

REFERENCE: P/18/829/FUL

APPLICANT: P & P Builders
c/o LRM Planning Ltd, 22 Cathedral Road, Cardiff CF11 9LJ

LOCATION: Land north east of Croft Goch Road, Kenfig Hill CF33 6HA

PROPOSAL: Development of 21 affordable homes and associated works

RECEIVED: 12 October 2018

SITE INSPECTED: 15 November 2018

EOT AGREED: 1 April 2019

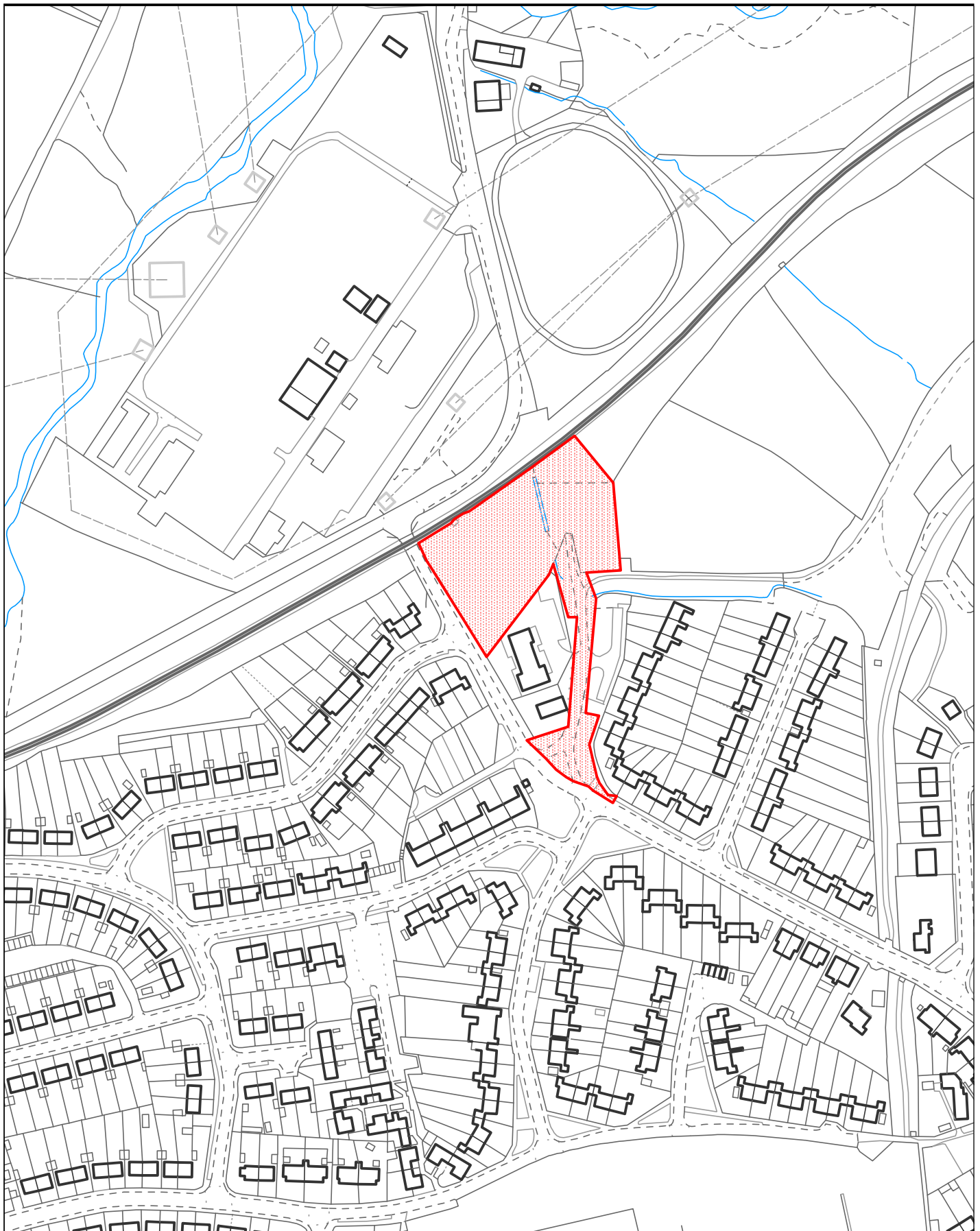
APPLICATION/SITE DESCRIPTION

The application seeks full Planning permission for the erection of 21 affordable homes and associated works on Land north east of Croft Goch Road, Kenfig Hill, Bridgend.

The application site is currently vacant and overgrown with woodland trees, shrubs and scrub. The proposed scheme includes 21 dwellings comprising 12 x 1 bedroom flats, 3 x 3 bedroom dwellings, 4 x 2 bedroom dwellings and 2 x 4 bedroom dwellings with access to amenity space, external drying area and off street parking. The proposed site layout comprises one block of three terraced properties, three two storey semi-detached properties and two three storey blocks of flats with shared parking areas located to the north and south of the site with access to the site from Waterhall Road.

Proposed Site Layout:





Cyngor Bwrdeistref Sirof
 Pwybly-bont ar Obwr

BRIDGEND COUNTY BOROUGH COUNCIL


COMMUNITIES DIRECTORATE

Mark Shephard
 Corporate Director - Communities

Civic Offices
 Angel Street
 Bridgend CF31 4WB
 Telephone (01656) 643643

P/18/829/FUL

**Land North East of
 Croft Goch Road
 KENFIG HILL**

W  E
 S

Scale 1 : 2,500

Date 21/03/2019

©Crown Copyright and database right 2018. Ordnance Survey 100023405.

Aerial Imagery: Cities Revealed aerial photography copyright The GeoInformation Group 2011. Copyright Getmapping plc

Countryside Council for Wales. ©Crown Copyright and database right 2011. Ordnance Survey 100018813.

Forestry Commission. ©Crown Copyright and database right 2011. Ordnance Survey 100025498.

The proposed dwellings on Plots 1-2, 9-13, 20 and 21 will be two storey and finished in a grey smooth concrete roof tile and a mixture of white/cream render and red brick with white UPVC windows and doors and a concrete overhead cill above the front door. Each dwelling will comprise a kitchen/dining room, living room and wc at ground floor with bedrooms and bathroom on the first floor.

Proposed Elevations and Floor Plans of Dwellings:
Plots 1 – 2 and 9 -10:



Plots 11-13 and 20-21:



The proposed flats on Plots 3-8 and 14-19 will be three storeys and finished in a grey smooth concrete roof tile and a mixture of white/cream render and red brick with white UPVC windows and doors and a concrete overhead cill above the main entrance. Each flat will comprise a kitchen, living/dining room, bathroom and bedroom with two flats located on each of the three floors.

Proposed Elevations and Floor Plans of Flats:
Plots 3-8:



Plots 14-19:



Access to the site is via Waterhall Road with a 'T-shaped' cul-de-sac road arrangement within the site with access to all properties. The application also proposes the improvement of the existing junction of Waterhall Road with Croft Goch Road with the removal of the existing grass verge and the construction of a wider carriageway and the extension of the existing footpath with vehicle crossover arrangement.

Proposed Junction Improvements:



Amended plans were submitted on 18 January 2019 regarding a revision in the layout of Plots 14-19 and additional information was submitted regarding site levels, acoustic fencing and boundary treatments. A revised Ecological Appraisal and Dormouse Mitigation Strategy was also submitted regarding the site as well as additional information regarding the impact of noise from the substation on the future occupiers of the site.

Amended plans were received on 18 March 2019 which included an internal re-design of the first floor of Plot 9, the insertion of side windows into Plots 9-13 (excluding Plot 12) and details of the increase in height of the proposed acoustic fencing.

The application site is located within the defined settlement of Kenfig Hill as defined by Policy PLA1 of the LDP (2013) and measures 1.4 acres in area. Very steep gradients run from north east to south west. An existing watercourse dissects the site, running north to south from under the railway line and is culverted adjacent to the existing road. An existing railway line runs parallel and lies along the northern boundary of the site and beyond that Pyle Substation, with the western boundary of the site runs parallel with Croft Goch Road. To the east of the site lies Waterhall Road and the site is surrounded by a number of existing residential properties and Dan y Bont Nursing Home.

The application has been supported by the following documents:

- Design and Access Statement prepared by LeTrucco Design;
- Ecological Mitigation Report prepared by EDP;
- Protected Species Survey prepared by Hawkerswood Ecology;
- Noise Assessment prepared by Inacoustic;
- Drainage Strategy prepared by NJP Consulting and Civil and Structural Engineers;
- Tree report prepared by Tree Care Consulting;
- Transport Statement prepared by Lime Transport

RELEVANT HISTORY

P/05/1553/OUT – Residential Development

Approved (subject to S106 Agreement) – 25 October 2006.

P/18/23/FUL - Development of 22 affordable homes and associated works

Withdrawn – 10 September 2018.

PUBLICITY

The application was advertised on site and in the press.

Neighbouring properties were consulted on the application.

The period for publicity/consultation expired on 16 November 2018.

CONSULTATION RESPONSES

Pyle Community Council objects to the development raising the following concerns:

- Access and egress in this area is already extremely problematic and the concern is that the proposed residential development will further exacerbate traffic problems already being experienced.
- Concerns over the impact on and loss of dormice and bats in the area as well as the impact upon breeding and foraging birds.
- Long term impacts of the proposed development upon protected species in the local area
- Proposed development would be contrary to the vision and objectives of Bridgend Local Development Plan 2013.
- Proposed mix of one and two bedroom properties is appropriate for the area.
- Concerns regarding drainage in the area is inadequate with no surface water drainage in place. Further exacerbate the problems.
- Concerns about the impact on the stability of the railway bridge on the edge of the proposed development.
- Concerns about the proximity of the proposed development to the electricity substation in that area.

Head of Street Scene (Highways) – No objection subject to conditions regarding parking, construction method statement and vision splays.

Head of Street Scene (Drainage) – No objections but due to the lack of information submitted with the application has advised that a condition is attached for the submission of a comprehensive drainage scheme prior to any development being undertaken on the site.

Dwr Cymru/Welsh Water (DCWW) – No objection subject to standard advisory notes, but advises that a distribution water main crosses the site and the development is advised to contact DCWW before any development commences on site.

Destination and Countryside Manager (Ecology) – No objection subject to conditions regarding ecological method statement and external lighting plan.

Head of Public Protection (Noise) - No objection subject to conditions regarding details of sound and glazing installation and mechanical air ventilation system (MHVR).

Head of Public Protection (Contamination) – No objection subject to a condition to assess the nature and extent of the contamination of the site in view of its previous use and a number of standard advisory notes.

Rights of Way Manager – No objection subject to the retention of the 1.8m wide existing public right of way.

Natural Resources Wales (NRW) – initially raised significant concerns with the proposed development and requested additional information to be submitted with regard to a revised Dormouse Mitigation Strategy and an updated Ecological Appraisal. In view of the submission of these documents revised comments have been received raising no objection to the proposed development subject to a number of conditions.

Network Rail – objects to the proposed development due to the envisaged increase in usage of the nearby public footpath crossing which results in safety concerns.

Designing Out Crime Officer – No objection to proposed scheme.

REPRESENTATIONS RECEIVED

Bridgend Ramblers raise no objection to the proposed development but require Footpath 14 Pyle to remain open during building works.

Cllr Michael Kearn (Local Ward Member) objects to the proposed development and raises the following concerns:

1. As in the previous application P/18/23/FUL, Natural Resources Wales said that they had significant concerns relating to Dormice found in the vicinity of the proposed development, these are a European protected species. It would appear that this remains a problem since there does not appear to be any clear proposal to protect the natural habitat of this protected species. The current application will destroy an area of woodland containing a large number of mature trees, scrub a, hedgerow and other wildlife.
2. Again, as with the previous application this development remains in close proximity to the railway line. Network Rail continue to object on the grounds that the railway line may not be in constant use at present but cannot confirm that this will remain the case in the future. This lack of confirmation presents potential risks to the safety of anyone residing within near proximity to the line, particularly children and young people. I don't feel that the concerns of Network Rail can be ignored.
3. The proposed development is close to an electricity substation where noise levels have been noted and reported to be high and constant.
4. I raise a fourth objection based on the stability of the land for building residential properties. I believe that the absence of any recent survey considering the possibility of there being old quarry workings below the proposed development and whether these have been satisfactorily filled poses structural risks.

5. Neither does there appear to be a recent survey as to how the stream that runs through the proposed site could impact upon a) the structure of the proposed building or b) if the stream is blocked off how this would impact upon the natural habitat and wildlife.
6. I have read the objections raised by various independent bodies and feel that their expertise should not be overlooked in considering this planning application.

Eight letters of response has been received from the neighbouring properties. Seven raise objections to the development and one expresses concerns. The responses raise the following issues:

- Lack of parking;
- Concerns over layout, visibility, suitability and safety of the proposed changes to the junction;
- Increase in traffic due to the proposed development;
- Increase in noise disturbance and air pollution especially during construction;
- Loss of green space;
- Increase in crime e.g. vandalism, burglaries and fly tipping;
- Visual impact on locality;
- Loss of local habitats, wildlife and woodland area;
- Damage to character of area;
- Loss of privacy;
- Close proximity to railway line, substation and quarry;
- Stability of land due to former use as a quarry;
- Impact on existing stream on site and blocking off to wildlife;
- Impact on dormice and bats due to proposed development;
- Concerns regarding drainage from the site and flood defences.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above have been addressed within the specialist subject areas as identified in the appraisal section of this report.

Inevitably a development so close to existing properties is going to result in some noise and disturbance during the construction period. If the Council were minded to grant planning permission, a planning condition could be imposed controlling the hours of work to preserve the residential amenities of the area.

PLANNING POLICIES

National Planning Policy and Guidance

National planning guidance in the form of Planning Policy Wales (Edition 10, December 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

Technical Advice Note 2 – Planning and Affordable Housing (2006)
Technical Advice Note 5 – Nature Conservation and Planning (2009)
Technical Advice Note 12 – Design (2016)
Technical Advice Note 18 – Transport (2013)

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 SP2 – Design and Sustainable Place Making
- Strategic Policy SP3 – Strategic Transport Planning Principles
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards
- Policy ENV4 – Local/Regional Nature Conservation Sites
- Policy ENV5 – Green Infrastructure
- Policy ENV6 – Nature Conservation
- Policy ENV13 – Unstable Land
- Policy COM3 – Residential Re-Use of a Building or Land
- Policy COM5 – Affordable Housing
- Policy COM11 -Provision of Outdoor Recreation Facilities

Supplementary Planning Guidance

SPG02 – Householder Development

SPG08 – Residential Development

SPG13 – Affordable Housing

SPG17 – Parking Standards

SPG19 – Biodiversity and Development.

APPRAISAL

The application is referred to the Development Control Committee to consider the objections raised by the Community Council, Ward Member and local residents.

The application proposes the erection of 21 affordable homes on land north east of Croft Goch Road, Kenfig Hill.

The main issues to consider in the determination of this application are the principle of the development, design, scale, materials, impact on the character and appearance of the area, impact on neighbouring amenities, ecology, drainage, noise, Public Right of Way and highway safety.

Principle of the Development

The application site lies within the residential settlement boundary of Kenfig Hill as defined by Policy PLA1. Policy COM3 Residential Re-use of a Building or Land states that residential developments within settlement boundaries defined by Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilized land, will be permitted where no other policy protects the building or land for an existing or alternative use.

It is considered that, in principle, the application is a windfall site which results in the re-use of vacant land and therefore, subject to satisfying the requirements of Policy SP2 and other relevant Policies within the Plan, residential development would be considered acceptable.

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

The application site is located within a predominately residential area of Kenfig Hill and currently comprises vacant and overgrown land with a number of trees and vegetation at the end of Waterhall Road. Whilst the site currently provides an area of openness and foliage, it is considered that the introduction of 21 residential units would be in keeping with the residential area. Following an assessment of the submitted plans and proposed house types, it is considered that the overall design, scale and materials of the proposed

dwellings reflect that of the surrounding existing residential housing located at Waterhall Road and Croft Goch Road due to the mix of terraced and semi-detached housing designs. The introduction of three storey, flatted development is also considered acceptable due to the location and topography of the site. The proposed development will also result in an adequate level of amenity space to serve the development and the use of soft landscaping such as green hedges and trees is considered to help to reduce the visual impact and will improve the overall appearance of the development. Whilst the removal of the current vegetation and trees will open up the site and the introduction of residential properties will alter the existing character of the area, when reviewing the context of the site as predominately residential and the wider area it is considered that the proposed development would not have a significantly adverse impact on the character and appearance of the area.

Amended plans show internal changes to Plots 14-19 and Plots 9-13 with the insertion of side windows in order to overcome concerns regarding noise from Pyle substation which is located opposite the application site.

Accordingly, it is considered that the proposed development accords with Policies SP2 (2) and SP2 (3) of the LDP 2013.

Impact on neighbouring amenities

With regard to the impact of the development on the existing neighbouring residents of Waterhall Road, it is considered there would be no significant overlooking or privacy issues of the existing residential properties due to the separation by a public footpath, setback nature of the properties and location of the development site. It is also considered that due to the design of Plots 20 and 21, the topography of the site and proposed landscaping along the boundary of the site, there will be no adverse impact on the occupiers of Dan-y-Bont Nursing Home.

With regard to the neighbouring properties located along Croft Goch Road with specific reference to 38 and 39 Ffordd y Goedwig, whilst it is noted that some views may be afforded into these properties due to the elevated nature of the site and design of the buildings i.e. 3 storey, it is considered that there will be no significant adverse impact on the residential amenities currently enjoyed by these properties. This is clearly illustrated on the submitted site levels plan which shows that the proposed building of Plots 14-19 will be located approximately 13 metres away from No.39 and the development therefore complies with the separation guidance between habitable rooms as set out in the Council's Supplementary Planning Guidance SPG02: Householder Development.

Accordingly, it is considered that the proposed development will not have a significant adverse impact on the residential amenities currently enjoyed by the neighbouring properties with particular reference to 38 and 39 Ffordd y Goedwig and therefore accords with Policy SP2 (12) of the LDP and the Council's Supplementary Planning Guidance SPG02: Householder Development.

Drainage

The Council's Drainage Officer has assessed the submitted scheme and submitted information however, due to lack of information, it is necessary to attach a condition to any consent granted requiring a comprehensive drainage scheme for the site to be submitted to and agreed by the Local Planning Authority prior to any works commencing on site to accord with Policy SP2 (8).

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

Initially, Natural Resource Wales (NRW) raised significant concerns regarding the proposed development. NRW requested additional information to be submitted in respect of a revised dormouse mitigation strategy and an updated ecological survey regarding mitigation and compensation.

On 19 February 2019, a revised dormouse mitigation strategy and an updated ecological survey were submitted by the applicant. NRW was re-consulted on the additional information and has removed their objection subject to a number of conditions. The proposals involve the direct loss of circa 0.5 ha of secondary broadleaved woodland and scrub comprising the westernmost extent of North of Pyle SINC.

The Ecological Appraisal states that although the application site is within a SINC, it is of limited botanical interest and species diversity, having established over former industrial land and human disturbance evidence and the habitats are of limited ecological value per se. The proposals will also result in the erosion of the western boundary of this SINC, equating to circa 5% loss of SINC habitat (with North of Pyle SINC otherwise totalling 9.89 ha).

Based on the evidence provided, as well as having visited the site and reviewed the SINC citation the Council's Ecologist agrees with the assessment that the application site is currently of degraded quality. It has been subject to a degree of tree felling and is largely dominated by scrub, with evidence of fly tipping and garden waste dumping. When considered in isolation it is unlikely to qualify as a SINC and it is of noticeably less intrinsic value than the remainder of the SINC to the east, which makes up the bulk of the

designation. Nevertheless, the application site is designated as a SINC and therefore warrants careful consideration in terms of local and national policy.

Furthermore, the site has been confirmed to support dormouse (a European Protected Species) and also has the potential to support other protected species including bats (five trees have bat roost potential), birds, badger and reptiles. The ecological appraisal concludes that the woodland is of Local Importance overall. The trees of interest for bats were surveyed to a satisfactory standard in line with good practice guidelines and no bats were recorded however, the Ecologist welcomes the recommendation for update surveys prior to any works.

The updated Dormouse Mitigation Strategy and Ecological Appraisal produced by EDP, has addressed the previous concerns in terms of detail provided and identified the proposed compensation site (Bedford Park SINC). It has also devised a strategy to compensate for loss of dormouse habitat and loss of SINC habitat. The mitigation strategy includes on-site habitat retention which is subject to enhancement planting (0.3ha). The landscaping strategy reflects this and includes native buffering and dormouse nest boxes are also proposed however, the bulk of the mitigation strategy involves provision of off-site compensatory measures across connecting land at Bedford Park SINC to the east of North of Pyle SINC. Bedford Park is within BCBC control and it was agreed as the most suitable site to host such compensation. This site currently only receives minimal management by Awen Cultural Trust, mainly comprising grass cutting, litter picking and other 'tidying up' tasks. No formal habitat management currently occurs on the site.

The proposals at Bedford Park SINC comprise bolstering and managing existing dormouse habitat through new planting of native species comprising an area of 0.58ha. The applicant has submitted a costing schedule for these works, the value of which will be provided to BCBC in the form of a commuted sum as part of a Section 106 Agreement. Overall, the total area of dormouse habitat to be lost is 0.5 ha and the total area of habitat proposed to be secured for dormouse over the long-term is 0.88 ha. These works would enhance Bedford Park SINC which is an important site for dormouse and would provide resource for BCBC to fulfil duties under the Environment (Wales) Act 2016. While assessing this development proposal, the ecologist has referred to a number of local and national policies, including BCBC's Biodiversity and Ecosystems Resilience Forward Plan 2018-22 and the LDP. LDP Policy ENV4 recognises the value of SINC's and under the Town and Country Planning System, these sites are a material consideration when determining planning applications. Policy ENV5 promotes the Green Infrastructure approach and Policy ENV6 provides a list of habitats that should in the first instance be retained, managed and enhanced on development sites wherever possible (this includes woodland and trees). Where this is not possible, suitable compensation/mitigation will be required to secure biodiversity interests. In view of the information recently submitted, it is considered that suitable compensation is being provided for this application.

On balance, given the small area of application site, its degraded nature on the periphery of North of Pyle SINC and the level of mitigation and off-site compensation proposed, including a financial sum to enhance and manage the adjacent Bedford Park SINC, there is no objection to the proposals however, as outlined in the Ecology Report, works cannot proceed until a European Protected Species licence (EPSL) is granted from Natural Resources Wales, which will involve the submission of a Method Statement outlining the precise details of the mitigation strategies proposed.

Furthermore, it is considered necessary to attach conditions requesting the submission of an Ecological Construction Method Statement, which will include measures to control any invasive species on the application site, the production of a long-term habitat management plan (5 years) for Bedford Park SINC and the production of a sensitive lighting plan to

avoid adverse impacts on sensitive habitats adjacent to the development, particularly the remaining North of Pyle SINC, to accord with Policies SP2(10), ENV4 and ENV5 of the Bridgend Local Development Plan and the Council's Supplementary Planning Guidance SPG19: Biodiversity and Development.

Access and Parking

The Council's Transportation Officer has assessed the submitted plans and Transport Statement in support of this application which concludes that the development of 21 dwellings would not materially increase the number of traffic movements on the local highway network. In addition the Transport Statement has undertaken a capacity assessment of the signalised junction of Croft Goch Road and the B4281. That assessment has concluded that the development will result in 1 additional vehicle joining the queue of the Croft Goch Road arm of the signalised junction (in the peak AM hour) and a maximum degree of saturation of 73.4%, which is considered a 'non-material' impact on the local highway network.

In addition to the above the applicant has also engaged a highway consultant to redesign the priority junction of Croft Goch Road and Waterhall Road on the advice of the Highway Authority. The current junction arrangement splits into two 2-way spurs, giving way to traffic on Croft Goch Road. During the site inspection there did not seem to be a split between the spurs for access and egress however, their use was determined by which spur suited the direction of travel. Therefore the increase in vehicles as a result of this development required a rationalised and conventional priority junction, which would provide improved vision splays in both directions, to be constructed.

The speed limit on Croft Goch Road is 30mph which equates to a sight stopping distance or 'Y' distance of 43m (as detailed in Manual for Streets, table 7.1 page 91). The existing 2 spur junction arrangement provided a substandard vision splay arrangement to the north west however, the new proposed junction can achieve the 43m vision splay required in both directions. As a result, the proposed new junction is considered to provide a highway betterment on the existing arrangement. In view of this, the Highway Authority broadly agrees with the findings of the submitted transport assessment in terms of the impact of traffic generated by the development and the benefit of the redesigned junction arrangement subject to detailed engineering agreement with the Highway Development Team.

Notwithstanding the above, the Transport Statement considers that the under-provision of off-street parking is acceptable at this site location (4.4 page 21 refers Lime Transport assessment) however, the Highway Authority disagrees with this conclusion and considers that this site would heavily rely on the use of the private motor vehicle. The nearest bus stop is located some 550metres away from the site and this distance is above the maximum distance of 400m detailed in the Planning for Walking guidance (CIHT 2015). As a result of this concern and to ensure that the parking from this development does not migrate to the junction turning head within the development or onto Waterhall Road, it is considered necessary to attach a condition requiring a scheme of off-street parking for Plots 10-13 to be submitted and agreed. It is considered there is sufficient room to provide additional parking on the frontages of those plots although the provision of this additional parking will still fall short of the required off-street parking as detailed in SPG17 – Parking Standards. The provision of cycle parking and improvements to the walking and cycling routes to the site will help mitigate this minimal shortfall of parking.

With regards to promoting sustainable travel to and from the site, the proposed 3 metre, shared use, walking and cycling route is welcomed by the Highway Authority however, it is noted that at its termination point on Croft Goch Road, no detail has been provided with regards to the provision of tactile paving to indicate its termination and therefore it is

considered necessary to attach a condition requesting a scheme to be agreed. It is also considered necessary to request the submission of a Construction Management Plan to ensure the development does not impact the use of Waterhall Road by existing residents and that the timings of HGV construction traffic movements do not coincide with the local school opening and closing times.

Accordingly, the proposed development is considered acceptable in highway safety terms subject to the above conditions and therefore accords with Policies SP2(6) and SP3 of the LDP (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Noise

The Council's Public Protection Officer advises that following a good acoustic design process is an implicit part of Government Planning and Noise policy. A good acoustic design process takes a multi-faceted and integrated approach to achieve good acoustic conditions, both internally (inside noise-sensitive parts of the building(s)) and externally (in spaces to be used for amenity purposes). Good acoustic design should avoid "unreasonable" acoustic conditions and prevent "unacceptable" acoustic conditions and is not just compliance with recommended internal and external noise exposure standards.

Good acoustic design must provide an integrated solution whereby a good acoustic outcome is achieved, without design compromises that will affect living conditions and the quality of life, including housing, health and safety and fire safety requirements of the inhabitants or other sustainable design objectives and requirements. ProPG: Planning is a Professional Practice Guidance developed by the Chartered Institute of Environmental Health, Institute of Acoustics and the Association of Noise Consultants Planning which has been produced to provide practitioners with guidance on a recommended approach to the management of noise within the planning system in England, although the same principles would apply here. The document acknowledges good acoustic design is about more than the numbers:-

It is a holistic design process that creates places that are both comfortable and attractive to live in, where acoustics is considered integral to the living environment. Good acoustic design can involve, for example, careful site layouts and better orientation of rooms within dwellings.

Thus sealing of the building envelope is generally unsatisfactory and should be regarded as a last resort. Solely relying on sound insulation of the building envelope to achieve acceptable acoustic conditions in new residential development, when other methods could reduce the need for this approach, is not regarded as good acoustic design. Any reliance upon building envelope insulation (including proposing closed windows and alternative means of ventilation and cooling) should be fully justified in supporting documents and that care should be taken to ensure that acoustic mitigation does not adversely affect living conditions or result in design which is unacceptable in other respects.

Consequently where the noise can be mitigated by layout and design, rather than sealed windows, this should be the overriding factor. Even if the windows were openable, the fact that it is likely to cause a nuisance to the residents when they re-open effectively means they either have to endure the noise or keep their windows closed in any event. Following further discussions between the Public Protection Officer and the developer regarding the concerns raised above, amended plans have been submitted which address the above concerns as follows:-

- An internal re-design of the first floor of Plot 9 has been undertaken which now consists of two bedrooms at the front of the property and a bedroom and bathroom at the rear.
- The bedroom window will be fixed but a second window which is to be openable but obscurely glazed has been installed into the side elevation at first floor level to allow for further ventilation.
- The rear windows of Plots 10, 11 and 13 will also be fixed and side windows inserted at first floor level on the side elevations which will be openable for ventilation but obscurely glazed.
- Plot 12 will be fitted with the MHVR of which details of this will need to be submitted and agreed by the LPA.
- Plots 14-19 have now achieved the necessary design criteria and are considered acceptable.
- The height of the barrier to be raised by 500mm to 2.9m as the sectional diagrams indicates the fence is approximately the same height as the ground floor windows. Amended plans received on 18 March 2019 show the increase in height of the acoustic fence to 2.9m as requested.

Accordingly, it is considered that the proposed development has now addressed the initial concerns raised regarding the impact of noise subject to conditions and therefore accords with Policy SP2 of the LDP (2013).

Public Right of Way

The Rights of Way Manager has assessed the submitted scheme and notes that the developer advised that the increase in width to the start of Public Footpath 14 Pyle, was included at the request of the Highways Department so that it could accommodate bicycles. Following further discussions with the Council's Highways Department, they have confirmed that they would not wish to see an increase in the width of the public footpath, but that their original request purely related to the section of adopted footway leading from the development, along Waterhall Road to Croft Goch Road.

Further to the comments received from the Council's Highways Department the Rights of Way Manager would not wish to see an increase to the width of public Footpath 14 Pyle, and would wish to keep it at 1.8 metres wide. The Rights of Way Manager is pleased that the developer is aware that they will be required to apply to extinguish a small section of Footpath 14 Pyle and that an application will be submitted in due course.

The developer has now confirmed that the width of the Public Right of Way will remain at 1.8m in width and in view of this the Rights of Way Section would remove their objection to the Planning application as the proposed development will not have a significantly adverse impact on Footpath 14 Pyle.

Other Matters

Impact on the existing railway line

The Local Planning Authority has received a formal objection to the proposed scheme from Network Rail raising concerns about any increase in population to the wider area and the potential safety implications due to the location of a level crossing which they assert is within the vicinity of the site. Network Rail explain that they have an existing problem of youths congregating around the crossing and would wish for the developer to consider

mitigation measures to reduce any potential safety concerns given that the crossing can be accessed via a network of public footpaths which pass the application site.

Following further consideration of the proposed scheme and the concerns raised by Network Rail, it is considered that the scheme will not give rise to any justifiable concerns over safety as the referred level crossing is located over 700m walking distance from the site and is not on a route which is necessarily going to attract additional footfall from youths. Also, the Council's Rights of Way Officer has agreed to the imposition of a condition to secure details of a gate which will maintain the public's ability to access the existing PROW but deter vehicular access onto the network which represents a net improvement over the existing situation.

Furthermore, whilst the application site is located immediately to the south of network rail apparatus, this line is not in frequent use with vegetation growth evident along the length of the track and rusted rails. It is considered that the proposed development is unlikely to promote unauthorised access onto the line but will in fact help deter trespass onto the line through the development of the site and provision of enclosures and enhanced woodland planting along the boundary. Notwithstanding this position, it is considered that trespass onto the railway is not a matter material to the determination of this application and is an issue for Network Rail to address.

In view of the above, it is considered that the proposed development would help to reduce any potential for unauthorised access onto the line given that this is currently unhindered and therefore addressed the concerns raised by Network Rail.

Landscaping

The applicant has submitted a landscaping plan and strategy for the site. The strategy includes native planting and the use of trees and hedge planting within the development.

A copy of the landscaping strategy is provided below:



The proposed landscaping seeks to provide adequate screening and mitigation with the existing residential properties and retain as much biodiversity at the site as possible and therefore seeks to enhance the character and appearance of the area. In view of this, the landscaping proposals are considered acceptable and therefore accord with Policies SP2 (10) and ENV6 of the LDP and the Council's Supplementary Planning Guidance SPG19: Biodiversity and Development.

Electricity Sub-Station

It is not clear what Pyle Community Council considers is concerning regarding the proximity of the development to the sub-station however, with respect to noise emanating from the sub-station, this formed part of the assessment of the Public Protection Officer (above) and resulted in amended plans being submitted and conditions being recommended to address outstanding matters (see conditions 15 and 16).

Notwithstanding the above, the electricity industry produces a Code of Practice and substations are required to comply with exposure limits as set down by the industry. As no objection/comment has been received from the industry the development is assumed to be acceptable in this location.

Ground Stability

With regard to the existing culvert and ground stability at the site, the applicant's agent has submitted a letter from NJP Consulting Civil and Structural Engineers acknowledging the existing ground conditions at the site and stating that it is proposed to generally fill the site to achieve the desired finished levels and fill material which will be engineered filled, placed and compacted in accordance with DETR specification. This includes the proposed access road under which the culvert will be situated. The culvert falls outside the zone of influence of the nearest properties. The nearest being Plot 9 which is approximately 6.5m from where the culvert discharges into the watercourse. In view of this, it is considered necessary to attach a condition requesting the submission of an intrusive site investigation prior to any works commencing on site. The report would include the design of any foundations and the construction, formation and reinforcement of the culvert, identify and assess the risk of instability and measures of mitigation as well as future monitoring in order to accord with Policy ENV13 of the LDP (2013).

Contamination

The Council's Contamination Officer has assessed the proposed development and has noted from the assessing previous records that the application site formerly included railway infrastructure.

In view of the previous use of the land, this may have caused the land to become contaminated giving rise to potential risks to human health and the environment for the proposed end use. Consequently the inclusion of conditions requiring a contamination assessment and any necessary remediation works are considered necessary to be attached to any consent granted prior to the construction of the dwelling on the site. Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Consequently, the inclusion of conditions to ensure the use of suitable materials is also required in order to comply with Policy SP2(9) of the LDP (2013).

Well Being Act

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.

S106 Requirements

Policy SP14 of the LDP requires applicants to enter into Planning Obligations or alternatively provide contributions if they are deemed necessary to offset any negative consequence of development. The most relevant issue to be considered in this regard relates to affordable housing provision.

Affordable Housing

As a proposal of over 5 dwellings, the application triggers Policy COM5 of the LDP regarding affordable housing. The applicant has indicated that all 21 dwellings will be provided as affordable which is welcomed. In order to safeguard compliance with the LDP, the affordable housing target of 15% for the Western Settlements housing market area should be secured through a Section 106 Agreement with the units to be transferred to a RSL.

Education

In accordance with SPG 15: Residential Development and Educational Facilities, current school capacities in the area indicate that Primary provision is currently oversubscribed. Based on a development of 9 qualifying dwellings, excluding the 12 x 1-bed flats as per Note 1 of the SPG, there would be a requirement for 2 primary school places to be created which equates to a contribution of £32,626.

Outdoor Sports Provision

Policy COM11 of the LDP requires the provision of satisfactory standards of open space from all residential developments which is defined as 2.4ha per 1,000 people. BCBC's Outdoor Sports & Childrens Play Space Audit (2017) shows a deficit of Equipped Play Areas and Outdoor Sport provision in this locality. The proposed site layout does not include for the provision of on-site facilities. A financial contribution will therefore be appropriate to improve the provision of local facilities. The contribution for children's play should be calculated at £470 per dwelling and applied to the 9 dwellings with 2 or more bedrooms = £4,230. The contribution for outdoor sport should be calculated at £569 per dwelling and apply to all 21 dwellings = £11,949

Off Site Mitigation

Due to the loss of the ecology of the site as a result of the development, the applicant is required to provide off site mitigation regarding the re-location of dormice from the site in accordance with SPG19. In view of this, the applicant has submitted a costing schedule

that relates to the offsite mitigation proposals at Bedford Park SINC. Costs cover the planting up of identified areas of land including management and maintenance over the first 5 years of establishment and for up to 20 years thereafter the total planting, management and maintenance costs would equate to approximately £39,907.62 and which is to be secured via a legal agreement.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines and subject to conditions, will not have a significantly detrimental impact on the privacy or visual amenities of the future occupiers of the site or of the area nor so significantly harm neighbours' amenities in terms of noise, ecology, drainage or highway safety to warrant refusal of the application. The concerns of the residents have been taken into account as part of the consideration of the application however, it is not considered that on balance the issues raised outweigh the merits of the scheme.

RECOMMENDATION

- (A)** The applicant enter into a Section 106 Agreement to provide:-
- i. a minimum of 15% of the units as affordable housing with the type of units, location within the site and affordable tenure to be agreed by the Council;
 - ii. a financial contribution for the sum of £32,626 (index linked) towards the provision of 2 primary school places;
 - iii. a financial contribution for the sum of £16,179 (index linked) towards the provision of Children's Play Equipment and Outdoor Sport facilities;
 - iv. an off-site habitat mitigation, management and maintenance plan, a financial contribution for planting, management and maintenance costs for the sum of £39,907.62 (index linked) and a programme of implementation.
- (B)** The Corporate Director Communities be given plenary powers to issue a decision notice granting conditional consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:
1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-
 - Application Forms dated 12 October 2018.
 - Drawing No. LT1701.04.102 REV.D received on 12 October 2018.
 - Amended Drawing Nos:
 - LT1701.04.02 REV E – Site Sections;
 - LT1701.04.103 REV E -Plots 14-19;
 - LT1701.04.03 REV F – Landscaping Layout;
 - LT1701.04.07 – Site Layout Plan – Block PlanReceived on 18 January 2019.
 - Amended Drawing Nos:
 - LT1701.04.01 – Site Layout – Prelim;
 - LT1701.04.100 REV E – Plots 1 & 2 and 9 &10;
 - LT1701.04.101 REV E – Plots 11-13 and 20 & 21;
 - LT1701.0404 REV D – Boundary Details;
 - LT1701.04.05 REV G – Boundary Identification Plan;
 - LT1701.90.06 REV A – Boundary and Bin Store Details;Received on 18 March 2019.
 - Design and Access Statement REV A received on 12 October 2018 and REV B

- received on 18 March 2018 prepared by LeTrucco Design Architecture.
- Noise Assessment prepared by Inacoustic (dated 22 March 2018) received on 12 October 2018.
- Ecological Mitigation Report prepared by EDP received on 2 November 2018
- Proposed Drainage Strategy prepared by NJP Consulting Civil and Structural Engineers (dated October 2018) received on 12 October 2018.
- Tree Report prepared by Tree care Consulting received on 12 October 2018.
- Transport Statement prepared by Lime Transport (October 2018) received on 12 October 2018.
- Protected Species Survey prepared by Hawkerswood Ecology received on 12 October 2018.
- Updated Ecological Appraisal and Updated Dormouse Mitigation Strategy prepared by EDP received on 19 February 2019.
- Pre-Application Consultation Report prepared by WPM Planning and Development (September 2016) received on 12 October 2018.
- Offsite mitigation costing schedule prepared by EDP (22 February 2019) received on 27 February 2019.

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

2. Prior to the construction of the residential units on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be 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. Notwithstanding Condition 1, a timetable for the implementation of the approved boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority prior to the beneficial occupation of the residential units. Development shall be carried out in accordance with the agreed plan and timetable and thereafter maintained in perpetuity.

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 of the site commencing and retained in perpetuity.

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

5. 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) (as amended), 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

properties to the rear, in the interests of the residential amenities of adjacent properties and to protect the amenity space provided within the property.

6. 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) (as amended), no building, structure or enclosure required for a purpose incidental to the enjoyment of any dwelling-house shall be constructed, erected or placed within the curtilage without the prior written consent of the Local Planning Authority.

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

7. 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 (as amended), no windows other than as hereby approved shall be inserted into the side elevations of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

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

8. No development shall commence until a scheme for the provision of 2 off-street parking spaces per dwelling for plots numbers 10-13 has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be implemented in permanent materials before the development is brought into beneficial use and retained for parking purposes in perpetuity.

Reason: In the interests of highway safety and free flow of traffic around the junction

9. No development shall commence until a scheme showing the tactile paving to indicate the termination of the shared use route and returning to standard footway on Croft Goch Road, has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in permanent materials before the development is brought into beneficial use and thereafter maintained / retained in perpetuity.

Reason: In the interests of highway and pedestrian safety

10. The proposed vision splays shown on drawing LT1701.04.07 shall be provided before the development is brought into beneficial use and retained as vision splays in perpetuity.

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

12. The application site shall be limited to no more than 21 dwellings as identified in the Transportation Assessment.

Reason: In the interests of the free flow and safety of traffic and to maintain the operational capacity of the network.

13. 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 and timing of HGV construction traffic to/from the site in order to avoid the local school opening and closing times.
- 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 and location
- vi. measures to control the emission of dust and dirt during construction
- vii. the provision of temporary traffic and pedestrian management along the Waterhall Road and Croft Goch Road.

Reason: In the interests of highway and pedestrian safety.

14. Notwithstanding condition 1 and prior to the commencement of construction, the design details of the acoustic barrier (i.e. height, density, degree of overlap of the acoustic fence panels which are themselves to be over boarded) shall be submitted to and agreed in writing with the Local Planning Authority. The barrier shall be a minimum of 10kg/m² mass per unit area, have no gaps and shall be imperforate, rot proof and vermin proof and able to withstand wind forces. The acoustic barrier as agreed shall be erected along the top of the railway embankment at the location shown on the boundary identification plan LT1701.04.05.REV G prior to the residential units being brought into beneficial use and shall be maintained and retained in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

15. Prior to construction of the dwellings commencing, a scheme of sound insulation measures for the houses on Plots 9-13 shall be submitted to and agreed in writing with the Local Planning Authority. The scheme as agreed shall be implemented prior to the beneficial occupation of Plots 9-13 commencing and shall thereafter be retained in perpetuity. The living room windows to first floor and above to the flats on Plots 14-19 and the rear bedroom windows of Plots 9-13 which overlook the substation shall be installed as fixed pane/non-opening and shall be retained as such in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

16. Prior to work commencing on Plot 12 details of the ventilation scheme, including noise specifications and sound reduction performance shall be submitted to and agreed in writing by the Local Planning Authority. A full scheme of acoustic mechanical ventilation shall be included to all habitable rooms to first floor for Plot 12. A central ventilation/extract system or whole house heat recovery system (MVHR) designed to the latest Building Regulations Part F shall be installed to Plot 12 where sealed windows are being introduced and there is no other ventilation. The applicant shall demonstrate that the sound performance of the acoustic ventilation strategy shall achieve the internal ambient noise levels specified in Table 3 of the Acoustic Noise Report by In acoustics dated 19th March 2018 which comply with BS8223:2014, having regard to the noise levels from the electricity substation at 100 and 315 hertz. The scheme as agreed shall be implemented prior to beneficial use of Plot 12 commencing and shall be retained thereafter in perpetuity.

Reason: To protect the residential amenities of the future occupiers of the residential units.

17. Prior to construction of the dwellings, the glazing specification for all plots shall be submitted to and agreed with the Local Planning Authority and shall be implemented as agreed. The details shall include the glazing configuration and the minimum acoustic performance as specified in table 10 of the Inacoustics Noise Report dated 22 March 2018. The developer shall demonstrate that the glazing shall achieve the ambient noise levels specified in Table 3 of that report, having regard to the noise levels from the electricity substation at 100 and 315 hertz. For Plots 9-13 which have bedroom windows overlooking the railway line, it shall be ensured that the internal maximum levels are achieved such that <45 dB LAFMax would be achieved on the basis of an 80 dB(A) maxima event profile from train pass-bys.

Reason: To protect the residential amenities of the future occupiers of the residential units.

18. Site preparation or construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of neighbouring residential amenities.

19. Prior to the commencement of the development, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters; an intrusive investigation to assess the extent, scale and nature of contamination which may be present; an assessment of the potential risks, and; an appraisal of remedial options, and a justification for the preferred remedial option(s). The development shall be implemented in accordance with the approved remediation measures.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

20. No development shall take place until a schedule of landscape maintenance for a minimum period of 3 years has been submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the agreed schedule.

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

21. No development shall take place until details of an Ecological Construction Method Statement, which will include measures to control any invasive species on the application site has been submitted and agreed by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect nature conservation.

22. No development shall take place until details of a lighting plan have been submitted and agreed by the Local Planning Authority. The lighting plan shall include details of the type of external lighting to be used and appropriate mitigation to protect sensitive habitats located along the site boundaries of the site. The development shall be carried out in

accordance with the approved details and thereafter retained in perpetuity.

Reason: To protect sensitive habitats adjacent to the development, particularly the remaining North of Pyle SINC.

23. Prior to the construction of the residential units on the site, details of an intrusive site investigation report shall be submitted and agreed in writing by the Local Planning Authority. The report should include details of the design of any foundations and the construction or formation reinforced of the culvert as well as identify and assess the risk of instability and measures of mitigation as well as future monitoring. The development shall be carried out in accordance with the approved details.

Reason: To ensure that information provided for the assessment of the risks of unstable land to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

24. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

- a) This application is recommended for approval because the development complies with Council policy and guidelines and subject to conditions, will not have a significantly detrimental impact on the privacy or visual amenities of the area nor so significantly harm neighbours' amenities or on the future occupiers of the site in terms of noise, ecology, drainage or highway safety to warrant refusal of the application. The concerns of the residents have been taken into account as part of the consideration of the application however, it is not considered that on balance the issues raised outweigh the merits of the scheme.
- b) 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
- c) 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 Dwr Cymru Welsh Water (DCWW) in dealing with the proposal the applicant may contact DCWW. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.
- d) The Public Protection Section draws 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 recommends investigation and monitoring of the area.
- e) 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.

- f) 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.
- g) 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.
- h) 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.
- i) The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.
- j) 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.
- k) In respect of Condition 4, the following information is required:-
 - Provide foul and surface water/highway drainage layout (drawing number 10247-App4) as separate drawing file to review;
 - Provide cross sectional views of the proposed attenuation systems;
 - Provide confirmation of agreement in principle from DCWW with regards to foul drainage connection;
 - Provide technical and maintenance details associated with the proposed surface water attenuation units;
 - Provide an updated maintenance schedule including replacement of the permeable paving system at the end of the design life;
 - Submit ordinary watercourse consent applications in relation to temporary/proposed works to the existing watercourse.
- l) Should the applicant consider that building works would prejudice the safety of the public using the Public Right of Way within the application site, the developer is advised to contact the Rights of Way Officer to discuss a temporary closure.

**JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES**

Background papers

None