

**REFERENCE:** P/17/260/FUL

**APPLICANT:** Mr P Kinsella c/o Anglesey House, 47 Anglesey Way, Nottage, Porthcawl, CF36 3QP

**LOCATION:** Land adjacent former Three Horseshoes Public House Lamb Row South Cornelly CF33 4RL

**PROPOSAL:** Erection of 1 detached dwelling

**RECEIVED:** 28 March 2017

**SITE INSPECTED:** 28 April 2017

**EOT AGREED:** 12 July 2017

### APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the erection of one detached residential dwelling on land adjacent to the Former Three Horseshoes Public House, Lamb Row, South Cornelly.

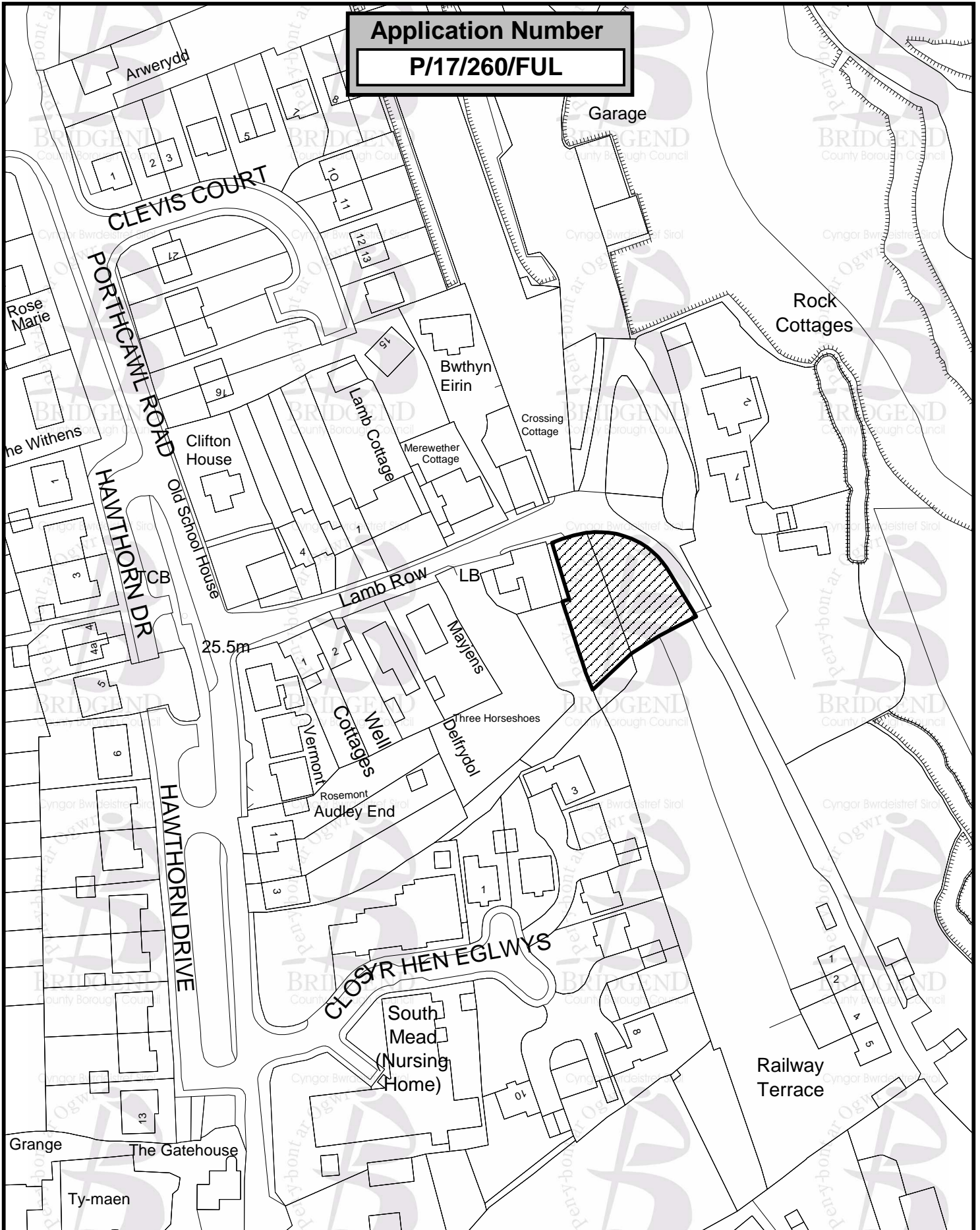
The dwelling will measure 12m x 20m with a pitched roof reaching an approximate height of 7.3m. The property will have a forward projecting gable measuring approximately 4m x 6m and to height of approximately 5.9m with a large, floor to ceiling glazed window to serve a bedroom at first floor level and a large garage on the ground floor with a front porch. A first floor balcony is also proposed to the rear of the property. The property will be served by a large turning/parking area located to the front of the site and amenity space to the rear. The proposed ground floor will comprise of a living room, kitchen, study, hall, utility room, WC and garage. The first floor will comprise three bedrooms with an en-suite and family bathroom.



**FIGURE 1 : PROPOSED ELEVATIONS**

Application Number

P/17/260/FUL



Scale 1:1,250

Date Issued:  
26/06/2017

Development-Mapping  
Tel: 01656 643176

Mark Shephard

Corporate Director-Communities

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

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

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Access to the site will be via Lamb Row and a driveway with a turning head is proposed within the site.

The site is located within the settlement boundary of South Cornelly as defined by Policy PLA1 of the Bridgend Local Development Plan 2013. Part of the site comprises a former railway line and is located within a mineral safeguarding area and therefore Policies PLA10 and ENV9 of the Bridgend Local Development Plan 2013 apply. There are also a number of protected trees located on the north eastern boundary of the site and the site is surrounded by similar residential dwellings.

Amended plans were received on 19 June 2017 addressing concerns regarding the scale of the proposed dwelling and the amount of amenity space to be provided.

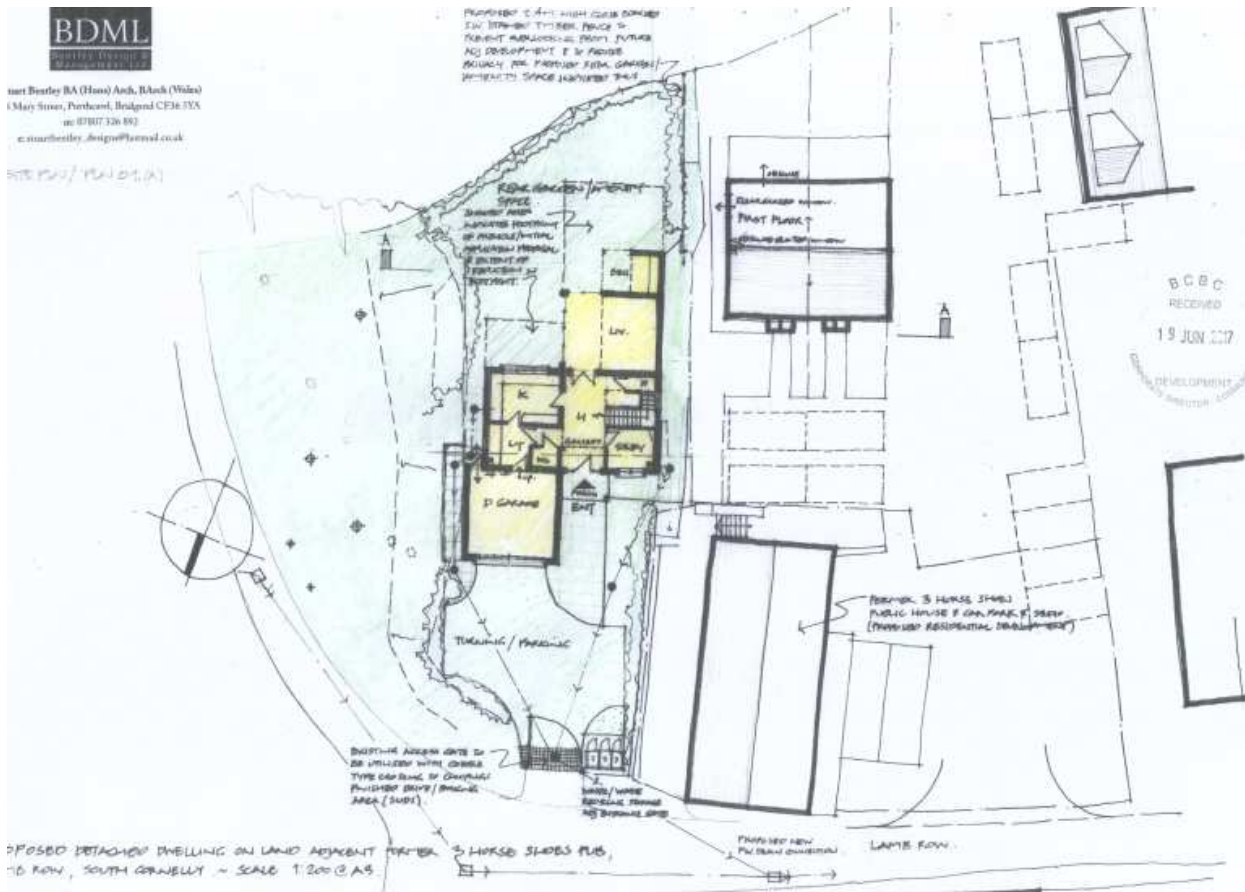


FIGURE 2 : PROPOSED SITE LAYOUT

**RELEVANT HISTORY**

None

Land adjacent to the site:

**P/10/699/FUL** - Pair of Semi-Detached 2 Bed Houses & Detached 2 Bed Bungalow on site of Former Public House – Approved (with conditions) – 19/11/2010

**PUBLICITY**

The application has been advertised on site.  
 Neighbours have been notified of the receipt of the application.  
 The period allowed for response to consultations/publicity expired on 11 May 2017.

## CONSULTATION RESPONSES

**Head of Street Scene (Highways)** - no objection subject to a number of conditions regarding visibility splays and parking.

**Head of Street Scene (Drainage)** - No objection subject to two conditions regarding details of a drainage scheme and infiltration tests.

**Destination and Countryside Manager** - No objection subject to a condition regarding tree protection areas and mitigation.

### **Cornelly Community Council makes the following comments –**

- Due to the narrow width of the cul-de-sac street and the lack of continuous segregated pedestrian footpath on either side of the street between the site and Porthcawl road, the additional vehicle and pedestrian movements generated by the proposal will result in a material increase in vehicle and pedestrian conflict to the detriment of highway safety;
- Potential to increase the risk of flooding in the area;
- The size of the proposed development is not in accordance with other properties in the area.

**Welsh Water Developer Services** - no objection subject to standard conditions and advisory notes.

**Rights of Way and Access Officer (PROW)** - No objection as Footpath 58 Cornelly abuts the application site, however, it is clear that no works are proposed that would affect the footpath.

**Group Manager (Public Protection)** - no objection subject to a number of advisory notes

## REPRESENTATIONS RECEIVED

Four letters of objection have been received from:  
Crossing Cottage, Lamb Row, South Cornelly  
2 Rock Cottages, South Cornelly  
5 Railway Terrace, South Cornelly  
1 Rock Cottage, South Cornelly

The occupiers of 5 Railway Terrace have requested to speak at Committee

The following concerns have been raised:

- The application site is located within the quarry line;
- Concerns over the capacity of the sewerage system to cope with an additional dwelling;
- Loss of TPO trees;
- Impact on wildlife including bats and voles;
- Proposed building - out of character and too large and high for the plot;
- Increase in parking and lack of parking for visitors;
- Increase in traffic on already congested roads;

- Concern over how surface water will be disposed of - risk of flooding;
- Block off sea view and adverse effect on value of property;
- Proposed dwelling is to be built directly over a right of way making it impossible to access the rear land that belongs to 5 Railway Terrace.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The majority of the concerns raised above have been addressed within the appraisal section of this report.

With regard to the rights of access, this is a private legal matter and not a material planning consideration. Also the loss of a view and impact on property values is also not a material planning consideration.

## **APPRAISAL**

The application is referred to Committee to enable consideration of the objections received from the local residents.

The main issues to consider in this application are the principle of the development, its impact on the character of the area, impact on the neighbouring amenities, protected trees, drainage and highway safety.

### Principle of the Development

The application site lies within the settlement boundary for South Cornelly as designated by Policy PLA1 of the Bridgend Local Development Plan. Policy COM3 of the Local Development Plan (LDP) states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other development plan policy protects the building or land for an existing or alternative use. In view of the above, the proposed dwellings are considered to comply with Policy COM3.

Also, part of the application site comprises a former railway line and therefore Policy PLA10 of the LDP is of relevance. Whilst Policy PLA10 seeks to safeguard the use of the disused railway infrastructure, from a further assessment of the site it was evident that the wider stretch of the former railway line along the eastern side of South Cornelly is no longer realistically available or suitable for any transport related development due to the location of the new road and other developments, both residential and employment, that have taken place in the vicinity since the closure of the railway line in the mid 1960s. In view of the above, the proposed dwelling is considered to comply with Policy PLA10.

It is considered therefore that, in principle, the residential use of the site is acceptable subject to satisfying the requirements of LDP Policy SP2.

### Impact on the character of the area

The site is currently overgrown with vegetation and is bounded to the north east by a cluster of protected trees. The site is also surrounded by a number of large detached residential dwellings and therefore the scale of the proposed dwelling is considered to be in keeping with the character of the immediate area. It is also considered that, whilst the design of the proposed dwelling will be quite modern in appearance, due to its set back position within the site, it will not have an adverse impact on the character of the area.



Concerns were originally raised with the applicant regarding the overall scale of the proposed dwelling and the level of amenity space. As a result, amended plans were submitted, indicating a reduction in the scale of the proposed dwelling which resulted in more amenity space being available to the rear of the property.

Consequently, the proposed development is considered acceptable in terms of visual amenities, however, in order to ensure that the materials used in the external surfaces of the proposed dwelling are suitable, it is considered necessary to attach a condition to any permission granted requiring details of the materials to be submitted to and agreed in writing by the Local Planning Authority. It is also considered that the proposed development would not have a significant adverse impact on Lamb Row or on the surrounding area due to its set back position and nature within the site and set back position from the main highway.

Accordingly, it is considered that the proposed development accords with Policy SP2(2) and SP2 (3) of the Bridgend Local Development Plan 2013.

#### Impact on neighbouring amenities

From assessing the submitted plans, there is a vertical line of four windows located on the south west elevation of the proposed dwelling, which serve an open staircase and are not considered to have a significant detrimental impact on the neighbouring properties or the former Three Horseshoes Public House as they do not serve a habitable room. However, in order to protect privacy, it is considered necessary to attach a condition to any consent granted to remove the permitted development rights to prevent the insertion of any further windows into the south west elevation of the proposed property.

The impact of the proposed development on the dwellings approved under planning ref. P/16/313/FUL, for the erection of four new dwellings made up of a pair of semi-detached 2 bed houses and two detached 2 bed bungalows, on the site of the former Public House, whilst they have yet to be constructed, have been considered as part of this report, however, due to the change in levels and the position of the proposed dwelling which is located much further forward into the plot than the approved dwellings, it is considered that the proposed development will have no adverse impact on the privacy of these properties.

The impact of the proposed development has also been assessed in relation to the residential amenities of the properties known as Clos yr Hen Eglwys, with particular reference to No.3. A first floor balcony is proposed on the rear elevation of the property and whilst this may afford some views towards the properties in Clos yr Hen Eglwys, due to the separation distance between the properties of approximately 30m and the orientation of the existing properties, the proposed development is not considered to have a significant adverse impact on the privacy and the level of residential amenity of these neighbouring properties. The proposed development is also not considered to have an adverse impact on the occupiers of the former Three Horseshoes Public House due to the setback nature of the property within the site.

Accordingly, the proposed development is not considered to affect the current level of privacy and residential amenities that the existing neighbouring properties currently enjoy and therefore accords with Policy SP2 (12) of the Bridgend Local Development Plan (2013) and SPG02: Householder Development Notes 1,2 and 6.

#### Access and Parking

The Council's Highway Officer has noted that the proposal is located on land which

currently has no defined use in planning terms and, as such, any traffic generated from the development would be considered additional traffic to the network.

In considering the proposal it is noted that Lamb Row and Railway Terrace beyond (which forms a long cul-de-sac street) to serve 17 properties. Whilst the additional unit proposed by this application, in percentage terms, could be considered a material increase, the proposal would be unlikely to generate any perceivable risk to highway safety. In addition to the above it is noted that the footway that serves Lamb Row, although continuous, is narrow in places, however due to the perceived slow vehicle speeds, low volumes of traffic on Lamb Row and the short distance before reaching the footway on Porthcawl Road, it is considered acceptable in this instance. Furthermore it should be noted in this case that an objection based on traffic generation and pedestrian safety is not likely to succeed in an appeal situation. It is also noted that a number of the public objections raised to this application refer to previous planning applications which were refused on traffic generation grounds, although no specific references are made and, as such, the merits of these historical cases cannot be considered, although it should be noted that each case is assessed against the guidance in force at that time and the specifics of that particular case. Accordingly the application submitted has been considered on its own merits.

With regards to the vision splay for emerging traffic from the proposal site, it is noted that currently the vegetation along the site frontage obscures the available vision however it is considered that vision splays of 2.4metres x 15metres to the east and 2.4metres x 16 metres to the west, both measured to the centreline, can be achieved. This would equate to vehicles traveling at 15-17 mph which is sufficient for the observed speeds on site. Therefore the provision of such vision splays is acceptable and this can be conditioned. In achieving this it should be noted that the grass verge which fronts the property to the east is adopted and maintained by the Highway Authority and, as such, this area will be cut on an annual basis. Further, the hedgerow on the boundary of the property to the east and the single large bush to the west are under the control of the applicant. The LPA has also confirmed the hedgerow does not form part of the protected trees along the site boundary of Railway Terrace.

With regards to the site layout, it is noted that the applicant has indicated that he will be using chippings to create the parking and turning area. In order that particulate material is not carried out onto the footway and highway, a condition is recommended to be attached to any consent granted requiring the details of this. In addition it is noted that the applicant wishes to use the existing access gate into the site and whilst this may have been acceptable for the sites current sporadic use, it is considered that the proposal would increase the use of the site access and, in order to mitigate any vehicles waiting on Lamb Row, a further condition has been requested requiring the gate to be set back 5 metres from the back edge of the carriageway so that vehicles using the site can keep Lamb Row clear and ensure the free flow of traffic.

Accordingly and subject to the imposition of appropriate conditions, the proposed development accords with Policy SP2 (6) and SP3 of the Bridgend Local Development Plan 2013 and Supplementary Planning Guidance SPG17: Parking Standards.

### Drainage

Initially, the Council's Drainage Officer raised an objection to the proposed development due to the submission of limited information and the potential to increase flood risk at the site. However, additional information has been submitted in relation to the above and the details are considered acceptable subject to the imposition of two conditions to any granted consent regarding infiltration tests and a drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy

SP2 (13) of the LDP.

### Protected Trees

The application site comprises a cluster of protected trees that are located on the north eastern boundary of the site. In order to facilitate the proposed dwelling, works are proposed to be carried out to two protected sycamore trees that on the site. The applicant has submitted a tree survey undertaken by Clay Williams Associates to establish the health, safety and condition of the two trees and also to determine what impact they may have on the proposed development. All other trees on the site are to remain in situ.

It is worth noting that recently works have been undertaken to some of the trees located on the boundary of the site. These works were undertaken by Western Power to facilitate the erection of power lines in the area and not as part of the development subject to this report. The tree report carried out by Clay Williams Associates concluded that the two identified sycamore trees, whilst healthy, are poor specimens and do not provide any significant public amenity value to the area. The report gives the following recommendations:

- Tree reference (1) – Due to the adverse effect the tree is having on the adjacent tree reference (2) and also the fact that it is leaning heavily to one side with significant weight from its one sides canopy, making it dangerous and vulnerable to collapse. Therefore it is recommended that this tree is felled in the interest of safety and this will then allow the adjacent tree reference (2) to thrive.
- Once tree reference (1) is removed, tree reference (2) should be able to thrive. As the tree is multi-stemmed, it has lost some of its shape and therefore it is recommended that the tree is crown lifted with a 20% reduction to encourage re-growth and more compact but dense canopy.

The Council's ecologist initially assessed the submitted information and requested additional information regarding a clearance methodology for the site. Additional information was submitted and assessed and it was recommended that a root protection condition is attached to any consent granted in order to protect the roots of the other trees located on the boundary of the site, whilst the development is being undertaken on site.

Accordingly, it is considered that the proposed development accords with Policy SP2 (10) of the LDP and SPG19: Biodiversity and Development: A Green Infrastructure Approach.

### Mineral Safeguarding Area

The application site is located within a mineral safeguarding area and therefore Policy ENV9 of the LDP applies.

Policy ENV9 states:

*Development proposals within mineral safeguarding areas, either permanent or temporary, will need to demonstrate that:*

- 1) *If permanent development, the mineral can be extracted prior to the development, and/or the mineral is present in such limited quantity or quality to make extraction of no or little value as a finite resource; and*



- 2) *In the case of residential development, the scale and location of the development e.g. limited infill/house extensions, would have no significant impact on the possible working of the resource; and*
- 3) *In the case of temporary development, it can be implemented and the site restored within the timescale the mineral is likely to be required.*

The purpose of safeguarding areas is to preserve mineral resource for future generations. The application site lies within close proximity to Cornelly quarry which is currently active although it lies within the settlement surrounded by existing housing. There is limited prospect of extending the quarry towards the settlement. The Council's Public Protection section has been consulted and has raised no objections to the proposed development but has included a number of notes regarding site contamination to the applicant. In view of this, it is considered that the proposed development would have no significant impact on the possible working of the resource will have no significant adverse impact on the occupiers of the proposed development and therefore accords with Policy ENV9 of the LDP. Quarry activities are monitored under separate conditions.

### Other Matters

#### **Biodiversity/Ecology**

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 LPAs 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 development it is considered that, overall, there will be no significant adverse residual impacts on biodiversity. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

### **Wellbeing of Future Generations (Wales) Act 2015**

Section 3 of the Act 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.”

### **CONCLUSION**

The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character of the area or adversely affect the privacy or visual amenities nor so significantly harms neighbours' amenities and highway safety to warrant refusal.

### **RECOMMENDATION**

(R02) That permission be GRANTED subject to the following condition(s):-

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

Amended Drawing No. PKP/Site Plan/PLN01 (A)

PKP/GF/PLN02 (A)

PKP/FF/PLN03 (A)

PKP/RF/PLN04 (A)

PKP/SECT/PLN/05 (A)

PKP/NWELEV/PLN/06

PKP/SWELEV/PLN/07(A)

PKP/NEELEV/PLN/08 (A)

PKP/SEELEV/PLN/09 (A) received 19 June 2017)

Tree Survey undertaken by Clay Williams Associates (received 18 April 2017.)

Reason: To avoid doubt and confusion as to the nature and extent of the approved development.

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 dwellings hereby permitted have been submitted to and agreed in writing by the Local Planning Authority.

Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development so as to enhance and protect the visual amenity of the area.

3. 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.

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

4. No development shall commence on site until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with, including the future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

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

5. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to beneficial use.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

6. No development shall take place until full details of both hard and soft landscape works have been submitted and agreed in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include all proposed planting and landscaping such as schedule of plants/trees, species and number/densities, hard surfacing materials and implementation programme.

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

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

8. The proposed means of access shall be laid out with vision splays of 2.4m x 15m to the east and 2.4m x 16m to the west measured to the centre line of the carriageway before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety

9. No structure, erection or planting exceeding 0.6 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

10. The first 5 metres of the access measured from the back edge of the footway shall be completed in permanent materials prior to the development being brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

11. The entrance/gates shall be set back not less than 5 metres from the nearside edge of carriageway at all times.

Reason: In the interests of highway safety.

12. The turning and parking areas as shown on drawing number PLN01.(A) shall be provided before the development is brought into beneficial use and retained for the purposes of parking and turning in perpetuity.

Reason: In the interests of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order, without the prior permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority future control over the scale of development as well as the installation of new windows or dormers or the extension of the property to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage as hereby extended without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the scale of development.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows other than as hereby approved shall be inserted into the south west elevation of the dwelling hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the privacy and residential amenities of adjoining neighbouring occupiers.

16. No development shall commence until a scheme has been submitted to and agreed in writing by the Local Planning Authority for tree and root protection measures including barrier fencing for all existing trees and hedgerows on and adjacent to the site. The agreed scheme shall be implemented prior to and for the duration of the development of

the site.

Reason: In the interests of biodiversity and to preserve the character and appearance open countryside.

17. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The application is recommended for approval because the development complies with Council policy and guidelines and does not adversely affect the character of the area or adversely affect the privacy or visual amenities nor so significantly harms neighbours' amenities and highway safety to warrant refusal.

b) Rainwater run-off shall not discharge into the highway surface-water drainage system. Failure to ensure this may result in action being taken under section 163 of the Highways Act 1980.

c) The applicant may need to apply to Dwr Cymru / Welsh Water (DCWW) for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

d) The applicant is also advised that some public sewers and lateral drains may not be recorded on the maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

e) The Public Protection Section draws your attention to the possibility of gases (landfill gases, vapours from contaminated land sites and naturally occurring methane and carbon dioxide, but not radon gas) being generated at the site or land adjoining thereto and recommend investigation and monitoring of the area.

f) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing within 2 days to the Public Protection Section, all associated works should stop and no further development should take place until a scheme to deal with the contamination found has been approved.

g) Any topsoil [natural or manufactured] or subsoil, to be imported, should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

h) Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants free material should be imported.

i) Any site won material including soils, aggregates, recycled materials should be

assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.

j) The contamination assessments and the effects 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 the safe development and secure occupancy of the site rests with the developer.

k) 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.

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

**Background papers**  
None