

REFERENCE: P/18/635/FUL

APPLICANT: Mr T Wilkins 23 Nottage Mead, Porthcawl, CF36 3SA

LOCATION: Rear of 23 Nottage Mead Porthcawl CF36 3SA

PROPOSAL: Erection of a detached 4 bed dwelling

RECEIVED: 1 August 2018

SITE INSPECTED: 7 September 2019

APPLICATION/SITE DESCRIPTION

The application seeks full planning permission for the erection of a four bedroom, two storey, detached dwelling on land north west of 23 Nottage Mead, Porthcawl.

The site currently benefits from Outline planning permission for the erection of a two storey detached dwelling on the land allowed on appeal, however the applicant seeks to make a number of changes to the approved scheme and has therefore submitted a full application instead of a Reserved Matters application. The changes include the following:

- 4 bedroom dwelling as opposed to 3;
- Change in design to include the removal of the rear dormer and erection of two, central, two storey projecting gable extensions on the front and rear elevations with first floor balconies;
- Extension of garden curtilage to serve proposed dwelling;
- Change in parking layout

The land currently forms part of the rear garden of 23 Nottage Mead. The proposed dwelling will measure approximately 11m x 13.5m and to a height of some 7.4m with a pitched roof. The dwelling will comprise two, two storey front projecting gables, one on the front elevation and one on the rear elevation measuring some 6m x 4.5m, to a height of 7m with a pitched roof and first floor balconies. The projecting gables will be set down 0.4m from the main ridge of the roof. The front elevation will also comprise two dormer windows at first floor level, each measuring approximately 2.1m x 2.6m with a height of 2.1m with a pitched roof and three Velux roof lights inserted into the first floor on the rear elevation. The materials to be used in the development comprise Riven edge dark roof slates and white cement render with a natural stone cladding to the front projecting gable and grey aluminium doors and windows. The balconies will be finished with a frameless glass balustrade.

Proposed Elevations:





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23 Nottage Mead
(Rear of)
Porthcawl

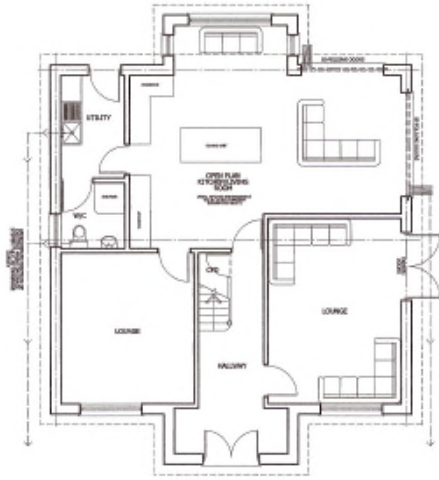
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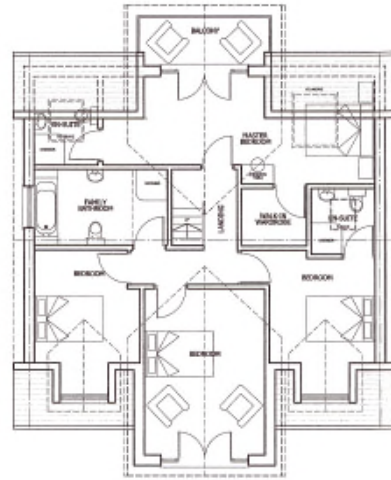
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The ground floor will comprise two separate lounge areas, open plan kitchen and dining room, hallway, W/C and utility room and the first floor will comprise 3 bedrooms (one with en-suite) and a master bedroom with an en-suite, walk-in wardrobe and a family bathroom.

Proposed Floor Plans:



**PROPOSED GROUND FLOOR PLAN
SCALE 1:100**



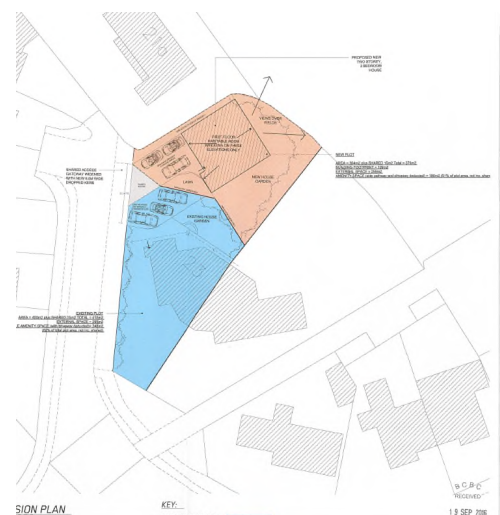
**PROPOSED FIRST FLOOR PLAN
SCALE 1:100**

Initially, the application proposed the erection of a garage on the site however, due to the concerns raised by the Local Planning Authority, the garage has now been omitted from the application. Amended plans were also received to include the extension of the garden curtilage for the proposed dwelling located to the south of the site. A site inspection revealed the presence of a pond on the site. Following further consultation with the Council's Ecologist, a Great Crested Newt survey was requested due to the location of the application site. The applicant submitted the requested survey, undertaken by MPS Ecology on the 7 May 2019.

Access to the site is via Nottage Mead with a proposed shared access by both existing and proposed dwellings, three parking spaces to serve No.23 and four parking spaces to serve the proposed dwelling, each within the respective curtilages and a 1.8m wooden fence to provide a boundary between both properties.

Proposed Site Plan:

Approved Site Plan under P/16/502/OUT:



The proposed dwelling is located within the settlement boundary of Porthcawl as defined by Policy PLA1 of the Bridgend LDP 2013 and is sited at a slightly lower level than 23 Nottage Mead. The application site is located on the eastern side of the internal cul-de-sac within Nottage Mead which serves nos 11-23 inclusive and in close proximity to the turning head. The proposed development plot is located to the north of the host dwelling, 23 Nottage Mead, and is currently the rear garden of the property. The application site is surrounded by residential properties to the east, west and south and to the north of the site are open fields.

RELEVANT HISTORY

P/16/502/OUT - Demolition of existing single garage and construction of a new 3 bedroom detached property – Allowed on Appeal – 17/03/2017.

PUBLICITY

The application has been advertised on site.

Neighbours have been notified of the receipt of the application.

The period allowed for response to consultations/publicity expired on 4 September 2018.

CONSULTATION RESPONSES

Porthcawl Town Council – No objection.

Head of Street Scene (Highways) – No objection subject to a number of conditions regarding materials for parking area and vision splays.

Head of Street Scene (Drainage) – No objection subject to a condition requested the submission of a comprehensive drainage scheme subject to works commencing on site.

Destination and Countryside Manager (Ecology) – No objection subject to a condition requesting details of a site clearance method statement for reptiles and nesting birds prior to site clearance.

Dwr Cymru/Welsh Water Developer Services – No objection subject to standard advisory notes.

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

REPRESENTATIONS RECEIVED

Three letters of objection to the proposed development have been received from the following neighbouring properties:

15 Nottage Mead, Porthcawl has raised the following concerns:

- Proposed development will adversely affect not only us but residents at numbers 13, 17, 19, 21 and 21A and also those living in Nottage Meadows who have not been informed of this development and therefore have no input on how the development affects them;
- Result in increased parking on the public highway and emergency and waste disposal vehicles struggling to gain access ;
- The required widened gateway will reduce available parking on the highway resulting in increased congestion;
- Nuisance and disturbance whilst construction is in progress and access that will be required by construction vehicles;

- Impact on existing sewerage system;
- Location of pond on site and potential of protected newt species;
- No indication of neighbour consultees listed on the planning online register;
- Impact of overshadowing on all opposite and adjacent properties'
- Loss of view across the Grove Golf Club;
- Reduction in value of properties;
- Privacy issues as proposed property looks directly into our front bedroom window.

21A Nottage Mead Porthcawl has raised the following concerns:

- The proposal is not suitable for the area;
- General appearance, scale, height and design is overpowering to adjacent properties and will overshadow the property and affect privacy;
- Decrease the amount of space for parking on the public highway as a result of the widened driveway for the proposed dwelling;
- Emergency and waste disposal vehicles struggling to gain access;
- Parking problems in the hammerhead;
- Further problems experienced with access for plant preparing the site and delivery of building materials.

25 Nottage Mead, Porthcawl has raised the following concerns:

- The height of the detached dwelling and the overbearing gable end on the eastern elevation will affect the light and air the property currently receives;
- The proposed French doors on the ground floor/kitchen will overlook the rear garden and affect privacy;
- The detached double garage is far too close to the boundary and will block light and air;
- Concerns over the scale of the proposed dwelling;
- Concerns regarding off street parking and an additional dwelling will create more upheaval and double parking;
- Impact on the main sewer and concerns of effect of land drainage on the property.

COMMENTS ON REPRESENTATIONS RECEIVED

The majority of the concerns raised above have been addressed within 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, in order to preserve the residential amenities of the area.

Right to a view and devaluation of properties are not material planning considerations.

The properties located at Nottage Meadow are not considered to be located in close proximity to the proposed development and therefore, were not consulted as part of the planning application process, however, a site notice was erected outside the application site advertising the proposed development.

The double garage has now been omitted from the application.

In view of the location of the pond on the site, the applicant submitted a Great Crested Newt Survey prepared by MPS Ecology which indicated that Great Crested Newts at the site were not present at the site.

PLANNING POLICIES

Local Policies

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

- Strategic Policy SP2 – Design and Sustainable Place Making
- Policy PLA1 – Settlement Hierarchy and Urban Management
- Policy PLA11 – Parking Standards

Supplementary Planning Guidance

SPG02 - Householder Development

SPG08 – Residential Development

SPG19 – Biodiversity and Development

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 12 – Design (2016)

Technical Advice Note 18 – Transport (2007)

Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5).

The well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

The duty has been considered in the assessment of this application. It is considered that there would be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed development.

APPRAISAL

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

The application seeks full planning permission for the erection of a four bedroom, two storey, detached dwelling on land north west of 23 Nottage Mead, Porthcawl.

Background

From viewing the planning history, it is noted that the Local Planning Authority refused an

Outline application for the erection of a dwelling on the site on 2 November 2016 which was later allowed on appeal on 17 March 2017 by the Planning Inspectorate. The application site was then sold to a new owner and a new application submitted to make design changes to the approved Outline planning application.

The proposed changes include the following:

- 4 bedroom dwelling as opposed to 3;
- Change in design to include the removal of the rear dormer and erection of a two, centrally located, two storey projecting gable extensions on the front and rear elevations with first floor balconies;
- Extension of garden curtilage to serve proposed dwelling due to loss of garage;
- Change in parking layout

The main issues to consider in this application are the principle of the development, the impact on the character and appearance of the existing dwelling, street scene and surrounding area, impact on neighbouring amenities and drainage, ecology and highway safety.

Principle of the Development

The application site lies within the settlement boundary for Porthcawl as designated by Policy PLA1 of the Bridgend Local Development Plan 2013. Policy COM3 of the Local Development Plan (LDP) states that residential developments within settlement boundaries defined in Policy PLA1 on windfall and small scale sites for the conversion of existing buildings or the re-use of vacant or under-utilised land will be permitted where no other development plan policy protects the building or land for an existing or alternative use. In view of the above, the proposed dwelling is considered acceptable and accords with Policy COM3.

Impact on the character and appearance of the existing dwelling, street scene and surrounding area

With regard to the impact of the proposal on the existing dwelling, 23 Nottage Mead, the Inspector considered the relationship between the proposal and the host dwelling in the previous appeal and stated:

The new dwelling is capable of being designed so that there would be no direct window to window relationships involving habitable rooms and although any windows on the principal rear elevation would be close to the common boundary, views would be oblique. In any case there is an alternative private garden space to the front which would be available to the occupiers of the host dwelling as a matter of choice. I accept that the existing first floor dormer of the host dwelling would overlook the side garden of the proposed development but there would be some privacy to the rear garden and I do not consider that this on its own would amount to a reason for withholding planning permission.

The proposed design changes now include the removal of the rear dormer and erection of two, centrally located, two storey projecting gable extensions on the front and rear elevations with first floor balconies. Due to the orientation of the proposed dwelling, it is not considered to have a significant adverse impact on the occupiers of the host property.

With regard to the character and appearance of the street scene and surrounding area, the Inspector stated;

The indicative site layout shows that the proposed dwelling would be set back from the road broadly in line with No 21A, with a front driveway and small lawn in common with the prevailing housing layout in this part of Nottage Mead. The spacing between the development and its neighbours would also be broadly comparable to the houses opposite

and the surrounding area generally. The proposed rear garden for the new dwelling would have a short depth but this would not be readily apparent from within the public street scene and in any event this is not a particularly qualifying feature of the area's context. Given that there would be visual gaps between the proposal and adjacent dwellings which would allow views towards the open vista beyond, the development would not appear cramped or out of place. I note that the indicative parking layout is tight but this is a minor point of detail which could be addressed at the reserved matters stage.

In view of the above, the proposed development is considered acceptable as the footprint of the dwelling remains unchanged to that approved in the outline application. Whilst the indicative design of the dwelling has changed since the previous approval, the current design is not considered to be detrimental to the overall character of the area, which comprises a mix of dwelling types.

With regard to the proposed amenity space, an amended plan was received on the 27 December 2018 proposing an extension to the garden area of the proposed dwelling. Whilst the extension will result in a reduction of amenity space to serve the host dwelling, the Inspector concluded in her decision that the land described as the 'front garden' of the No.23 was significantly screened by a wall and hedgerow enclosure which would provide a private and useable space for the occupants:

The proposal would invariably reduce the external outside space for No 23, however a large area of garden would be retained to the south. Whilst this might be described as being the 'front' garden, it nevertheless benefits from a wall and hedgerow enclosure which provides significant screening from public view. I have no reason to believe that the hedge is under threat and it clearly wouldn't be in the interests of the property owners to remove it. Therefore and even with minor amendments to the parking layout, this area of garden would provide a private and useable space for the occupants of No 23. There are no specific standards regarding acceptable amenity space but an 'L' shape garden to the side and rear of the proposed dwelling as indicated would not be an unusual layout for a residential garden in a built-up area and I consider that it is of sufficient size to allow for an acceptable standard of living for future occupiers.

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

Impact on neighbouring amenities

From assessing the submitted plans, it is noted that due to the orientation of the proposed dwelling, the main habitable windows and proposed balcony area will overlook the main parking area and driveway to serve the dwelling and the parking area of 23 to the front of the site and open countryside to the rear. The relationship between the proposed dwelling and the host property is also considered acceptable as there is no direct window to window relationship involving habitable rooms. No windows are proposed in the first floor side elevations of the proposed dwelling, apart from one which will be obscurely glazed as it serves a bathroom, however, it is considered necessary to attach a condition requesting that no further windows are inserted into the side elevation of the proposed dwelling in order to protect the privacy and existing amenities of the neighbouring properties. The proposed dwelling will also be positioned approximately 26m from the neighbouring property, no 21A, and over 40m from 24 Nottage Mead. Accordingly, due to the orientation of the dwellings and the separation distances involved, it is considered that the proposed dwelling will have no significant effects on the privacy and amenities of the neighbouring properties, 21A and 24 Nottage Mead, and therefore accords with Policy SP2(12) of the LDP (2013) and the Council's Supplementary Planning Guidance SPG02:Householder Development.

Highway Safety

The Council's Transportation Officer has assessed the submitted scheme and has noted that this application is a resubmission of a previously allowed application for a single dwelling on appeal. The previous application attracted an objection from the Highway Authority due to inadequate off-street parking to serve the new and parent dwellings. As a result of that previous objection the applicant has sought to overcome those objections. The submitted scheme now meets the Highway Authority's parking standards as set out in SPG17 and is considered acceptable.

With regards to the vision splays for the two proposed accesses it is noted that the applicant has indicated that there will be a 1.8m high boundary fence located along the boundary between the two properties, however, the extent of the fence between the parent dwelling and the new dwelling is considered to obstruct the vision splays for vehicles emerging from the proposed dwelling. As a result of those concerns, it is considered necessary to attach a condition to request details of the position, height and materials of the boundary treatment to be agreed by the Local Planning Authority (LPA) prior to the development being brought into beneficial use.

Accordingly, the proposed development accords with Policy SP2(6) of the Bridgend Local Development Plan (2013) and the Council's Supplementary Planning Guidance SPG17: Parking Standards.

Drainage

The Council's Drainage Officer has raised no objection to the proposed development subject to the imposition of a condition to any granted consent requiring a comprehensive and integrated drainage scheme to be submitted and agreed by the LPA prior to any works commencing on the site, which accords with Policy SP2 (13) of the LDP.

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"

Following further consultation with the Council's Ecologist, a Great Crested Newt survey was requested due to the location of the application site. The applicant submitted the requested survey, undertaken by MPS Ecology, on 7 May 2019 which indicates a negative result for Great Crested Newts at the site. In view of this, the Council's Ecologist was satisfied with the conclusions of the report but considered it necessary for a condition to be attached requesting a site clearance method statement for reptiles and nesting birds prior to any site clearance being undertaken on site as the rubble piles, brash piles and rough grassland offer potential for such species. Therefore, the proposal is considered to comply with the requirements of the Habitats Regulations 1994 (as amended), Section 6 of the Environment (Wales) Act 2016, guidance contained within TAN 5: Nature Conservation and Planning (2009) and relevant LDP policies.

CONCLUSION

Having regard to the above and in view of the planning history of the site, the proposal is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area and will not adversely affect privacy or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

The issues raised in the representations from neighbouring occupiers have been taken into account during the determination of the application however, it is considered that on balance, they do not outweigh the other material considerations in favour of the development including the back stop position of the extant permission.

RECOMMENDATION

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

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

Amended Site Location Plan, Site Plan and Drawing No. PL01 REV. 9 received on 27 December 2018 and the Great Crested Newt eDNA survey received on 7 May 2019.

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

2. No development shall take place until a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

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

3. No development shall take place until there has been submitted to and agreed in

writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment including hard and soft landscaping to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

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

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

5. The parking area for both the proposed dwelling and the host dwelling shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the agreed layout prior to the development being brought into beneficial use and shall be retained for the purpose of parking in perpetuity.

Reason: In the interests of highway safety

6. No development shall commence until a scheme of boundary treatment for the host dwelling and the proposed dwelling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include for a suitable vision splay onto the highway. The agreed boundary treatment shall be implemented before the development is brought into beneficial use and shall be retained thereafter in perpetuity.

Reason: In the interests of highway and pedestrian safety.

7. 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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out which comes within Parts 1 (Classes A, B and C) of Schedule 2 of this Order.

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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking and re-enacting that Order with or without modification) no 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.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any Order revoking or re-enacting that Order with or without modifications) no windows other than as hereby approved shall be inserted into the side elevations of the dwelling hereby permitted.

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

11. No development shall commence until details of a site clearance method statement for reptiles and nesting birds has been submitted and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.

Reason: In the interests of biodiversity and nature conservation.

12. 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.

13. Clearance, Demolition or Construction Works shall not take place outside the hours of 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays or Public Holidays.

Reason: To maintain noise levels at a sustainable level in the interests of neighbouring residential amenities.

14. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS

a) The proposal is recommended for approval because the development complies with Council policy and guidelines and it is considered that the scheme would not have an unacceptable impact on the character of the existing property, street scene or wider area and will not adversely affect privacy or visual amenities nor so significantly harm neighbours' amenities or highway safety as to warrant refusal.

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

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

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

e) To satisfy Condition 4 the following advisory notes should be followed:

- Provide confirmation of how surface water is disposed from existing properties;
- Provide foul and surface water drainage layout for the scheme;
- Provide agreement in principle from DCWW for foul and surface connections to the public sewers.

f) Before creating, altering or reinstating any vehicular crossover, constructional details must be agreed with the Highway Maintenance Manager. The Highway Maintenance Inspector for the area can be contacted at Bridgend County Borough Council, Civic Offices, Angel Street, Bridgend or 01656 642541.

g) It is a requirement under Section 153 of the Highway Act 1980 that any gates must be located and fitted so as not to open out over the highway.

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

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

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

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

l) Any site won material including soils, aggregates, recycled materials should be assessed for chemical or other potential contaminants and only chemical or other potential contaminants material should be reused.

m) The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for the safe development and secure occupancy of the site rests with the developer.

n) It is an offence under Section 33 of the Environmental Protection Act 1990 to

deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils.

In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background papers

None