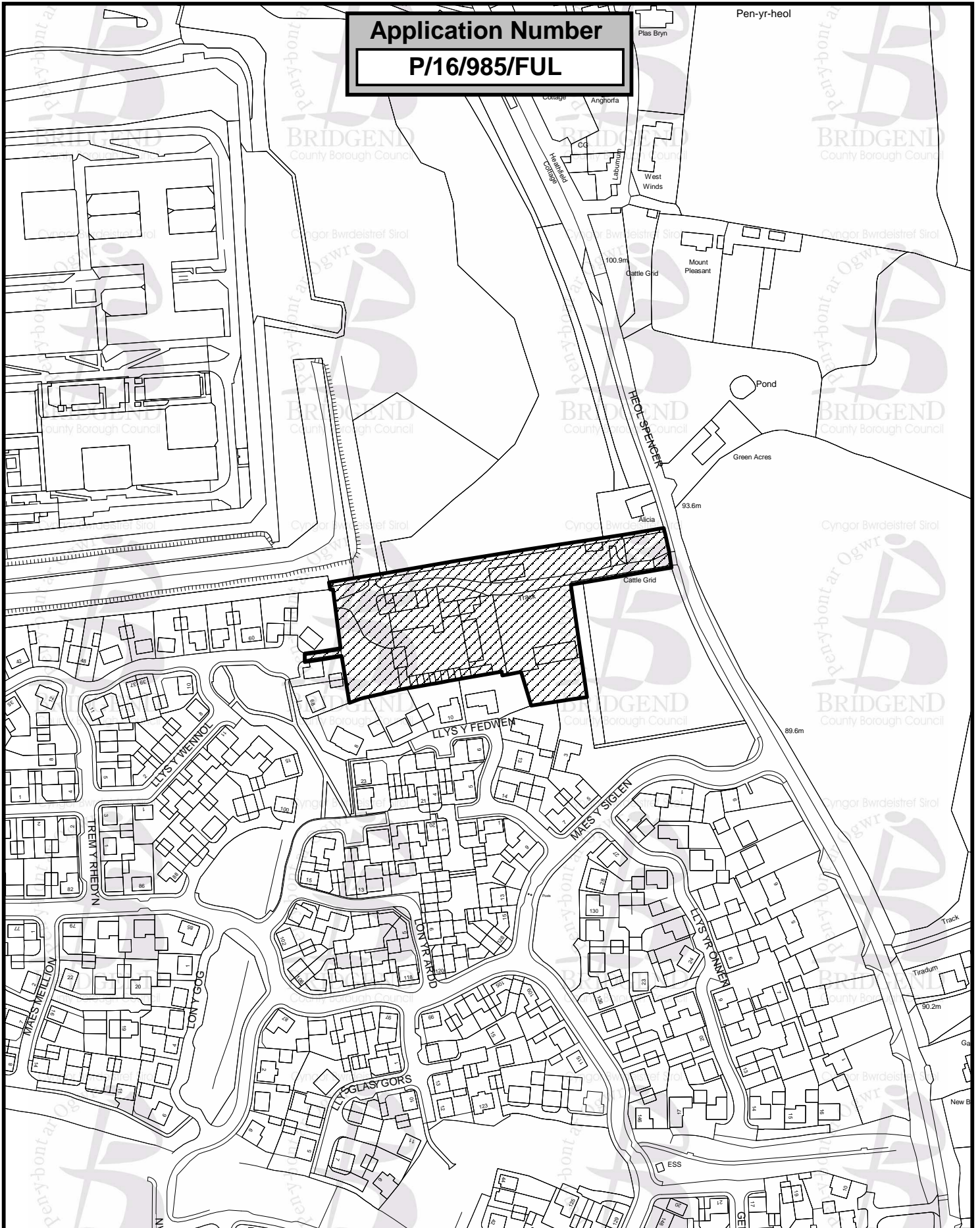
The site currently accommodates a series of stone, two and three storey buildings and a Dutch barn that all once formed part of Parc Farm, accessed from Heol Spencer via a metalled track approximately 4m wide. The northern boundary of the application site is in part shared with the front garden of the property known as 'Alicia' which is enclosed by a stone wall, close to the entrance to the site. A number of semi mature, sycamore and ash, trees form the remainder of the boundary which is shared with open land and the grounds of HMP Parc Prison. A 4m wide gravel access path is formed in this boundary to provide emergency access to the south of the prison. The eastern boundary of the site adjoins a burial ground that was associated with the former Parc Hospital. A line of approximately sixteen mature evergreen/coniferous trees lie just outside the application site and have a significant presence on the development site.

The southern and eastern boundaries immediately adjoin the gardens of properties on Llys y Fedwen (Nos 8, 9, 10 and 11) and Maes y Cadno (Nos 64, 66 and 68) which form part of the larger Parc Derwen Housing development. The gardens are generally enclosed by a 1.8m high fence with the separating distance to the site boundary ranging from 8m to 17m. The neighbouring dwellings are orientated such that their rear elevations face, either directly or are slightly off-set, the application site.

The proposed 24 residential units will comprise three house types including 18x2 bedroomed houses, 2x4 bedroomed houses and 4x1 bedroomed flats.

Application Number

P/16/985/FUL



Scale 1:2,500

**Date Issued:
17/05/2017**

**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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Fig. 1: Site Layout Plan

A 5.5m wide carriageway with a 1.8m wide footway on the southern side and a 1m wide service margin opposite will serve two private drives. Plots 1, 2, and 9-15 will front and be served directly from the main estate road with Plots 21-24 fronting a turning area and the dedicated parking spaces. Plots 3-8 will be accessed via a shared surface road and turning area with each dwelling having two on-plot parking spaces. Plots 16-20 will be accessed via the turning head at the western end of the estate road and fronting a private drive. The majority of the bin collection points and parking spaces will immediately front the proposed dwellings, apart from 2 dedicated bin collection points (one serving Plots 18-20 another serving Plots 16 and 17) to the west of the site.

The 1.8m footway on the estate layout will continue around the turning head at the western end and will connect to a section of 3m wide footway/cycleway that will link to an existing provision that lies between 64 and 66 Maes y Cadno.

New 3m and 4m wide gravel access and link paths are incorporated in the layout as part of the requirement to retain emergency access links to HMP Parc Prison and the burial grounds.

All dwellings, including the flatted complex will be two storeys in scale with the external finishes including facing brickwork, roughcast render, reconstituted stone and slate roofs. The dwellings are traditional and modest in form and proportions, with the areas of garden space ranging from 47 sqm (Plot 15) to 138 sqm (Plot 17).

The existing trees that are located beyond the eastern site boundary are illustrated on the site layout plan with the associated root protection zones identified. Areas of 'indicative landscaping' are proposed throughout the layout although they are formed on the margins of the roads, parking spaces and on the northern boundary of the site.

The Bat House, constructed as part of the ecological mitigation works agreed under a European Protected Species Licence previously issued by Natural Resources Wales and following the grant of the original outline planning permission, will be retained on site, adjacent to the new estate road and opposite the shared road surface serving Plots 3-8.

On 1 August 2016, Welsh Government introduced a requirement to undertake pre-application consultation on all major planning applications. A Pre Application Consultation Report has been submitted with this application in addition to the following documents:

- Design and Access Statement - Boyer Planning
- Transport Statement - Cotswold Transport Planning
- Pre-Development Tree Survey and Assessment - TDA
- Tree Constraints Plan - TDA
- Bat Survey Report - Celtic Ecology - November 2013
- Update Survey for Bats and Barn Owls - David Clements Ecology Ltd - 2016

RELEVANT HISTORY

P/11/881/OUT - Outline application for 14 Residential Units - CC - 8/1/2014

P/14/575/FUL - Provision of Bat House - CC - 14/10/2014

P/15/542/DPN - Prior Notification for the Demolition of the Farm Buildings and Former Dwelling - No Objection - 23/9/2015

P/16/847/RLX - Extend period for submission of reserved matters for P/11/881/OUT (14 residential units) by a further three years - CC - 8/12/2016

Adjacent Site:

Maes -y-Cadno:

P/12/547/RES - Reserved matters consent for 96 dwellings - R42 - CC - 26/9/2012

P/12/836/RES - Reserved matters consent for 2 dwellings - CC - 16/1/2013

Llys y Fedwen:

P/11/658/RES - Reserved matters application for 105 dwellings - CC - 15/11/2011

P/12/506/RES - Reserved matters application for 3 dwellings - CC - 8/11/2012

NEGOTIATION

Negotiations commenced on 13 February 2017 to consider the relationship of the proposed housing to existing properties, the inter-relationship of the new dwellings and issues regarding the layout and car parking provision. A series of revised layout plans have been received with the latest (Revision L) being received on 16 May 2017.

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

Coity Higher Community Council: Object to this application due to the density of 24 dwellings being constructed at this site which is considerably more than originally

approved. In addition, I would like to request that a representative of the Community Council be allowed to attend and speak at any site meeting that may be held by BCBC regards to this application.

Former Councillor E Dodd - Object to the application - the original request was for 14 dwellings - 24 dwellings are far too many at this location. I object to the density and also traffic problems on Heol Spencer where there is no pavement so the increase in traffic will make it even more dangerous.

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 comments received to date.

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

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

South Wales Police Designing Out Crime: I am generally pleased with the site layout. All the parking is overlooked/within curtilage. However I have serious reservations in respect of the footpath/cycleway that connects to Trem y Rhedyn (Maes y Cadno) and I have serious concerns about the impact it could have on the quality of life for residents residing in this property and the adjacent properties to this lane. If this lane is to remain, I would ask that it be lit and afforded as much natural surveillance as possible by a side window being installed in the property at Plot 20 and from windows in the apartment at Plot 21-24. Railings should separate properties from the footpath. More general advice on lighting, boundary identification, landscaping, side and rear boundaries, vehicle parking areas, bicycle stores, security lighting, bin storage, drainpipes, window and door security etc is available from the Secure by Design Officer.

Head of Street Scene (Waste Manager) Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The developer should consider provision of a suitable collection point to avoid inconveniencing other residents. Consideration should be given to how the flat residents will store their recycling containers and present their waste at kerbside.

Countryside Management: No adverse comments received.

REPRESENTATIONS RECEIVED

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

13, 15 Llys Y Wennol
8, 9, 10 (Speaker) 12, 13, 14 Llys y Fedwen
1, 9 Llys yr Onnen
54, 56, 58, 62, 64, 66, 68 (Speaker) Maes y Cadno
3, 9 Maes y Siglen
Alicia, Heol Spencer
118 Heol West Plas (Speaker)
134 Ffordd y Draen

A petition signed by over 250 residents all objecting to the application, has been received. It is understood that this document was originally submitted to Boyer Planning (applicant's agent) in response to the 'Pre-Application Consultation' process that was undertaken prior to the submission of this application. The residents urged Wales and West Housing Association not to submit a planning application for the reason that the site was unsuitable to accommodate a high concentration of social housing, the impact of traffic on the community and particularly on Heol Spencer, the significant negative impact on the neighbouring residents and the inadequate provision of both space and car parking.

The following is a summary of the objections received from residents, the Community Council and former Borough Council Member in connection with the current application:

1. Demolition of the buildings should not take place - the loss of historic buildings part of the heritage of Coity.
2. Developer has ignored observations offered by residents at the pre-application stage.
3. There is an adequate supply of affordable housing as indicated in the 2016 Joint Housing Land Availability Assessment and therefore no 'need' for the development.
4. Given the lack of public transport the site is unsustainable and unsuitable for affordable housing
5. The findings of the Transport Statement should be challenged – The distances to amenities quoted in the Transport Statement are incorrect - Heol Spencer is a dangerous 'rat run' and is unable to accommodate additional traffic – sections through the village are narrow and not designed to serve major development – traffic speeds are already a concern and there is no footway alongside the highway for future residents to safely access local amenities and facilities in the village of Coity.
6. The 3m wide cycle/walkway connecting the application site to Maes Y Cadno is fenced off and currently owned by Persimmon Homes – future residents may not be able to access facilities within Parc Derwen - Use of route could affect privacy of neighbouring properties and be a place of anti-social behaviour - it is not well connected with existing footpath network – would not be suitable for vehicular traffic.
7. Car parking provision is inadequate – deficient visitor parking – does not comply with Council's Parking Guidelines.
8. How will refuse be collected – bin collection on the edge of a cycleway/footway is not acceptable.
9. Density of development is too high (net density of 48 dwellings per hectare) – exceeds the figure granted at the outline planning stage – housing (flats) not in keeping with Parc Derwen Development Brief/Design Code and the surrounding properties
10. Proximity of new housing will result in a loss of light, space, outlook and privacy - no buffer zone provided.
11. New housing will increase light and noise pollution
12. Confusion as to what the application proposes - an outline or full planning application.

13. History of gardens/houses surrounding the site having experienced problems with flooding and drainage through a lack of adequate facilities – additional development may exacerbate problems.

14. The site is rich in biodiversity – development will destroy the habitat of European Protected Species (Bats, Barn Owls etc.) - Their population will decline – previous actions of blocking up openings were unacceptable

15. Developer has not submitted an Arboriculture Impact Assessment - trees and hedgerows will be affected by the development – root protection areas will be compromised by one of the proposed dwellings

16. The use of the emergency access lane to HMP Parc Prison which runs to the rear of Maes y Cadno is likely to increase with a new public highway being created through the development site – encourage more criminal activity.

17. Boundary to burial ground has deteriorated – conveyance plans prevent the erection of buildings on adjacent land – land could be disturbed

HMP and YOI Parc have provided the following comments:

The prison has a vehicle right of access through a double gate on the southern boundary at Parc Farm for emergency purposes - this should be retained and accommodated as part of the development.

Access to the 6m wide gap between Parc Prison and the rear gardens of properties on Parc Derwen should be retained and not obstructed. Recent site meeting with the developer gave cause for concerns that access would be blocked off at the Parc Farm end.

COMMENTS ON REPRESENTATIONS RECEIVED

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

1. The existing farmhouse and buildings are not located in a conservation area and are not listed and therefore subject to any formal protection. Although no information as to the conditions of the buildings has been submitted, it is understood that their condition prevents a viable conversion. The site agents have formally notified the Council that demolition is to take place at the beginning of September 2017. Issues regarding the protection of biodiversity interest will be considered elsewhere in this report.

2. In the concluding section to the Pre-Application Consultation (PAC) report, it was noted that significant objection had been received from the community with regard to the principle of the development, highway impacts and many other matters. The report states:-

“Amendments have occurred to the design following consultation including the removal of a proposed tree to ensure the emergency prison access is not obstructed and increased set back of the two storey element of the type C dwellings from the neighbouring boundary”.

The report suggested that there were no technical reasons to amend the scheme further. The objections offered have not been ignored and there is no requirement for the developer to revise a scheme in such a manner to address all criticisms. Based on the

level of objection received to the application, this would not have been achievable.

3. Local Planning Authorities have a duty to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. The purpose of preparing a Joint Housing Land Availability Survey (JHLAS) is to: (a). monitor the provision of market and affordable housing; and (b). provide an agreed statement of residential land availability for development management purposes and for inclusion in the Annual Monitoring Report for the relevant Local Development Plan. Whilst Welsh Ministers have agreed that the five year housing land supply for the Bridgend County Borough is available, it was on the basis that this site, albeit the 14 units contributed to the supply. Although the number of units has increased and will be 100% affordable, it should be noted that, on the basis of the Local Housing Market Assessment (LHMA) (January 2010), there was a net need of 1,514 affordable dwellings per year and this development would contribute to that demand. There is no evidence to suggest that there is currently an oversupply of affordable housing in this County Borough.

4. The Bridgend Local Development Plan will seek to improve opportunities for sustainable travel and promote the use of public transport. If a service is discontinued it can lead to a greater reliance on the private car but this does not make a site unsustainable for development. In this case the site is located within the key settlement of Bridgend as defined by the Bridgend Local Development Plan. The application site and Development Plan were the subject of sustainability appraisals as part of the plan process.

5. In order to justify the increase in numbers above that approved under the outline planning consent, the application is supported by a Transport Statement which has been independently audited by the Council's consultants Capita. They have indicated that, whilst the overall vehicular numbers would increase, the changes in flow will be less than daily variation and increases of only 1 and 2 vehicles in the peak hour will not have a significant impact on the operation of the adjacent highway network. Accordingly the traffic generation of the proposal can be considered acceptable.

The turning head of the easternmost cul-de-sac (serving Plots 3-8) is of insufficient dimensions to enable it be deemed satisfactory for it be adopted by the Highway Authority although, with a minor enlargement, it would be acceptable. Such a size increase appears possible and will be secured by planning condition.

6. The 3m wide footpath/cycleway has been provided as part of the highway infrastructure for Phase R42 on Parc Derwen and this development will connect into this link and will in time form part of the adopted highway network. Although the land over which the route has been constructed is within the ownership of Persimmon Homes, a public highway will be formed which will provide a right to pass and repass for existing and future residents. The link will connect directly to a shared surface that fronts 60 - 66 Maes y Cadno and beyond to the footpath network that connects to the new school and land that is planned to accommodate the district centre on Parc Derwen.

Although the 'Designing Out Crime' Officer for South Wales Police has also expressed concerns regarding the route and the potential impact on the quality of life for residents, it is a necessary part of the development and its provision has been secured in the granting of planning permission for the adjacent Parc Derwen development. Any purchasers of the properties either side of the route should have been made aware of its existence and purpose. Furthermore, it is essential that the route is provided to allow occupiers of the new properties to access amenities on Parc Derwen. A condition will be imposed to ensure that the route is lit and properly enclosed to minimise the impact on the adjacent properties. The route will not be used by vehicular traffic.

7. The layout has been revised to accord with the Council's Parking Standards (SPG 17 refers).

8. The Head of Street Scene (Waste Manager) requests that the developer consider provision of a suitable collection point for all the development. A condition can be imposed requiring the final position of the recycling and waste facilities to be agreed prior to development commencing.

9-11. Concerns relating to the density of the development and the relationship to existing properties in Maes y Cadno and Llys y Fedwen will be considered in detail in the appraisal section of this report.

12. Unfortunately, the Design and Access Statement makes reference to an outline planning application (para 1.1 refers). The application form clearly states that it is a full application.

13. No adverse comments have been received from DCWW or the Council's Land Drainage Section.

14. The conclusions of the updated survey for Bats and Barn Owls (David Clements Ecology Limited 2016) recognise that the buildings at Parc Farm continue to be of high value to roosting bats and a barn owl and, in the event of demolition and re-development, the mitigation measures set out in the previous Natural Resources Wales Licence application remain appropriate for bats and barn owls. A copy of the most recent licence to disturb, capture and transport, damage or destroy a breeding site or resting place of bats at Parc Farm, dated 6 February 2017, has been submitted by the applicant's agent. It is subject to a number of conditions which includes a requirement to comply with the 'Parc Farm, Coity - Bat House & Key Vegetation – Management Plan', by David Clements Ecology, dated January 2017 - and drawing: 2198 – 101F 'Key Management Features for Bats' (Proposed Site Layout), dated January 2017. The impact of the development on protected species has been properly considered in accordance with local policy and national legislation.

15. The developer's 'failure' to submit an Arboricultural Impact Assessment (AIA) has been identified by the objectors. As part of the planning submission, the developer has submitted a Pre-Development Tree Survey and Assessment which surveys the position, dimensions, condition and future life expectancy of trees on site. Recommendations are also provided on arboricultural works that should be undertaken in the interests of safety. It should be noted that the report only considers the trees in the applicant's control and not the mature trees beyond the eastern boundary. The Tree Constraints Plan provides a more accurate record of above and below ground constraints presented by all existing trees including the group referenced above. Root Protection Zones have been identified and there is some conflict between the parking spaces to the side and the patio areas to the rear of Plots 1 and 6 respectively.

This Council will request an Arboricultural Method Statement (AMS) as a condition of any planning consent where construction is due to take place in close proximity to important trees or within the root protection zone (RPZ) of a tree due to be retained. Such a statement will describe how construction works can be carried out close to trees without causing damage to the crown or the root system. It will also include details on how the works will be managed and how the trees will be adequately protected during the works. The AMS must contain a timetable indicating when and how specific works adjacent to trees will be carried out. This will cover items such as the installation of protective fencing, hand excavation within tree protection zones and the use of boarding to avoid compaction,

amongst other things. Such a condition should ensure that the important trees on the eastern boundary of the site are protected during construction and beyond.

16. The emergency access to the prison has been retained and will be served by a public highway which residents are concerned will encourage greater use and will possibly allow the passage of goods into the prison. The emergency access would however be visible from a number of the new properties and such passive surveillance by residents may deter such activities.

17. The application site does not include any part of the burial ground. In response to recent concerns expressed by a concerned resident in connection with the disturbance of land, the developer has agreed to undertake further survey work to ensure that the demolition works/development will not affect this protected ground.

APPRAISAL

The application is referred to Committee to consider the objections raised by local residents, the Community Council and the former Local Member.

The planning system manages the development and use of land in the public interest, contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment. A well-functioning planning system is fundamental for sustainable development. (Paragraph 1.2.1 of Planning Policy Wales - Edition 9 - November 2016 refers).

Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers). The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the planning system.

The adopted Bridgend Local Development Plan (2013) (LDP) which was subject to a Sustainability Appraisal seeks to focus development in four strategic regeneration growth areas with the objective of delivering more sustainable patterns of development. Bridgend is the main area of growth and is identified as a primary key settlement with its boundaries defined under Policy PLA1 of the LDP. The application site lies within the settlement of Bridgend and is allocated for residential development under Policy COM1 (13) of the LDP. The Policy references the estimated number of units and the likely level of affordable housing which, in this case, was based on the extant planning permission (P/11/881/OUT refers).

The principle of this site being developed for housing therefore accords with the adopted LDP and broader national policy that promotes a 'plan-led' system as the basis of making rational and consistent planning decisions. Furthermore the principle of the site being developed for housing has been established. The critical issue is whether the site can accommodate the additional dwellings proposed by this application without having a significant impact on the living conditions of the adjacent residents and future occupiers and the biodiversity interest on site. The ability of the existing and proposed highway network to serve the development is also a significant consideration.

Policy SP2 of the Bridgend Local Development Plan and the suite of Supplementary Planning Guidance provide a robust framework for assessing the details of this application. All development is required to contribute to creating high quality attractive sustainable places, which enhance the community in which they are located. 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), 11), 12), 13), 14) and 15) are relevant:

1) Complying with all relevant national policy and guidance where appropriate;

The development site is allocated for housing in the adopted Development Plan which aligns with national policy. National policy and guidance on affordable housing, nature conservation, tree preservation orders, design and transport have also informed the policies and guidance of this Council.

2) Having a design of the highest quality possible, whilst respecting and enhancing local character and distinctiveness and landscape character and 3) Being of an appropriate scale, size and prominence;

Concerns about the development being out of character with its surroundings have been made by a number of residents and considered in the previous section of this report. The proposed house types although more modest in proportion to the adjoining dwellings, have a traditional form with a pallet of materials, including stone and render which will respect their setting.

4). Using land efficiently by: (i) being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and (ii) having a preference for development on previously developed land over greenfield land;

Efficient use of land will be achieved by the development although the gross housing density will be below the 35 dwellings per hectare referred to in Policy COM4. The levels achieved by this development are considered acceptable. The scheme is further compliant in that it will use previously developed land which accords with both national and local policy objectives. Although it is regrettable that the development does not seek to retain any of the existing buildings, it has been previously offered by the developer's agent that their condition does not allow for a viable conversion.

6) Having good walking, cycling, public transport and road connections within and outside the site to ensure efficient access;

All development proposals should be designed in a manner that secures the safety of all highway users whilst also looking to improved opportunities for sustainable travel. The Transport Statement that accompanied the application has been referred to the Council's external consultant, Capita, who have verified the trip generation data and confirmed that the impacts of the additional traffic on the highway network are within acceptable limits. Furthermore, the provision of the connecting footpath/cycleway will ensure that the future residents of the development will have the opportunity to access amenities/facilities without being completely reliant on the private car.

The impact of the development on the highway network has been thoroughly examined by the Transportation and Engineering Section, as has the submitted layout to establish whether it accords with both national and local guidance. The impact of the development on the immediate and surrounding road network and the adequacies of the proposed off and on street parking arrangements have been the focus of the objections received from local residents. In applying the aforementioned guidance (Manual for Streets and the Car

Parking Guidelines refers) the layout and associated highway works are considered to be in compliance. Accordingly no objections to the development have been received from the Group Manager Transportation and Engineering.

7) Minimising opportunities for crime to be generated or increased;

Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard must be given by local planning authorities. Those concerns highlighted by the Police have been considered but the request to omit the footpath link would be to the detriment of the residents of the future development who should not be denied access to existing and future amenities on the Parc Derwen development. The aim should be to produce a safe environment for existing and future residents through good design and the use of effective street lighting and passive surveillance would minimise any negative impacts from the use of this link.

10) Safeguarding and enhancing biodiversity and green infrastructure;

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 21st 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".

The main biodiversity interests on this site are found in the building which have provided a habitat for bats, barn owls etc. As indicated within this report, their demolition is imminent. In previously agreeing the principle of the site being developed, the Council considered that the proposed development would not impact adversely on any European protected species and, in its opinion, all three tests for the eventual grant of a Regulation 44 licence would likely to be satisfied. This was subsequently affirmed by Natural Resources Wales in issuing the aforementioned licence on two occasions. Subject to the demolition works complying with the conditions of the licence, the development will have complied with both

local and national policy and legislation.

11) Ensuring equality of access by all;

Developments must conform to the provisions of the Equality Act 2010 and it is understood that the site and dwellings have been designed to make it accessible for all those who might use the dwellings in the future.

12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;



Fig. 2: Aerial Photograph

National policy confirms that new housing developments should be well integrated with, and connected to, the existing pattern of settlement. In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources and good design can overcome adverse effects but, where high densities are proposed, the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas

Related concerns have been expressed by residents as to the number of dwellings proposed as part of the application. Policy COM4 of the LDP establishes a density requirement of at least 35 dwellings per hectare. The LDP acknowledges that it is important that new development uses land efficiently by being of a density which maximise the development potential of land. A minimum density will therefore be applied to all new residential development. The application site, measured from the OS Base Plan including the site access up to Heol Spencer, measures 0.85 hectares, equating to a gross density of 30 dwellings per hectare which is below that required by Policy COM4 but nonetheless is acceptable.

The explanatory text with Policy COM4 does indicate that a lower density may be accepted where development would have an unacceptable impact on design or highway safety. Residents have highlighted the lower density of the adjoining properties which was prescribed in the Parc Derwen Development Brief. This application site does not however form part of the Parc Derwen allocation and is not subject to the restrictions of the Brief or the Design Code. The adjacent housing in Parc Derwen forms part of 'Area 5 - Upper Coity' as defined in the development brief which proposed a housing density of between 25-30 dwellings per hectare. This is not significantly different to that proposed as part of this application.

Indicators of unacceptably high densities would be evident in other aspects of the housing layout including compromises in privacy/daylighting/domination standards between the new dwellings and their relationship with the existing properties. The critical issue is whether the impacts are so significant as to be contrary to local policies and guidelines. The following section will examine the relationships in detail:

64 Maes y Cadno is one of three detached properties that adjoin the western boundary of the application site. It is positioned at a 45 degree angle within the plot, a minimum of 8m and a maximum of 15m from the boundary with Plots 21-24 which will accommodate a pair of two storey semi-detached units and will present a blank gable elevation towards the neighbouring property. No window openings in the existing and proposed dwellings will overlook directly and the orientation of 64 Maes y Cadno is such that the direct outlook will not be toward Plots 21-24. Privacy will not be unreasonably compromised and, even accounting for a difference in levels which is not significant, the new development should not overshadow or dominate outlook. Existing and proposed boundary treatment will ensure that the movements to and from the proposed 1 bedroom flats and associated parking area will not seriously diminish the living conditions of the existing neighbours.

66 Maes y Cadno is positioned on the southern side of the existing footpath/cycleway and faces directly the boundary with the application site and the rear elevation of Plot 20 beyond. From the submitted site layout plan, a separating distance of 21m is recorded with 66 Maes y Cadno. Based on the Council's guidelines, privacy will not be compromised but it may be necessary to withdraw permitted development rights to prevent the uncontrolled extension of Plot 20 in the future. Even accounting for any level difference in the finished floor levels of existing and proposed, the outlook will not be unreasonably affected by the two storey dwelling which will have a maximum height of 9m to ridge and 5.5m to the eaves.

68 Maes y Cadno is a detached dwelling with its rear elevation some 12m from the development boundary shared with a two storey end of link property on Plot 18. The submitted levels suggest that the finished floor level of Plot 18 will be 1m above 68 Maes y Cadno but any impact will be diminished by the 23m that separates the existing and proposed dwellings. Again direct impacts of the development, when considered with reference to the Council guidance and policy, will not be so significant to refuse planning permission.

Numbers 8, 9, 10, 11 and 12 Llys y Fedwen adjoin the southern boundary of the application site. No.8 only shares some 10m of the boundary with Plot 18 and is positioned in a generous garden which will be overlooked, albeit not directly, from the rear bedroom windows in Plot 18. The relationship does not compromise the Council's standard and the impact of the development on this property is considered to be limited.

9 Llys y Fedwen is a detached dwelling with rear facing habitable rooms overlooking the side elevation of Plot 18. From the submitted plans, distances of 13m and 17m separate the existing dwelling and proposed development which, even when taking account of the level difference (FFL of Plot 18 is over a metre above No. 9), should ensure that the development does not unreasonably overshadow the habitable room windows. No windows on the development site will directly overlook this neighbouring property thus ensuring that existing levels of privacy will not be unreasonably affected.

The same house design has been used on 9 and 10 Llys y Fedwen although a small conservatory extension has been added beyond the living room window in No 10. Separating distances range from 11m measured to the original elevation and 8m to the conservatory and the view will be of the side elevation of Plot 17. In response to

negotiations, the applicant's agent has submitted an amended house design which has a reduced overall height (9.0m to ridge) and incorporating a single storey element to the side of the dwelling, closest to the shared boundary with 10 Llys y Fedwen. Accordingly, the proposed two storey gable of Plot 17 will be 17m from the original rear elevation of No. 10 with a distance of 13m recorded between the single storey element and the original dwelling. Even accounting for the difference in levels, the separation distances should ensure that outlook, although affected, would not be to an unreasonable degree and would not warrant a refusal of planning permission.

The house design on 11 Llys y Fedwen is 'L' shaped in form with generous garden areas provided on the northern and eastern sides of the dwelling, adjoining the application site. A single kitchen window will face the northern boundary which is shared with the gardens of Plots 7 and 17. The side elevation of Plot 7 will occupy part of the boundary but will be set back 2.5m from the boundary. Direct views from the existing kitchen window will be reasonably open with the 9m high two storey gable being off-set and not unreasonably dominating outlook. The principal habitable room windows and bedrooms are on the eastern side of the dwelling and overlook a relatively generous garden and the site boundary. Beyond this lies the private drive and front elevations of Plots 5 and 6. Whilst the finished floor levels of the proposed units are above 11 Llys y Fedwen, from the submitted plans, a distance of 25m will separate the existing dwelling from the proposed development.

Whilst there may be some reduction in privacy, mainly from the first floor windows in Plots 5 and 6, it is not sufficient to require further changes to the submitted layout. Similarly, any reduction in outlook by virtue of the development is not at an unreasonable level. Existing boundary treatments and the establishment of a landscaping strip within the application site boundary will assist in limiting the impact of the development.

Like 11 Llys y Fedwen, No.12 has a single kitchen window facing the corner of Plot 6 but at a distance of some 15m. Again, privacy will not be unreasonably affected and, although the dwelling will be clearly visible from the kitchen window, it will not overshadow and dominate outlook.

Many of the objectors have expressed concern about the introduction of flats as part of the submitted layout. From the extract plan below (Figure 2), it is noted that the 1 bedroom accommodation will be within a pair of semi-detached units which has a form, proportion and appearance that is in keeping with the housing proposed as part of this application. The house type will not detract from the character of its immediate surroundings or the wider area.



Fig. 3 - House Type Accommodating Flats

Overall, the development will have impacts on the existing properties but not to the extent that would warrant a refusal of planning permission. Finished slab levels however need to be agreed with the Council to ensure effective control is retained over the development in the interests of safeguarding the living conditions and well-being of the residents.

Reference has been made by residents to a buffer area between Parc Derwen and the development site. The master plan from the Development Brief indicates a hedgerow along the southern boundary of the Parc Farm site. Examination of the approved layout plan for the development to the south (areas R1, R2 and R3) includes a hedgerow to be planted on the southern side of the application boundary in the gardens of properties on Llys y Fedwen. There is some uncertainty as to whether the planting has been implemented to date.

The submitted housing layout does not incorporate any formal play space only informal green space along the margins of the estate road. Plan policy requires that all new housing developments make provision, or the equivalent value of, a satisfactory standard of outdoor recreation space. In this case and historically, the Council has sought a financial contribution towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site - this will be secured through a Section 106 Planning Obligation.

Inevitably a development so close to existing properties is going to result in some inconvenience from noise and general disturbance during the construction period. Whilst this is not grounds for refusing planning permission, given the scale of the development, it will be reasonable to impose planning conditions to control the hours of construction and the implementation of a traffic management plan throughout the period of construction.

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.

13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;

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.

15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development;

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 24 residential units triggers Policy COM5 of the LDP which requires 20% affordable housing in this location. The applicant has indicated that all dwellings will be affordable but in order to safeguard compliance with the LDP, the affordable housing of 20% should be secured through a Section 106 Obligation.

In accordance with SPG 15: Residential Development and Educational Facilities, current school capacities in the area indicate that Nursery and Primary provision is currently oversubscribed. Based on a development of 20 dwellings, excluding the 1-bed flats as per Note 1 of the SPG, there would be a requirement for 1 nursery and 4 primary school places to be created which equates to a contribution of £81,565.

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4 hectares per 1000 people. For a proposal of 24 dwellings this amounts to approximately 1,344 sq.m. The Council's open space audit reveals a deficit of provision in this locality. Given the site's proximity to the Parc Derwen development, a commuted sum may be more appropriate than on-site provision, with contribution to be spent on the improvement of facilities or improving the means of access to them.

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

CONCLUSION

The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of housing (including affordable housing). The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission.

RECOMMENDATION

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

(i) Provide a minimum of 20% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council.

(ii) Provide a financial contribution of £11,280 on the commencement of development towards the upgrading of existing outdoor recreation facilities in the vicinity of the application site.

(iii) Provide a financial contribution of £81,565 on the commencement of development towards the provision of 1 nursery and 4 primary school places in the Coety Primary School.

(iv) Provide a financial contribution of £7,000 on the commencement of development towards the 20 mph Traffic Order on the proposed estate road.

(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:

Proposed Site Layout - Ref: 2198/101 - Revision L
House Type A Plans - Ref: 2198/200/01 - Revision A
House Type A Elevations - Ref: 2198/200/10 - Revision A
House Type A Elevations - Plots 5,6,7 and 8 - Ref: 2198/201/12 - Revision C
House Type B Elevations - Plots 1,2,11 and 12 - Ref: 2198/201/10 - Revision B
House Type B Elevations - Plots 3, 4 - Ref: 2198/201/11 - Revision B
House Type B Elevations - Plots 9, 10 - Ref: 2198/201/13 - Revision B
House Type B Elevations - Plots 13-15 - Ref: 2198/201/14 - Revision B
House Type B Elevations - Plots 18-20 - Ref: 2198/201/01 - Revision C
House Type C and D Elevations - Ref: 2198/202/10 - Revision E
House Type C and D Plans - Ref: 2198/202/01 - Revision E

And the conclusions and recommendations in the following supporting documents:

Transport Statement - Cotswold Transport Planning
Pre-Development Tree Survey and Assessment - TDA
Tree Constraints Plan - TDA
Bat Survey Report - Celtic Ecology - November 2013
Update Survey for Bats and Barn Owls - David Clements Ecology Ltd - 2016

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 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.

3. 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.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification), no buildings on Plots 18, 19 and 20 shall be erected other than those expressly authorised by this permission and shown on plan number Ref: 2198/101 - Rev: L.

Reason: In the interests of visual and residential amenities.

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 any dwelling 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. No demolition or construction shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection, in the course of demolition and development. The approved scheme shall be implemented so that planting is carried out no later than the first planting season following the completion of the development. All planted materials shall be maintained for five years and any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the Council gives written consent to any variation.

Reason: To protect and enhance the character of the site and the area and to ensure its appearance is satisfactory.

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. Prior to the commencement of development or other operations on site, an arboricultural method statement (AMS) and tree protection plan (TPP) shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works/drainage/utilities/foundation design within any defined tree protection area (modified to taken into account known influences to root morphology - section 4.6.3 and 4.6.3a of the current British Standard 5837: 2012 Trees in relation to design, demolition and construction - Recommendations). This includes details for the construction of the access/driveway/parking spaces/patio areas. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement and plans.

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

9. Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on

the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. 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.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity and to promote 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 approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The routing of HGV demolition/construction traffic to/from the site in order to avoid the southern end of Heol Spencer and the village of Coity
- 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 Spencer

Reason: In the interests of highway safety.

12. No development shall commence until the pedestrian/cycle link to the south of Plots 21-24 has been constructed in permanent materials connecting the application site to the highway network within the adjacent Parc Derwen development (fronting 64 & 66 Maes y Cadno) and the existing timber fence line linking the eastern boundary of 64 Maes y Cadno with the eastern boundary of 66 Maes y Cadno has been removed. The pedestrian/cycle link shall be at a minimum width of 3m, within a corridor of 4m minimum width and remain open to pedestrians at all times once the first dwelling has been brought into beneficial use and shall be retained for the free passage of pedestrians and cyclists in perpetuity.

Reason: In the interests of highway safety.

13. No development shall commence until a scheme for the provision of physical features preventing vehicular traffic traversing along the pedestrian/cycle link to the south of Plots 21-24 has been submitted to and approved in writing by the Local Planning Authority. The scheme of features area shall be implemented in accordance with the approved scheme prior to the beneficial use of the first dwelling and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

14. The proposed means of access shall be laid out with 6.0 metre radius kerbing on both sides of the entrance constructed and retained in permanent materials as approved in writing by the Local Planning Authority with vision splays of 2.4m x 43m in both directions before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

15. No structure, erection or planting exceeding 0.9 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

16. Notwithstanding the submitted drawings, no works shall commence on the construction of the proposed roads until details comprising traffic calming and retaining structures (embankments or walls) supporting the highway or land alongside have been submitted to and agreed in writing by the Local Planning Authority. The construction of the roads shall be implemented in accordance with the agreed details and completed to binder course level of bituminous material as appropriate to the street being constructed and shall be substantially completed prior to beneficial occupation of the last dwelling in such street.

Reason: To ensure safe and satisfactory vehicular and pedestrian access to the dwellings in the interests of public and highway safety.

17. No development shall commence until a scheme for the provision of an enlarged turning head on the cul-de-sac serving Plots 3-8 has been submitted to and approved in writing by the Local Planning Authority. The cul-de-sac shall be implemented in permanent materials in accordance with the approved scheme prior to beneficial occupation of the last dwelling in that cul-de-sac.

Reason: In the interests of highway safety.

18. 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 in perpetuity.

Reason: To ensure the provision and retention of sufficient off-street parking, compliance with the Disability Discrimination Act and to prevent loose stones, mud and gravel being spread on to the highway, 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 under 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

The proposed development accords with both national and local policy and represents an opportunity to utilise a brownfield site for the delivery of housing (including affordable housing). The development should not be detrimental to highway safety and will not adversely affect the character of the area or the amenities of residents to warrant a refusal of planning permission

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