

Scale 1:1,250

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Development-Mapping
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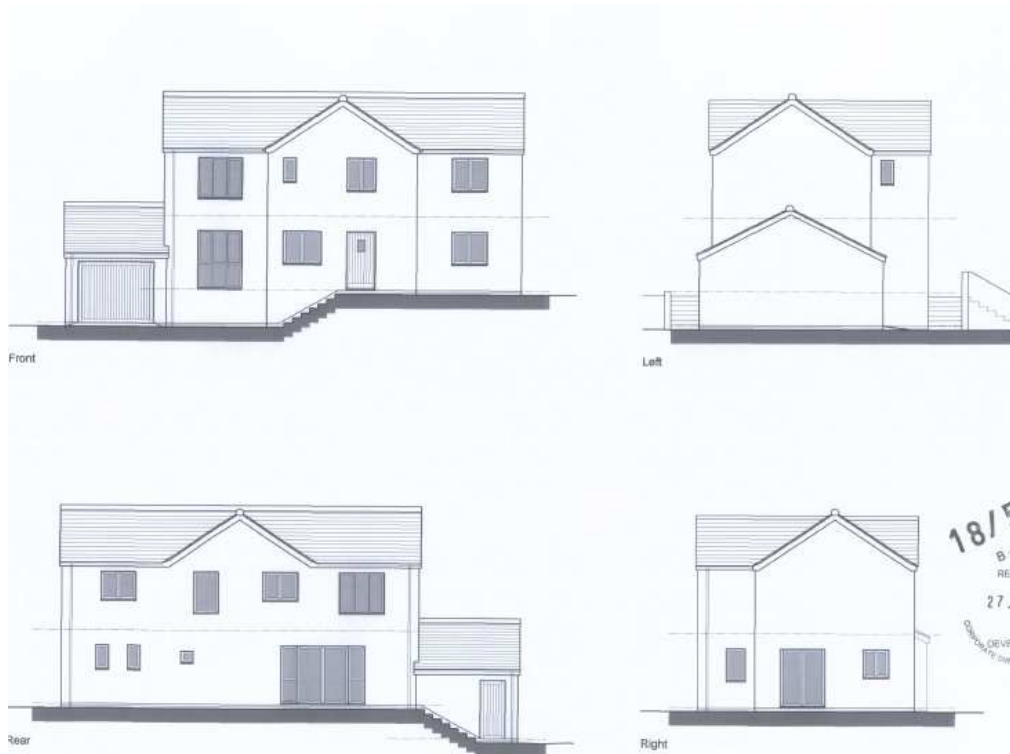
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In terms of its detail, the current submission is different to the earlier submission. The dwelling is now two storeys in height instead of a split level 2/3 storey dwelling and the garage has been relocated to the eastern end of the dwelling and is a single attached garage instead of an integral double garage. The footprint of the dwelling has been moved forward so that it is more in line with the remainder of the properties in this part of Duffryn Oaks Drive.

Three off-street parking spaces (as well as the single garage parking space) are provided at the front of the dwelling. It is proposed to enclose the site

The external finishes of the dwelling include coloured render walls, Marley Eternit Thrutche Blue/Black slate roof and black Upvc windows and doors.

Accommodation provided within the dwelling will comprise a central hallway, lounge, family room, cloakroom, utility room, kitchen and dining room at ground floor level and four bedrooms (one with en-suite) and a bathroom at first floor level.

The highway bounds the northern, western and southern boundaries of the site with the principal elevations facing northwards.

Land levels rise to the south and east and there are a number of mature trees and shrubs adjoining the northern site boundary. Departmental records confirm that the trees are protected by Ogwr Borough Council Tree Preservation No 3 Order, 1984. It was also noted that two converted storage container type structures, which were formerly used as the marketing suite for the surrounding residential development site, occupy the western section of the site. This area of the site is proposed to be soft landscaped as part of the scheme.

The application has been supported by a Tree Report and an Ecological Survey.

The sloping application site is located on the southern side of the highway within Duffryn Oaks Drive and adjacent to a hairpin bend. The site is shown on the following streetview images.

Figure 3: Street View of the Plot and neighbouring properties (from the south)



Figure 3: Street View of the Plot and neighbouring properties (from the north)



RELEVANT HISTORY

P/18/801/FUL - Construction of 1no. detached 3 bed two storey dwelling – yet to be determined

P/18/69/RLX - Removal of conditions 1 & 2 by the submission of details and vary the wording of conditions 8 & 9 to be prior to occupation, of consent P/10/307/RES – Conditional Consent – 9/4/18

P/18/526/FUL - Construction of 2no. detached 2 storey dwellings – Refused 31/8/18 – Appeal lodged on 5/10/18

P/17/760/FUL – 2 Dwellings – Refused – 16/11/17

P/10/307/RES - Reserved Matters for one dwelling - Conditional Consent - 18/08/10

P/09/435/OUT - Replacement for Plot 13A - Conditional Consent – 20/8/09

P/06/550/OUT – Erection of 19 dwellings – Conditional Consent – 16/6/06

P/03/667/RLX - Removal of Condition 14 of consent 02/1108 - Approved - 26/06/03

P/02/1108/FUL - 23 Dwellings - Conditional Consent - 15/04/03

PUBLICITY

The application has been advertised on site and neighbours have been notified of the receipt of the application. The period allowed for response to consultations/publicity expired on 31 July 2018.

CONSULTATION RESPONSES

The Head of Transportation and Development Section – No objection subject to conditions.

Welsh Water Developer Services - No objection subject to conditions and advisory notes.

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

The Rights of Way Officer has confirmed that, following further checks, Footpath 5 Pencoed was diverted under the Highways Act 1980 on 30 July 2014 and confirmed on 13 January 2015. Therefore, the Rights of Way Section has no objections to the proposal.

Pencoed Town Council - It is noted objection has been received from neighbours and referred to BCBC therefore no further comment.

Councillor Julia Williams – Confirms that she has been contacted by a Planning Consultant acting on behalf of a local resident who is objecting to the scheme but she has been unable to comment or form an opinion on the application. However, she has indicated that she is prepared to meet local residents and requested clarification of the nature of the objections.

REPRESENTATIONS RECEIVED

13 letters of objection have been received although two are from the same person and they are all from six different properties. In addition, 12 of the responses are identical as they are based on the Planning Consultant's written response on behalf of the occupiers of 57 Duffryn Oaks Drive together with an individual response from the occupier of 8 Duffryn Oaks Drive.

The grounds of objection can be summarised as follows:-

Absence of detail – It is considered that the scope of information submitted with the application is inadequate to enable proper assessment of the scheme. In particular the location plan does not provide sufficient information on levels and lacks sufficient topographical information or details of retaining structures, which in turn impacts on surface water drainage.

Parking – The submitted proposals will exacerbate safety concerns arising from on-street parking on a bend. It is essential that parking is provided on site. The garage and driveway are substandard so the site will only provide 2 parking spaces leading to more on-street parking.

Landscaping – The site is heavily landscaped with mature trees which contribute to the amenity of existing residents and the character and appearance of the area. It is considered that these trees are protected by a Tree Preservation Order. The application is not supported by a tree survey nor is there any explanation of which trees will be retained or lost. The application form states that there are no trees on site nor any that would contribute to the area's character.

Biodiversity – Bats and woodpeckers are regularly seen in the trees on the site. A Phase 1 Habitat Survey is required.

One of the objectors (the occupier of 8 Duffryn Oaks Drive) has also submitted an individual letter of objection which states:

“The back of our house is south facing so we have no direct sunlight to the front at all. The only direct sunlight we have is later afternoon into early evening from the east to the back of our house. These houses would take that away completely. My chronic illness means I can spend a lot of time in bed and this would mean my view would be a brick wall and I would also be in shade as our French doors open up onto that land. Having no direct sunlight leaves me with extreme bone pain. I literally need the sunlight on my skin. Excess noise flares up my fibromyalgia making it so bad that not even morphine will control it. Just the thought of the disturbance from the machinery is making my anxiety worse. It is already a concern that the land has moved and broken through our boundary fence. Surely digging it will just make it more unstable.”

A letter has also been submitted on behalf of the occupier of 57 Duffryn Oaks Drive by a Planning consultant objecting to the application. In summary:

- It is contended that the failure of the developer to discharge pre-commencement conditions attached to the approval of reserved matters in 2010 (P/10/307/RES refers) has resulted in the planning permission on the land having lapsed. The Authority appears to have accepted that the reserved matters consent was still live and had been implemented by virtue of the commencement of drainage works at the site.
- It is considered that, in accordance with the Whitley principle, material operations which are carried out in breach of a condition, which goes to the heart of the permission, cannot be treated as a lawful commencement of the development authorised by the permission. It is suggested that the Council should not accept that a lawful start has been made on site and, in effectively granting a new permission by allowing the variation of condition consent, there should have been a review of key issues such as ecology and loss of trees and landscaping.
- Our clients assert that they were not consulted on the application to vary conditions on the original permission, which effectively breathed new life into the consent. Indeed, it was only following works undertaken at the site recently that the local residents became aware of this application and decision. This is all the more surprising given that the Council had only recently refused planning permission for two dwellings at the site under reference P/17/760/FUL

- In terms of the fallback, the Planning consultant suggests that the approved scheme has been in existence for eight years without substantive implementation and, as the applicant is not willing or able to pursue the approved scheme, the Council is entitled to consider the approved scheme as having minimal weight as a fallback option.
- The Planning consultant also suggests that his clients were not notified of the previous applications to vary/remove conditions on the original consent (P18/69/RLX refers).

In respect of the specific details of the current application, the specific grounds of objection to the scheme are identical to those of the 11 letters of objection summarised above.

COMMENTS ON REPRESENTATIONS RECEIVED

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

Absence of Detail

Whilst the objectors have expressed concern regarding the adequacy of the site location, it is considered that the supporting plans and documents are sufficiently clear to enable identification of the site and its boundaries. Issues relating to levels and topography will be addressed in the following appraisal section of the report.

Parking

Objectors consider that the submitted layout provides insufficient parking to serve the development on the basis that the internal dimensions of the garage are substandard. This assertion is incorrect as the garage has an internal width of 3m and an internal length of 6m, which complies with the Authority's parking standards and therefore constitutes a parking space. However, even if the garage is not used, the three on-site surface parking spaces are sufficient for the four bedroom property in line with the parking standards.

Landscaping and Biodiversity

Local residents have highlighted that there are mature trees, which contribute to the amenity of existing residents and the character and appearance of the area. It has also been suggested that these trees are protected by a Preservation Order. During the processing of the earlier application in 2017, a review of the Tree Preservation Order records indicates that the area in the north western section of the site falls within Area A42 of the Schedule attached to Ogwr Borough Council Tree Preservation No 3 Order, 1984.

Given the planning history of the site, which indicates that much of the surrounding area has been cleared to facilitate the development that has occurred at Duffryn Oaks, it is considered doubtful that the trees presently on the site would be the same trees that were covered in 1984 by the Preservation Order. On this basis, it is questionable whether the trees are, in fact, protected by the Order.

Nevertheless, the proposed development will require the removal of a significant area presently covered with trees and vegetation and the submission has been accompanied by a tree survey and an ecological survey.

The Tree Survey highlights that the majority of the trees on site are classed as category C (low quality) or U (those in such a condition that they cannot realistically be retained as living trees). However, one group of Hazel, Hawthorn and Holly is classed as

category B (moderate quality) and the group, being sited at the easternmost point of the site, should not be affected the development. The plans also indicate that it is proposed to soft landscape the westernmost point of the site.

The Ecology Survey concludes that, due to the lack of any evidence of protected species on the site, the limited vegetation on this site and the localised nature of the development, it is unlikely that there will be any potential negative impacts on protected species or sites. However, the report recommends mitigation measures to reduce the potential impact of the development including clearance outside the bird nesting season, retention or replacement of mature trees within the site boundary, the provision of 2 bird boxes/bat boxes, new planting along the site boundaries and the use of hedgehog friendly fencing. It is considered that a condition can be attached to the recommendation seeking a detailed landscaping scheme for the site.

In response to the objections from 8 Duffryn Oaks Drive, it is considered that the objections mainly relate to the scheme for two dwellings on this site (P/18/526/FUL). However, the garden area to the east of the proposed dwelling is at a higher level than 8 Duffryn Oaks Drive and the future use of this area could have an impact on the privacy and residential amenities of the neighbouring property and conditions are attached to the recommendation to restrict the scope for development in this sloped area of garden. Any noise during the construction period is unavoidable and the single storey garage element of the scheme is at least 4.7m away from the shared boundary.

In response to the Planning agent's comments, the Authority has acknowledged that works for the installation of drainage for the previously consented development (P10/307/RES) were undertaken in 2012 albeit without discharging a number of pre-commencement conditions attached to the consent.

The pre-commencement conditions not discharged at that time related to materials, certification of any retaining structures and tree planting and the Council considers that these matters do not go to the heart of the permission and therefore the consent remained live.

On this basis, the Council allowed the variation of conditions attached to the 2010 Reserved Matters approval earlier this year in April, 2018. The decision notice, issued in 2018, reviewed all of the conditions attached to the original approval, not only those which the application sought to vary. As a technical submission dealing with mainly procedural matters relating to the acceptability of details to meet the requirements of conditions, public consultation was not considered necessary.

APPRAISAL

The application is referred to the Development Control Committee so that members can consider the objections raised by local residents.

The main issues to consider in this application relate to the principle of allowing a single dwelling on this plot in an area of Pencoed where developments that generate a net increase in vehicular traffic movement to the west of the railway line will not be permitted, the impact of the proposed development on the character and appearance of the street scene and wider area and the potential impact on the neighbouring properties. Parking provision, landscaping and biodiversity are also material considerations in this instance.

The application site lies within the settlement boundary for Pencoed as designated by Policy PLA1 of the Bridgend Local Development Plan (LDP). In addition, the site forms

part of a larger site designated by Policy COM2(27) for residential development outside the strategic regeneration growth areas.

The allocation estimates the number of units to be provided as 35. A review of the Planning history of the area reveals that Planning permission was initially granted in 2003 (P/02/1108/FUL refers) for 23 dwellings which includes the current application site. Subsequently, in 2006 (P/06/550/OUT refers) consent for a further 19 units on land immediately to the south and east of the 2003 consent was granted.

This Outline consent for the 19 units was renewed in 2009 (P/09/345/OUT refers) and a separate Outline Planning permission (P/09/435/OUT refers) for a single replacement plot on the application site itself was also approved conditionally. Approval of the Reserved Matters for the single dwelling was issued the following year in 2010 (P/10/307/RES refers).

Although the number of units exceeded the estimate, Policy COM3 of the LDP permits residential developments within settlement boundaries on windfall and small scale sites ... or the re-use of vacant or under-utilised land where no other LDP policy protects the building or land for an existing or alternative use.

In addition, as the applicant has started on site and the Council allowed the removal/variation of conditions attached to the 2010 Reserved Matters approval earlier this year, there is a fall back option in place and the scheme as approved in 2010 could be re-started tomorrow. The fact that this proposal only relates to an amended design of a previously consented dwelling also means that the proposal accords with Policy PLA6 of the LDP as it will not result in a net increase of traffic to the west of the railway line.

However, Officers consider that the proposal is an improvement on the consented scheme due to its re-siting within the site and its reduction in scale and height.

It is therefore considered that, in principle, subject to satisfying the requirements of LDP Policy SP2 and other relevant policies within the plan, a single residential dwelling would be considered acceptable on this site.

It is considered that the proposed dwelling reflects the scale, design and materials of the residential estate. Whilst the application site occupies a prominent plot at the end of a row of detached properties and is surrounded on three sides by a highway, it is considered that the overall design and siting of the proposed dwelling within the plot is in keeping with the surrounding area

With regard to the impact of the development on the street scene, the property will be set back from the main road due to its large rear garden and the need to accommodate parking at the front of the property. However, it will follow the building line of neighbouring properties and will be set at a lower level than the consented dwelling which will reduce its prominence in the streetscene. The only concern relates to the proposed 1.5m high close boarded fence close to the southern boundary of the site. It is considered that a fence close to the back of the highway and pavement at this point would introduce an alien and overly prominent feature in this estate and a condition is attached to the recommendation to seek a revised scheme of enclosure.

Accordingly, subject to conditions seeking a revised positioning for the boundary fence, the proposed development is considered to be of a suitable design and scale that will not adversely impact upon the character and appearance of the street scene or wider

area and therefore accords with Policy SP2 of the Bridgend Local Development Plan 2013 and notes 11 and 12 of the Council's SPG02: Householder Development.

In terms of scale, although the proposed site plan indicates the finished floor levels of the proposed dwelling, there is no information demonstrating how these levels will relate to the existing properties adjoining the site. As indicated in the description of the development, the land in this area slopes from south to north and it is noted that the properties to the south (Nos 41-45 inclusive) are set at a significantly higher level than the application site. It is considered that these neighbours will not be adversely affected by the proposed new dwellings.

With regard to the properties to the north, these dwellings are set slightly below and across the level of the highway. Similarly, the dwelling abutting the eastern site boundary lies at a slightly lower level than the application site. On site and adjoining land levels will be sought through condition to fully address the potential impact of the scheme on that property. However, due to the separation distance between the buildings and the lack of windows in the east facing gable end of the dwelling, the proposal should not have a detrimental impact on the privacy or residential amenities of the adjoining occupier at 8 Duffryn Oaks Drive.

The Authority's Supplementary Planning Guidance 02 at paragraph 4.6.1 states that a sense of privacy within a house and a freedom from overlooking in at least a part of the garden are aspects of residential amenity. In this case, whilst the submitted proposals will not result in the immediate neighbour being overlooked from habitable room windows, there would be the potential for persons using the south eastern section of the garden to look into the rear private amenity space and windows in the rear elevation of this adjoining property due to the difference in land levels.

Whilst it is acknowledged that pedestrians walking along the pavement abutting the southern application site boundary are currently afforded views into the rear of 8 Duffryn Oaks, these will be transitory and at a greater distance from this property than those from the garden of the proposed dwelling.

Whilst it is not particularly suitable for use apart from as incidental garden space, the future occupier could introduce buildings or decking in this area to the detriment of the residential amenities of the occupiers of adjoining properties. Therefore, permitted development rights will be removed by condition to preserve existing privacy levels.

Therefore, subject to conditions, it is considered that the proposed dwelling will not have a significant adverse impact on neighbouring properties and therefore accords with Policy SP2 of the Bridgend Local Development Plan 2013 and the Council's SPG02: Householder Development.

The proposed development will result in an adequate amount of amenity space to serve the dwelling due to the large plot in which the dwelling sits.

Also, as the proposed development results in the creation of a garage, together with a relatively large driveway for three cars, it is considered that there is adequate off-street parking at the site and therefore the proposed development accords with Policies SP2 and PLA11 of the Bridgend Local Development Plan 2006-2021 and SPG17: Parking Standards.

The Council's Drainage Officer has requested a condition to be attached to any permission granted that requires further details regarding foul and surface drainage

layout and the agreement in principle with Welsh Water regarding any additional connections of foul and surface water sewers to the existing public system.

Section 40 of the Natural Environment and Rural Communities Act 2006 states that 'every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. This "duty to conserve biodiversity" has been replaced by a "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016 which came into force on 21 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 and the site, and in view of the conclusions of the Tree and Ecology Surveys, it is considered that there will be no significant adverse residual impacts on biodiversity.

Therefore, if the mitigation measures as recommended in the Ecology report are implemented, 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 TAN5: Nature Conservation and Planning (2009) and relevant LDP policies.

Wellbeing of Future Generations (Wales) Act 2015

Section 3 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

This application is recommended for approval because the development complies with Council Policy and guidelines, will not generate a net increase in vehicular movements, is acceptable in design and residential terms and is in keeping with adjoining properties. In addition, Officers are satisfied that the trees and vegetation on the site do not sustain protected species and are not worthy of retention. Therefore, having taken the comments of local residents plus the fallback position into consideration, on balance, the scheme is an acceptable alternative to the consented design and is recommended for approval subject to conditions.

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:-

Site Location Plan – received 27th June, 2018

Site Layout Plan – received 27th June, 2018

Site Layout Plan (Drainage) – received 27th June, 2018

Proposed Floor Plans – received 27th June, 2018

Proposed Elevations – received 27th June, 2018

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

2. 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 future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development, to prevent hydraulic overloading of the public sewerage system and that flood risk is not increased.

3. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the

environment.

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 future maintenance requirements, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to beneficial use commencing.

Reason: To ensure that effective drainage facilities are provided for the proposed development, to prevent hydraulic overloading of the public sewerage system and that flood risk is not increased.

5. The proposed forward vision splay shown on drawing T2368/PA/02 shall be provided before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of highway safety.

6. 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.

7. The parking area shall be completed in permanent materials in accordance with the approved layout prior to the development being brought into beneficial use and retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety.

8. The driveway/parking hereby approved shall be at a gradient not steeper than 5% (1 in 20).

Reason: In the interests of highway safety.

9. No development shall commence on site until engineering details of any retaining wall abutting / affecting the highway, including calculations certified by a professional engineer, have been submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be constructed in accordance with the approved details prior to the completion of the dwelling and shall be retained in perpetuity thereafter.

Reason: In the interests of highway safety.

10. No development shall commence until a scheme for permanently stopping up the existing vehicle access and reinstating the vehicular crossing as footway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the development being brought into beneficial use.

Reason: In the interests of highway safety.

11. No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To ensure a satisfactory form of development.

12. 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.

13. Notwithstanding the plans hereby approved and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) (as amended) no development shall be carried out which comes within Parts 1 (Classes A, B, C, and F) and 2 (Class A) 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) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) (as amended) 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 plans hereby approved, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating alternative 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.

16. The development shall be implemented in accordance with the mitigation measures as referred to in the recommendations and conclusions contained within Extended Phase One Ecology Survey Report and the scheme of mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To satisfy the Local Planning Authority's "biodiversity and resilience of ecosystems duty" under Section 6 of the Environment (Wales) Act 2016.

17. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To ensure a satisfactory form of development.

18. 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 ensure a satisfactory form of development.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS**

The highway infrastructure within this site has not been adopted by the Highway Authority, and is not the subject of any agreement to adopt it. The applicant should liaise with the estate developer before creating, altering or reinstating any vehicular crossover or constructing any retaining walls which may affect the stability of footways or carriageway as these operations may ultimately affect the potential to adopt the Highway infrastructure.

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.

To satisfy the above drainage conditions, the applicant must:

- Provide a foul and surface water drainage layout identifying both sewers and their connection points to the DCWW sewers located in the highway;
- Provide an agreement in principle from DCWW with regards to the proposed foul and surface water connections to the existing public sewers.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW's 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 on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

MARK SHEPHARD
CORPORATE DIRECTOR COMMUNITIES

Background papers

None.