

REFERENCE: P/17/610/FUL

APPLICANT: Lidl UK Gmbh C/o GVA, One Kingsway, Cardiff, CF10 3AN

LOCATION: Lidl Ffordd Antwn Tondu CF32 9GA

PROPOSAL: Demolition of the existing Lidl retail foodstore and its replacement with a new retail foodstore (Use Class A1), together with the rearrangement of the car parking, external areas and servicing arrangements.

RECEIVED: 14 July 2017

EOT AGREED: 28 February 2018

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the demolition of the existing Lidl food store and replacement and construction of a new and larger food store together with associated car parking and servicing areas at Lidl, Maesteg Road, Tondu, Bridgend.

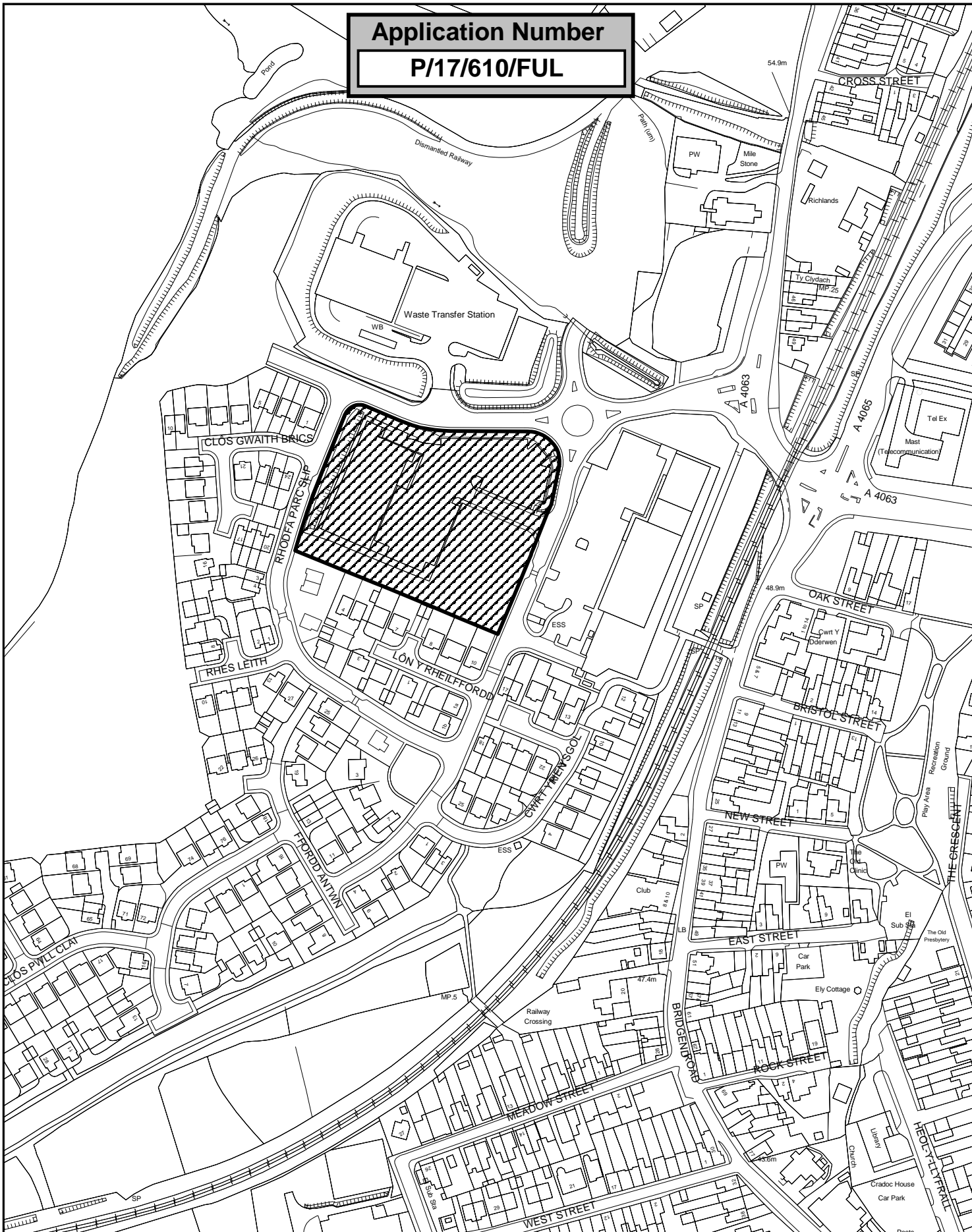
The existing site extends to some 0.68 hectares (1.68 acres) and is occupied by a Lidl retail food store benefiting from 83 parking spaces. The proposed replacement store would be developed on a larger site measuring 0.98 hectares (2.42 acres) including land acquired directly to the southeast and will be served by 149 car parking spaces of which 10 will be for disabled customers and 8 will be marked as 'parent and child' spaces. The existing store comprises 1,601.5 sq.m. Gross Internal Area (GIA) with a net sales area of 1,063 sq.m. The proposed replacement store will be 2,268sqm GIA and internally will be subdivided into four main parts, a sales area of 152 sq.m, an internal bakery/freezer/chiller of 158 sq.m, a warehouse/delivery storage area of 398 sq.m and a welfare area of approximately 74 sq.m which comprises a staff room, manager's office and staff facilities including a locker room and toilets.

Figure 1 - Proposed Layout Plan:



Application Number

P/17/610/FUL



Scale 1:2,500

Date Issued:
25/01/2018

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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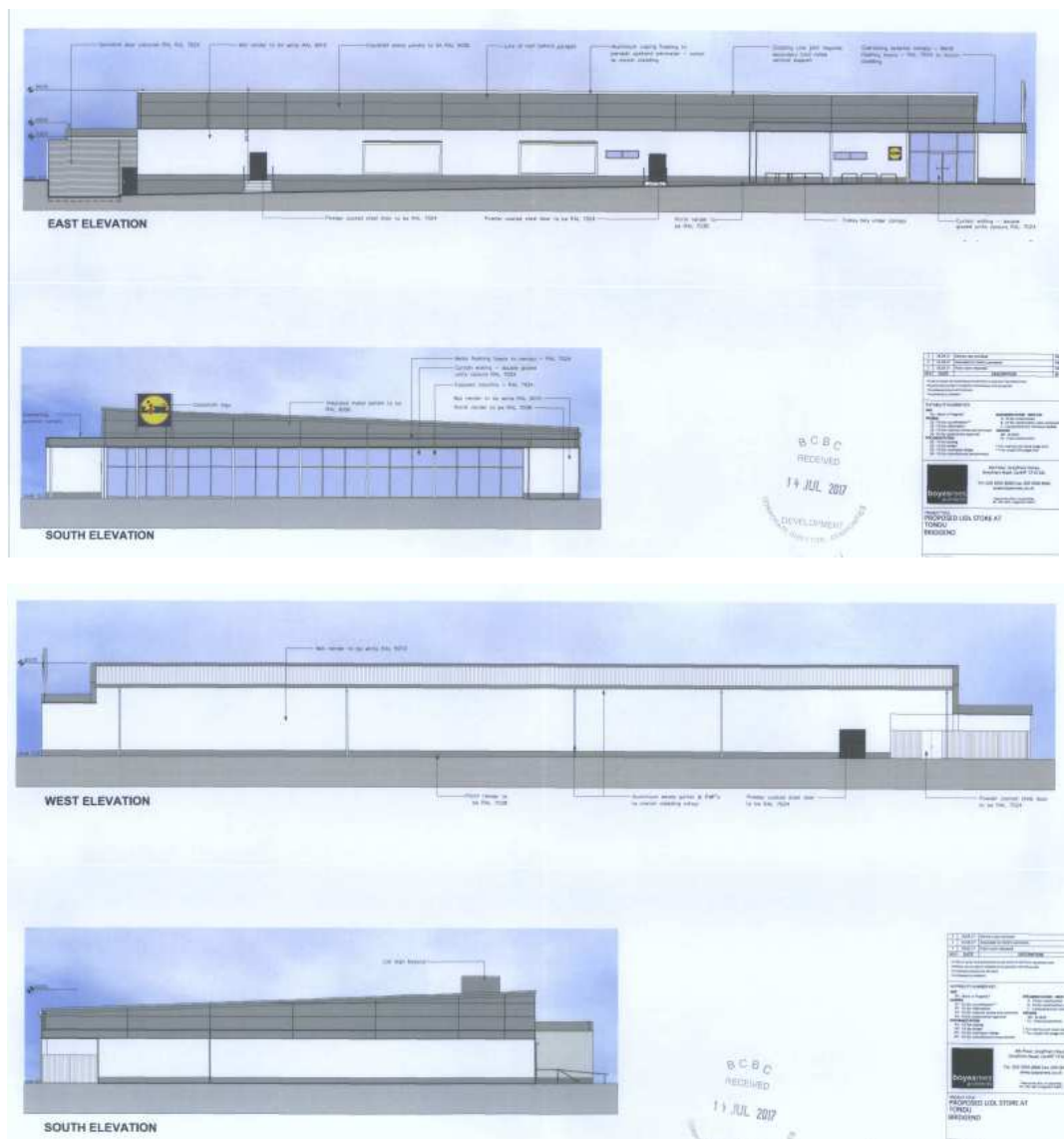


The proposed building is single storey with a mono-pitched roof and will have a modern and contemporary appearance finished in high quality materials including colour rendered finish (white panels and grey plinths), with sliver grey cladding panels below eaves level. The window and door frames will be finished in graphite grey with a large area of double glazed shop front extending from the customer entrance across the full width of the northern elevation of the proposed building.

The customer entrance is located in the north eastern corner of the building with the entrance lobby facing the main car park and pedestrian link. A canopy is incorporated to the front of the unit which provides shelter to the customer entrance and this also accommodates the trolley park, customer cycle stands and the cash room. The warehouse extends along the eastern and southern sides of the building and connects to the store's delivery area which is located on the southern side of the building. The external service area is set 1.3m below the finished floor level to assist with deliveries which are via a dedicated loading bay - the area is proposed to be enclosed to avoid any noise issues during the delivery of goods to the site.

An amended site layout plan was submitted on 19 January 2018 which proposes a new pedestrian link located on the northern boundary of the site and a reduction in the size of the parking spaces located to the front of the store.

Figure 2 - Proposed Elevations:



The site currently benefits from vehicular access off Pentre Felin which links to the roundabout to the north of the site connecting to Maesteg Road via a short feeder road. The main vehicular access point to the site will not be affected by the proposals.

The site is located to the west of Maesteg Road in Tondu backing onto the residential dwellings that form part of the relatively new housing development that wraps around the application site to the west and south. To the east of the application site is a parcel of land which has recently been granted planning permission for a mixed A1/A3 development and is under construction.

The application has been accompanied by the following documents:

- Design and Access Statement
- Planning and Retail Statement
- Preliminary Ecological Assessment and Bat Survey
- Noise Impact Assessment
- Mining Risk Assessment Report
- Drainage Strategy and Flood Consequence Report
- Pre-Application Consultation (PAC) Report
- Landscape Proposals

RELEVANT HISTORY

P/16/614/FUL – Extension of car parking serving the existing Lidl food store, providing an additional 51 spaces and including the installation of an external trolley store – Approved with conditions - 09/02/2017.

P/14/14/FUL – Extension to food store including external trolley bay and associated ground works – Approved with conditions - 21/02/2014

A/16/19/ADV - Replacement Of Existing Flag Pole With 7.5M High Totem Sign - Approved with conditions - 15/06/2016.

A/08/6/ADV - Two Non Illuminated Advertising Billboards - Approved with Conditions – 21/04/2008.

A/07/66/ADV - 3 X Static Shop Signs – Approved with Conditions – 27/02/2008.

PUBLICITY

The application was advertised on site and in the press.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 5 September 2017

PLANNING POLICIES

Local Policies

The Development Plan for the area comprises the Bridgend Local Development Plan (LDP) 2006-2021, which was formally adopted by the Council in September 2013. The following policies are of relevance:

- Strategic Policy SP1 – Regeneration-Led Development
- Strategic Policy SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles

- Strategic Policy SP10 – Retail and Commercial Hierarchy
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA3 – Regeneration and Mixed Use Development Schemes
- Policy PLA11 – Parking Standards

Supplementary Planning Guidance

SPG02 – Householder Development

SPG17 – Parking Standards

SPG19 – Biodiversity and Development

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 9, November 2016) (PPW) is of relevance in the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes and Technical Advice Note 12 – Design (2016) is relevant to this application.

Paragraph 2.2 states ‘The Welsh Assembly Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmentally sustainability, economic development, and social inclusion at every scale throughout Wales - from householder extensions to new mixed use communities.’

Para 2.6 states ‘Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities’

Technical Advice Note 4 - Retail Development

CONSULTATION RESPONSES

Newcastle Higher Community Council – No objection

Head of Street Scene (Highways) – No objection subject to a financial contribution towards changes to the arrangement of the A4063 signalised junction

Head of Street Scene (Drainage) – No objection subject to the imposition of a condition regarding a comprehensive drainage scheme to be submitted prior to the commencement of development on site.

Head of Public Protection (Environmental Health Team) – No objection subject to the imposition of a condition regarding time restrictions of deliveries and the removal of waste from the site.

Head of Public Protection (Contamination) – No objection subject to standard advisory notes.

Destination and Countryside Manager – No objection subject to works being carried out in accordance with the submitted ecological assessment and bat survey and the imposition of a condition regarding a lighting design strategy for biodiversity.

Welsh Water Developer Services – No objection subject to a condition regarding surface water flows and standard advisory notes

Designing Out Crime Officer – No objection subject to standard design advice.

REPRESENTATIONS RECEIVED

Seven letters of objection have been received from the following people regarding the proposed development:

1 Clos Gwith Brics, Tondu states:

- Proposed development would create high disturbance with large amounts of noise that would be caused for long periods of time;
- Increased dust pollution and fumes;
- Increased traffic as a result of the proposal;
- No need for a new store as existing supermarket hasn't been there for very long.

20 Clos Gwaith Brics, Tondu states:

- Cause unnecessary traffic to the area;
- Impact of noise and traffic on current residential amenities;
- Unnecessary disruption and parking problems as a result of the development.

1 Lon Y Rheifordd, Tondu states:

- Current shop covers demand of local community with sufficient supply;
- Additional upgrade will cause disturbance, extra noise, dust and traffic in the neighbourhood;
- Concerns over safety of small children of the residential area and creation of unnecessary risk and stress.

5 Lon Y Rheifordd, Tondu states:

- The noise element will be ten times louder when being put next to our back fence, day and night;
- The waste being out outside will cause animals and vermin (such as rats);
- We were not aware of any of this until after we bought the house;
- Devalue the property;
- They could have made the existing bay bigger which would have benefitted everyone.

8 Lon Y Rheifordd, Tondu states:

- Impact of noise pollution, privacy, visual appeal and future value;
- Relocation of loading bay nearer houses will cause adverse noise to the houses due to loading and unloading at various times of the day (lorry doors opening and beeping of reversing);
- Location of bins to rear of houses – will create offensive smells and increase risk of vermin;
- Reassurances that noise reduction techniques will be used including planting trees/building walls to protect the house from noise and provide extra privacy.

7 Lon Y Rheifordd, Tondu wishes to speak at Planning Committee and states:

- Relocation of loading bay nearer houses will cause adverse noise to the houses due to loading and unloading at various times of the day (lorry doors opening and beeping of reversing);
- Impact of noise on the enjoyment of the dwelling house and existing residential amenities;
- Unsociable delivery hours;
- Concerns over the submitted planning documents lack reference to the properties located at Lon Y Rheiffordd, Tondu and the impact of the development on these residents of the proposed development;
- Prefer cycle bays to be located near the houses and loading bay to be retained at the other side of the building to reduce any impact on neighbours;
- Increase in waste due to location of bins to rear of houses – will create offensive smells and increase risk of vermin;
- Concerns over the use of the proposed loading bay in the future if Lidl were to be open 24hrs;
- Increase in noise and traffic as a result of the proposed development when combined with the new retail development opposite the application site.

4 Rhodfa Parc Slip, Tondu states:

- Concerns regarding the proposed relocation of loading bay nearer houses will cause adverse noise to the houses due to lorries reversing for loading and unloading at various times of the day;
- Increase in noise pollution as current noise levels are high – disagree with the content of submitted noise report;
- Increase in traffic generated as a result of the proposed development, increase in accidents as the estate roads are very badly designed.
- The submitted traffic report gives false readings as it was undertaken prior to the next retail development being approved and implemented;
- Adverse impact on the enjoyment of the existing property, residential amenities and loss of view;
- Concerns over lack of detail on the submitted plans due to height of roof and position of lorry bay;
- Inconsistencies in the design and access statement with regard to the scaled plans and artist impressions which are misleading.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above are addressed within the Appraisal Section of this report.

The issues raised regarding the devaluation of properties and loss of a view are not material planning considerations. Also, the future operational use and plans for the Lidl store do not form part of the consideration of this application.

APPRAISAL

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

The application seeks full planning permission for the demolition of the existing Lidl food store and its replacement with a new and larger food store together with associated car parking and servicing areas.

The main considerations in this application are the principle of the development, the impact of the proposed design, scale and materials on the character of the area and its potential impact on neighbouring amenities, drainage, landscaping, ecology and highway safety.

Principle of the Development

The site is located within The Valleys Gateway Strategic Regeneration Growth Area as defined by Policy SP1 *Regeneration-Led Development* of the Bridgend Local Development Plan (LDP) adopted in 2013. This Policy states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

The site lies within the settlement boundary of the main settlement of Tondu as defined by Policy PLA1 *Settlement Hierarchy and Urban Management* of the LDP. This Policy states that development will be permitted within the settlement boundaries at a scale commensurate with the role and function of settlements. The site is partially located within Policy PLA3(10) *Regeneration and Mixed Use Development Scheme* of the LDP which allocates and protects the site for the regeneration of brownfield and under-utilised sites that provide an appropriate mix of land uses will be permitted.

The site is also subject to Policy SP10 *Retail and Commercial Hierarchy* of the LDP which defines the proposed site as part of the District Centre in Aberkenfig (Valleys Gateway). New commercial developments shall be of a scale appropriate to the centre within which they are located and should contribute to or sustain the vitality and attractiveness of the centre within the local retail hierarchy.

In principle, the proposal complies with Policies SP1, PLA1, PLA3(10) and SP10 of the LDP, subject to compliance with the criteria in Policy SP2.

Design, Scale and Materials and Impact on character of the area

The proposed external finishes of the new store will include a coloured rendered finish (white panels with grey plinths) with Alucoband rain screen cladding below eaves level. The windows and doors will be in Graphite grey and the resultant design will entail a contemporary development with a glazed façade and illuminated signage. From assessing the submitted amended plans, it is considered that the proposed overall design and materials of the food store are acceptable. However a condition is considered necessary to be attached to any consent for further details and samples of the proposed material to be submitted and agreed by the Local Planning Authority to ensure the proposed materials of construction are appropriate for use on the development and to enhance and protect the visual amenity of the area.

With regard to the proposed increased scale of the site, as the proposal is to replace an existing store, the overall increase of 666.5 sqm is not considered to have an unacceptable impact on the visual amenities of the area. Also, the height of the proposed store is generally consistent with the existing store and therefore would not be overly prominent and would sit well within the existing site.

With regard to the proposed layout, it is noted that the proposed delivery bay is located on the eastern elevation of the building. The delivery bay is to be an enclosed structure with a roller shutter door. Due to its location and design, the delivery bay is considered to form part of the main store and therefore does not have an unacceptable visual impact on the character or appearance of the area. The impact of its location on the residential properties is discussed in more detail below.

Overall the proposed layout is acceptable and does not have a significant impact on the character and appearance of the area. 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

It is considered that the overall design and increase in the size of the building will not have any greater impact than the existing store on the residential amenities currently enjoyed by the neighbouring properties.

Nevertheless, it is noted from the submitted plans that the delivery bay would be relocated to the southern end of the site which is within close proximity with the existing residential properties at Lon Y Rheilfford. A number of concerns have been received regarding the noise impact as a result of the location of the proposed delivery bay and the amount of deliveries the store receives.

A Noise Impact Assessment prepared by Acoustic Consultants Ltd has been assessed by the Council's Public Protection Section which has not raised a formal objection to the application. The assessment concludes that the level of noise as a result of the proposed delivery operations on the noise sensitive receptors around the site will be relatively low and acceptable in terms of environmental noise emissions. The proposed plans state that the delivery bay will be enclosed with a roller shutter door in order to avoid any noise issues during the delivery of goods. The Council's Public Protection Section have also requested that a condition is attached to any consent granted to restrict the days and hours of delivery operations to between 07:00 hours and 22:00 hours Monday to Fridays and 08:00 hours to 22:00 hours on Saturdays and Sundays, with no operations or vehicular movements on Public, Statutory or Bank Holidays. This includes delivery vehicles and waste removal vehicles operating at the site in order to protect the residential amenities of neighbouring properties.

In view of the above and due to the close proximity of the residential properties to the application site, it is considered that the proposed condition to restrict the hours of operation at the site is relevant, necessary and acceptable in order to mitigate any noise disturbance to neighbouring properties.

With regard to the impact of the proposed development on the neighbouring residential properties located to the rear of the site on Close Gwaith Brics, due to the change in site levels and separation by the main highway into the residential estate, it is considered that the proposed development would not have any greater impact than the existing store on the residential amenities that they currently enjoy.

Accordingly, it is considered that the proposed development does not have a significantly adverse impact on the residential amenities of the existing residential properties and therefore accords with the requirements of Policy SP2 (2) and (8) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Landscaping

The submitted landscaping proposals for the site have been assessed and are considered acceptable. The proposed landscaping includes enhanced planting around the boundaries of the site and at the entrance which seeks to safeguard and enhance biodiversity and green infrastructure and soften the appearance of the proposed development in accordance with Policy SP2 (10) and Policy ENV6 of the Bridgend Local Development Plan 2013 and SPG19: Biodiversity and Development.

Drainage

Initially, the Council's Land Drainage Officer raised an objection to the development based on insufficient information to formally assess the application. In view of this, additional information was submitted by the applicant to address the Drainage Officer's concerns and, following an assessment of the submitted information, the objection was withdrawn. The Council's Land Drainage Officer has requested that a condition be attached to any consent granted to ensure the application submits a comprehensive drainage scheme for the site prior to development taking place on the site. Accordingly, the proposed development is considered to accord with Policy SP2 (13) of the Bridgend Local Development Plan 2013.

Access and Parking

There is agreement between the applicant and the Highway Authority that the S106 requirement is not sought to resolve an existing junction capacity issue, but merely create additional capacity at the signalised junction to mitigate the traffic that the development will generate. As a result the applicant will be required to enter into a Section 106 Agreement to fund changes to the sum of £6,500 to the MOVA system and staging arrangement of the A4063 signalised junction.

The applicant is to set aside 1 metre strip of land within their control for the construction of a 3.0m shared use route, should a larger scheme come forward in the future. The HA consider that the setting aside of the land is acceptable and this will be explored in greater detail once the proposals for the redevelopment of the allocated housing site to the west of Maesteg Road have been finalised. This will take place outside of the planning application process.

Finally the applicant has submitted a revised plan showing the implementation of a shared use route into the site from the northern boundary footway to further increase accessibility for pedestrians and cyclists. This is considered acceptable and complies with the requirements of the Active Travel Act (Wales) 2013 and Policy SP2(6) of the Bridgend Local Development Plan 2013.

Accordingly, it is considered that the proposed development accords with Policy SP2 (6), SP3 and PLA11 of the Bridgend Local Development Plan 2013 and the Council's Supplementary Planning Guidance SPG: 17 Parking Standards

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"

The Council's Ecologist has assessed the submitted Preliminary Ecology Assessment and Bat Survey prepared by Hawkeswood Ecology and is satisfied with the recommendations stated within Section 8 of the report. However, it is considered necessary to attach a condition to any consent granted requesting a lighting design strategy for biodiversity prior to occupation of the building. In view of this, it is considered that the development accords with Policies ENV6 and SP2 (10) of the BLDP 2013 and the Council's Supplementary Planning Guidance SPG19: Biodiversity and Development.

Given the above, 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 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.

CONCLUSION

The application is recommended for approval as it complies with Council policy and guidance and does not have an unacceptable impact on the character of the area nor a significant adverse impact on any neighbouring amenities, drainage, ecology or highway safety.

RECOMMENDATION

- (A) The applicant enters into a Section 106 Agreement to provide a financial contribution for the sum of £6500 (index linked) to fund changes to the MOVA system and staging arrangement of the A4063 signalised junction.
- (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 Site Location Plan and approved plans Drawing No. 010011, 010012, 020001, 020002, 13883/T/01A-01, 2016-121 REV E the Design and Access Statement, Noise Impact Assessment prepared by Acoustic Consultants LTD, Planning and Retail Statement, Preliminary Ecological Assessment and Bat Survey prepared by Hawkeswood Ecology, Mining Risk Assessment Report prepared by OPUS, Flood Consequence Assessment and Drainage Strategy submitted on 18 July 2017 and amended plans received on the 9 October 2017 and amended plan Drawing No. 010001 - Proposed Site Layout received on 19 January 2018.

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 building 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. Within two months from the date of commencement of development, a scheme indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation shall be submitted for the agreement in writing by the Local Planning Authority. 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. All hard and soft landscape works shall be carried out in accordance with the approved details on Drawing No. 2016./121 Rev E – Landscape Proposals. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority prior to any development commencing on site.

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

5. If within a period of three years from the date of the planting hereby approved is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective planting of the same species and size as that originally

planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

6. No vehicle movements associated with the site including the delivery of goods and any operations involving the importation and removal of waste shall take place outside of the hours of 07:00 and 22:00 Mondays to Fridays and 08:00 to 22:00 on Saturday and Sundays, with no operations or vehicular movements on Public, Statutory or Bank Holidays.

Reason: To protect the residential amenities of neighbouring properties.

7. 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.

8. The use hereby permitted shall not be open to customers outside the following times:

Monday -Saturday 08:00 - 21:00
Sundays and Public Holidays 10:00 - 16:00

Reason: In the interests of residential amenities.

9. 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 construction traffic to/from the site.
- 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

Reason: In the interests of highway safety.

* **THE FOLLOWING ARE ADVISORY NOTES ONLY:**

- a) The application is recommended for approval as it complies with Council policy and guidance and does not have an unacceptable impact on the character of the area nor have a significant adverse impact on any neighbouring amenities, drainage, ecology or highway safety.
- b) The Highway Authority (HA) is duty bound by the Active Travel Act (Wales) 2013 and the Wellbeing of Future Generations (Wales) Act 2015 to encourage and promote cycling, walking and sustainable developments for the future. As a result, the HA have requested that the developer set aside a 1m strip of land along the

northern boundary, for future active and sustainable travel schemes. It would seem appropriate that should the developer agree to set aside this land with a timescale of 10 years for the Council to implement a scheme, at which point the land will revert back to the control of the developer.

- c) Surface water flows from the development shall only communicate with the public surface water sewer through the attenuation device that discharges at a rate not exceeding 5.3 l/s.
- d) In order to satisfy Condition 6, the applicant must:
 - Provide comprehensive drainage layout showing all proposed foul and surface water sewers and connection points into the public sewer.
 - Provide agreement in principle to DCWW regarding the connection to both sewers.
 - Provide further details on the chosen oil interceptor and provide a maintenance plan for the separator.
- e) If the development will give rise to a new discharge (or alter an existing discharge) or trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru/Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and consent may be refused although planning permission is granted.
- f) 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
- g) 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.
- h) 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.
- i) 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.

- j) 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.
- k) 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.
- l) 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.
- m) 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.
- n) 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 documents

None