

REFERENCE: P/19/656/RES

APPLICANT: Persimmon Homes: West Wales Dragon House, Parc y Ddraig, Penllergaer Business Park, Swansea SA4 9HJ

LOCATION: Land north of Heol Stradling, Parc Derwen, Coity CF35 6AN

PROPOSAL: Reserved Matters for the construction of 2 blocks containing 7 retail units and 16 flats above with 4 dwellings and parking and associated infrastructure

RECEIVED: 28 August 2019

APPLICATION/SITE DESCRIPTION

Parc Derwen was approved in Outline subject to conditions and a Section 106 Agreement in November 2007 (P/00/288/OUT refers). The development site was to provide a maximum of 1515 dwellings and included a district retail centre, primary school, playing fields and community facilities.

The Detailed Design Code and Design Guidance (2005) which is adopted supplementary Planning guidance for Parc Derwen indicated that the district centre would provide one of the natural focuses within the development and would be positioned on one of the main routes through the estate to benefit from passing trade. Community, commercial and residential premises were to be developed in the centre with the buildings being of flexible design to allow for conversion to retail and employment uses. The guidelines envisaged the Main Street Frontage having a strongly defined frontage of properties with gaps kept to a minimum. There would be a consistent building line but one which avoids parallel building lines on opposite sides of the street. A mix of 2, 2½, 3 and 4 storey buildings would reinforce the character of the Main Street Frontage. 3 and 4 storey buildings would be particularly appropriate fronting onto squares within the streetscene and may contain commercial elements. Where there are 3 and 4 storey buildings special consideration should be given to their architectural quality and richness.

The S106 obligation and Planning conditions required the development to be carried out in accordance with the Site Development Brief dated November 2001 and the Detailed Design Code and Design Guidance 2005. Condition 5 of the Outline Planning consent required that no retail unit should exceed 1200 square metres in floor area whether by initial construction or by later amalgamation.

This Reserved Matters submission is pursuant to condition 1 of P/00/288/OUT which requires the approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site of the district centre and condition 1 of P/17/686/RLX which required the submission of applications for approval of the reserved matters being made before 31 December 2019.

As originally submitted, the application proposed a development of 9 retail units and 44 flats with parking and associated infrastructure. Negotiations have resulted in a scaling-down of the development and the current plans propose 7 retail units with 16 flats and four dwellings.

The application site lies in the south western quarter of Parc Derwen and over two areas of land, either side of Ffordd y Celyn which is part of the main circulatory access road serving the estate. The eastern parcel will accommodate the Alpha Block which will comprise 3 retail units on the ground floor with residential accommodation above. The area fronts Ffordd y Celyn but shares all other boundaries with existing dwellings on a

relatively new housing phase. The southern boundary is defined by a 2.0m high close boarded fence which encloses the rear gardens of 16-21 Llys Ceirios. From the submitted drawings, the gardens of these properties range in length from 7.2m to 14m. Following the natural topography the properties are below the development site. Properties along Llys Ceirios also adjoin the eastern boundary of the site and for a number of properties this will be beyond their rear gardens which are demarcated by a 2.0m high fence. 33 and 34 Llys Ceirios are located on a small cul-de-sac of the main estate road and will share their side boundaries with the development site. No principal habitable room windows have been inserted in the side elevations of these properties. Properties along the northern boundary are the most recently constructed and include the side elevations and side gardens of 2 Ffordd y Celyn and 3 Clos y Celyn and the rear gardens and parking spaces of 1 and 2 Clos y Celyn which are set back some 12m from the development site.



Fig. 1 - Eastern Parcel – Alpha Block

The main building footprint is rectangular in form and will measure 41m x 18m. Traditional pitched roofs will span much of the building apart from a hipped roof construction over the northern corner of the development. Maximum heights will vary to account for the changing ground levels and a transition from a 3 to a 2 storey building. At the highest point on the northern end of the building, the eaves and ridge will measure 9.8m and 13.7m. At the southern end, the 2 storey roof will form a gable that rises to a maximum of 10.4m.

The 3 storey block will accommodate a convenience foodstore with a gross floor area of 414 square metres. Arched openings formed of coursed stonework will accommodate the shop entrance. To the rear an enclosed service yard will be constructed to serve the retail units and will accommodate trolley storage, plant and refrigeration units. Residential accommodation will be provided above over 2 floors and will consist of 10 single bedroom units and 2 two bedroom units. A central service and access core will link the 2 and 3 storey elements of the Alpha Block and will provide access to all the residential accommodation including the remaining 4 single bedroom units which will be provided at first floor level over retail units 2 and 3.

Residents will access the accommodation at the front of the retail centre but amenities including bin and cycle storage areas will be accessible via a rear access. This will also connect to the service area and dedicated retail and residential parking facilities.

25 car parking spaces will be provided for the 16 living units with 20 bays being provided for shoppers. Parking for the disabled will be provided at the front (8 spaces) with the remaining spaces arranged around the service and access road and positioned close to the northern and eastern boundaries, shared with new and existing dwellings. The parking spaces will be set back from the boundary to allow for the planting of a new hedgerow.

The service yard to the rear of the units and the residential parking will be accessed via a new road junction, formed at the northern corner of this phase and directly opposite the junction with Clos yr Eirlys. Whilst residents will access and egress through this junction, service and delivery vehicles will egress via a gated exit at the southern end of the Alpha Block. This will be controlled by the retailers and landlords and through an agreed management plan.

External finishes will comprise brindle red brick on the rear elevation overlooking the service area and car park with panels of smooth grey weather boarding on the corner of the 3 storey block and over the central service and access core. Brickwork will also be used on the southern gable of the 2 storey block and at first and second floor levels on the front elevation. Coursed stonework will be the predominant material on the 3 storey corner block and on the shop frontages. Grey interlocking tiles will be used on all roof planes with a louvered cupola crowning the high hipped roof.

The public realm areas to the front of Alpha Block will provide level access to the units although natural ground levels will result in some retaining work (finished in coursed stonework) and a raised concourse to the front of the main retail unit. Footpaths and cycleways will follow the natural change in ground levels rising from the southern to the northern site boundaries. Hard and soft landscaping will provide the setting for the cycle stands and parking areas.



Fig. 2 - Western Parcel Beta Block

The western parcel will accommodate the Beta Block and shares its western boundary with the rear gardens of 4-12 Bryn Eirlys, the side boundary of 1 Clos yr Eirlys and 2 Clos Coed Castan. The northern site boundary fronts the highway (Clos yr Eirlys) and the properties opposite with the southern boundary also fronting the highway and more distant properties on Clos Coed y Castan. Land levels are currently raised above the original ground levels with the site having been used for the deposition of material arising from other development sites.

The development on this area comprises a single storey block of retail units positioned centrally and a minimum of 11m and a maximum of 14m from the shared boundary with properties on Bryn Eirlys. The building footprint will measure 31m x 18.4m with a pitched roof reaching a height of 9.4m at the southern end and 8m at the northern end to reflect the natural fall in level across the site. The walls of the building will be finished in a mixture of red brick on the rear and part of the side elevations with the front and side returns finished in coursed stonework. Grey interlocking concrete tiles will be utilised on the roof with all windows, doors and ironmongery also finished in grey.

The public realm area to the front of the retail units will include pedestrian walkways, seating area, cycling bays and a landscaping zone for an avenue of trees. A 3m wide footpath/cycleway will be constructed along the site frontage connecting to the existing network. 6 car parking spaces for the retail development will be provided on the northern side of the retail units within a landscaped area. Access will be directly onto Clos yr Eirlys.

The servicing and parking area will be created to the rear and southern side of the units served from a single point of access positioned to the south of the retail block and some 36m north of the junction of Ffordd y Celyn and Clos y Coed Castan. It will connect to an extended loading bay and turning area, which will be set back, behind a 2.8m wide landscaping zone that will be formed along the boundary with 4-12 Bryn Eirlys. At the northern end of the loading bay and adjacent to the boundary with 1 Clos yr Eirlys, a small bin store will be constructed measuring 5.4m x 4.4m with a pitched roof reaching a height of 3m. A total of 16 spaces will be laid out either side of the service access road and close to the new vehicular access.

Four dwellings will be constructed on the southern part of the western parcel, accessed from Clos Coed y Castan and Ffordd y Celyn. A detached 3 bedroom dwelling will occupy Plot 1 which adjoins 2 Clos y Coed Castan. The Derwent house type which has been used on a number of phases on Parc Derwen, will be positioned forward in the plot relative to the neighbouring dwelling which is positioned behind a parking area. The siting and layout affords a relatively generous rear garden for the dwellings, the boundaries of which are shared with the proposed retail centre parking and servicing area and for Plot 1, the side garden of 2 Clos Coed y Castan. A single storey garage will be constructed in the rear gardens of both Plots 1 and 2 accessed via driveways formed to the sides of the respective dwellings. A pair of 3 storey semi-detached dwellings adapted for this corner site will occupy Plots 3 and 4. The Ullswater house type is a 3 bedroom unit with a standard pitched and gable roof reaching a maximum height of 3.5m from ground level. Pedestrian and vehicular access will be from the road frontages on Clos Coed y Castan and Ffordd y Celyn. Again relatively generous rear gardens will be provided for the dwellings which will share their rear boundary with the proposed retail centre parking and servicing area. The Derwent will be finished in red brick whilst the Ullswater corner units will be finished in natural stone cladding. The roofing material for both house types will comprise grey tiles.

Detailed soft landscaping proposals for the retail centre have formed part of this Planning submission with the key elements being the planting of a native hedgerow along the boundaries of the eastern parcel, the landscape zone at the southern end of the service

yard to the rear of the Alpha Block which will incorporate hedge planting, a grassed and wildflower area and a number of native trees. Planting, comprising shrubs, ornamental and native trees will frame the public realm areas to the front and side of the retail blocks. The shared boundary between the western parcel of land and the existing properties on Clos y Coed Castan will also be landscaped but will include a line of native trees to be planted inside the existing boundary fence.

The application has also been accompanied by a noise survey undertaken by Environoise Consulting Limited on behalf of the applicant company. The findings will be considered later in the assessment of this application.

RELEVANT HISTORY

P/00/288/OUT – S106 & Conditional Consent– 14 November 2007

Residential Development, District Centre, Primary School, Community Facilities & Open Space

P/04/1715/FUL – Conditional consent – 13 November 2007

Access road and drainage works

P/08/52/FUL – Conditional consent – 19 March 2008

Extension to access roads

P/12/822/RLX – Conditional consent – 4 January 2013

Extend period for submission of reserved matters

P/17/686/RLX – Conditional consent – 17 October 2017

Further extension to period for submission of Reserved Matters

PUBLICITY

The application has been advertised on site. Neighbours have also been notified of the receipt of the application and to the submission of amended plans with consultation letters sent on 19 September 2019, 18 March 2020 and 9 April 2020. A more limited consultation of properties that adjoin the eastern phase of the development was carried out on 28 May 2020. The period allowed for response to consultations/publicity has expired.

CONSULTATION RESPONSES

Highways Officer – No objection subject to conditions.

Land Drainage – No objections subject to conditions.

Dwr Cymru Welsh Water – No objections subject to conditions.

South Wales Police – Generally pleased with the site layout. A copy of these observations has been forwarded to the applicant company.

Glamorgan Gwent Archaeological Trust – No objection.

Shared Regulatory Services – Environment Team – No objections subject to conditions

Head of Street Scene (Waste & Recycling): There appears to be little consideration for waste management to serve a multitude of flats and retail units. Bin store capacity is limited and the locations are inaccessible for refuse and recycling vehicles.

REPRESENTATIONS RECEIVED

Councillor Amanda J Williams: I still require further reassurance with a number of elements of the plans regarding parking. What will prevent cars from parking on the main road, what will prevent them having to reverse into the main road, what will prevent cars mounting the pavements to access some of the parking spaces, I'm fearful that there are not enough parking spaces for shops and residential.

Objections to the original Planning submission were received from the occupiers of the following properties:

31 Trem Gwlad yr Haf:
9 Ffordd y Cigfran
25 Maes y Cadno
20, 22 & 30 LLys Ceirios
3 & 4 Clos yr Eirlys
10 & 12 Bryn Eirlys
1 Ffordd y Celyn
11 Llys y Ddraenen Wen
12 Llys y Brwyn
2 Gerddi'r Briallu
6 Maes y Coed Castan

The objections can be summarised as:-

- Scale of development – too many residential units – site infrastructure cannot cope with additional traffic, the schools with the additional pupils – the pressure on the whole community is too great – high rise unaesthetically pleasing design, overbearing on surrounding homes – should be retail development alone;
- Impacts on the amenities of residents - 3 storey development will overlook adjoining properties and will limit privacy and daylight to the adjoining gardens – noise from the commercial units (customers/deliveries/waste collection) will impact living conditions; will the proposed uses be compatible with the residential uses above;
- Highway safety – the site is located on the main thoroughfare - more vehicles parking and reversing out will increase the risk of pedestrian/car collisions – scale of development would lead to congestion on the road network;
- Developer's previous failings – the developer has failed to complete other works on site – did not inform prospective purchasers of the proposed development;

In response to the re-consultations undertaken, concerns/objections were received from the following properties:

12 Bryn Eirlys
1 Ffordd y Celyn
6 Maes y Coed Castan
20, 22 & 30 LLys Ceirios

The reduction in the unit numbers (flats and retail units) was broadly welcomed. A number of issues were however raised which are summarised below:

- Maintain that additional living units are unnecessary and concerns about impact in site infrastructure remain.
- Concern about noise levels around the retail units remain – deliveries could occur 24 hours a day which would have an unacceptable impact on the living conditions of

residents - the landscaping surrounding the proposed planning does not include acoustic fencing which should be in keeping with the surroundings – 3m high fencing would be unacceptable – dominate outlook from gardens and dwellinghouses.

- Object to trees being planted on areas backing on to the boundaries of existing properties as this could cause insurance and maintenance issues should they become oversized.
- Concern about the lack of a marked pedestrian crossing (Zebra or Pelican) between the 2 commercial sites, as pedestrians will be crossing the main arterial route on the estate.
- The parking spaces for the corner house (Plot 4) which appear to be on a slight bend and could result in vehicles reversing into the path of oncoming traffic – suggest this unit is removed and the area landscaped.
- Cars could mount the kerbs outside houses if the spaces are full – could the Council consider yellow line to prevent this happening.

COMMENTS ON REPRESENTATIONS RECEIVED

The objections will be considered in the appraisal section of the report.

POLICY CONTEXT

The most relevant policies relating to the proposed development from the adopted Bridgend County Borough Council Local Development Plan (2013) are:

Strategic Policy SP2	Design and Sustainable Place Making
Strategic Policy SP3	Strategic Transport Planning Principles
Strategic Policy SP10	Retail and Commercial Hierarchy
Policy ENV5	Green Infrastructure
Policy ENV7	Natural Resource Protection and Public Health
Policy PLA4	Climate Change and Peak Oil
Policy PLA11	Parking Standards
Policy REG5 (1)	Local Retailing and Commercial Development

SPG07: Trees and Development

SPG19: Biodiversity and Development: A Green Infrastructure Report

Policy SP2 (Design and Sustainable Place Making) in particular states:

All development should contribute to creating high quality, attractive, sustainable places which enhance the community in which they are located, whilst having full regard to the natural, historic and built environment by:

- 1) Complying with all relevant national policy and guidance where appropriate;
- 2) Having a design of the highest quality possible, whilst respecting and enhancing local distinctiveness and landscape character;
- 3) Being of an appropriate scale, size and prominence;
- 4) Using land efficiently by:
 - i. being of a density which maximises the development potential of the land whilst respecting that of the surrounding development; and
 - ii. having a preference for development on previously developed land over greenfield land;
- 5) Providing for an appropriate mix of land uses;
- 6) Having good walking, cycling, public transport and road connections within and

- outside the site to ensure efficient access;
- 7) Minimising opportunities for crime to be generated or increased;
 - 8) Avoiding or minimising noise, air, soil and water pollution;
 - 9) Incorporating methods to ensure the site is free from contamination (including invasive species);
 - 10) Safeguarding and enhancing biodiversity and green infrastructure;
 - 11) Ensuring equality of access by all;
 - 12) Ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be adversely affected;
 - 13) Incorporating appropriate arrangements for the disposal of foul sewage, waste and water;
 - 14) Make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change; and
 - 15) Appropriately contributing towards local, physical, social and community infrastructure which is affected by the development.

The supporting text to this Policy advises that Policy SP2 demands a high quality of design incorporating equality of access in all development proposals and seeks to ensure that new built development is sensitive to its surrounding environment.

In the determination of Planning applications, regard should also be given to the requirements of National Planning Policy, which are not duplicated within the Local Development Plan.

The following Welsh Government Planning Policy will be relevant to the determination of any future planning application on this site:

Planning Policy Wales (PPW) 10 (December 2018)

TAN 5: Nature Conservation and Planning

TAN 4: Retail and Commercial Development

TAN 11: Noise

TAN 12: Design

TAN 18: Transport

TAN 23: Economic Development

The primary objective of PPW is to ensure that the Planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

In terms of Active Travel, Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys particularly everyday journeys such as to and from a workplace. The Act requires local Authorities to produce Integrated Network Maps identifying the walking and cycling routes required to create fully integrated networks for walking and cycling to access work, education, services and facilities.

APPRAISAL

The application is referred to Committee in response to the objections raised by the local residents.

The Planning system manages the development and use of land in the public interest contributing to improving the economic, social, environmental and cultural well-being of Wales, as required by the Well-being of Future Generations (Wales) Act 2015. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land and protecting natural resources and the historic environment.

A well-functioning Planning system is fundamental for sustainable development and achieving sustainable places (Paragraph 1.2 of Planning Policy Wales - Edition 10 – December 2018 refers).

Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led Planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers).

The Well-being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) to carry out sustainable development and it is accepted that a plan-led approach is the most effective way to secure sustainable development through the Planning system.

The main issues in the assessment of this application are considered to be whether:

- the development accords with the parameters for the district centre established by the Outline Planning permission and Section 106 Agreement;
- the design and layout achieves the high standards of design required by national and local Planning policies and guidance including the Parc Derwen Design Brief and Design Code;
- the development will safeguard the living conditions and well-being of existing and future residents;
- the proposed access and parking arrangements are acceptable in highway safety terms;

Does the development accord with the parameters for the district centre established by the Outline Planning permission and Section 106 Agreement?

As indicated in the introduction to this report, this is a Reserved Matters submission pursuant to the original Outline Planning permission P/00/288/OUT as amended by P/17/686/RLX. The original Outline Planning permission proposed a district centre and a condition was included that sought to control the size of the retail units. No other controls were imposed through the permission.

As the development incorporates a number of living units, residents have expressed concerns about the impact on site infrastructure (roads, schools, drainage, services etc.). As a Reserved Matters submission, such objections are not material as the approved infrastructure was designed to accommodate the district centre. The capacity issues with the primary school are well known but cannot be addressed as part of this application. The housing numbers delivered as part of the development contribute to the 1515 units approved for Parc Derwen.

Under Policy REG5 (1) of the Bridgend Local Development Plan (2013), the Parc Derwen development is identified as a location for small-scale local retail development with a mix of A1, A2, A3, D1 and D2 uses up to a maximum of 3,000 square metres.

The submission as amended, with the reduction in the retail units from 9 to 7 and residential units from 44 to 20, accords with the Outline Planning consent and will provide an opportunity to provide community based facilities and services that will minimise the need to travel. Persimmon Homes have not provided an indication of the future uses of

the proposed development other than a convenience goods retailer is likely to occupy the largest units in the Alpha Block. The assessment of this application has been on the basis of only A1 uses. Alternative uses will need to be the subject of future Planning applications.

Does the design and layout achieve the high standards of design required by national and local Planning policies and guidance including the Parc Derwen Design Brief and Design Code?

The national sustainable placemaking outcomes have six objectives which aim to deliver the right development in the right place. With the principle of a district centre being developed on Parc Derwen being accepted, a key assessment is whether the high standard of design required at both a national and local policy level has been achieved. In this regard, the Parc Derwen Detailed Design Code (DDC) and Design Guidance (DG) are material considerations.

The district centre is located in the Urban Core where the character should be defined by a network of streets each with a well-defined building line with gaps in the frontage kept to a minimum. Parallel frontages should be avoided with variation in the distance between frontages creating interest and variety. Changes in the direction and alignment of the street should create an evolving and varied townscape. For the district centre, it was envisaged that the Main Street Frontage would have a mix of 2, 2½, 3 and 4 storey buildings to reinforce the character. Where 3 and 4 storey buildings are used so that within their context they form minor landmarks, special consideration should be given to their architectural quality and richness.

The designers initial response failed to appropriately address the design framework set out above. The plan below is an extract of the latest site layout which demonstrates well defined frontages but with the Alpha and Beta blocks off-set to avoid parallel street forms. The space created not only adds some visual interest but it attempts to produce a village square around the parking, traffic calmed highway and public realm areas. The layout accords with the above guidance.



Fig. 3 – General Layout

Residents, in response to the initial submission, suggested that the scale of the development was high-rise and not aesthetically pleasing. The initial submission which proposed 2 and 3 storey blocks either side of the central access road was proportionally wrong and would have failed to meet the design code and impacted on the living conditions of existing residents. The latest plans retain the 3/4 storey tower as a landmark

building at the northern end of the main retail parade (see extract plan below):



Fig. 4 – Front Elevation of Alpha Block

The mass of the Alpha Block has been reduced with the transition from 3 to 2 storey reflecting the natural fall in ground levels whilst respecting the relationship with existing properties to the south of the site. With the Beta block building also being reduced in scale, the form of development is more akin to a village street which is ultimately what the design code was seeking to achieve.

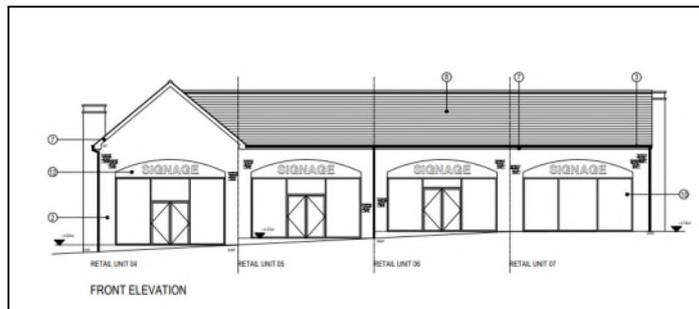


Fig. 5 - Beta Block (Front Elevation)

Ensuring true architectural richness on the façades of any buildings is one of the most challenging aspects of designing any structure. In this case, the designer is reliant on the use of a palette of materials that complements the surrounding housing with the introduction of weather boarding and stone detailing. The hipped 3 storey tower at the high corner of the site creates a landmark feature whilst the transition across the rest of the block from 3 to 2 storey adds some visual interest whilst also reducing the mass of the building. Appropriate hard and soft landscaping around the public realm areas should ensure that the new built environment achieves a reasonably high standard of design.

The rear facades of both blocks will be visible from the existing housing and the relationship in terms of existing living conditions will be considered later in the report. Unsurprisingly, they lack the visual interest of the front facades and are designed as the service entrances to the commercial and residential uses. The palate of materials is carried through to the rear elevations which will ensure that the visual impact of the development on the surrounding properties is acceptable. The introduction of landscaping in the form of hedge and tree planting around the eastern and western boundaries of the development will in time provide some screening of the buildings.

Does the development safeguard the living conditions and well-being of existing and future residents?

Ensuring that the viability and amenity of neighbouring occupiers will not be affected is a key policy test and for this application that relates not only to a review of the built

development but also how the retail centre will operate (calling customers/deliveries etc.) mindful that both sites immediately adjoin existing properties.

Alpha Block occupies the eastern parcel and shares its southern boundary with 16 – 21 Llys Ceirios. Beyond the 1.8m fence that defines the boundary, the ground rises following that natural topography. The southern 2 storey elevation of Alpha Block will be a minimum of 8m and a maximum of 21m from the shared boundary. To the rear elevations of the nearest dwellings the distances increase to 22m and 30m respectively. The service road and landscape zone of varying depths will occupy the intervening space. Given that these new properties currently enjoy an uninterrupted outlook the development will create an imposing structure when viewed from the habitable room windows at the rear. Residents have expressed concerns that the development will overshadow and dominate outlook. To suggest there will be no impact would be wrong and the development site certainly lies above the existing housing to the site. That said, given the separating distances recorded above which more than exceed the Council's guidelines, any domination will not be so significant as to warrant a refusal of Planning permission and is a considerable improvement on the original submission. As the development lies to the north of Llys Ceirios, overshadowing will not be a factor. Privacy could however be compromised as two window openings in the elevation facing existing properties will serve habitable rooms. A condition will be imposed requiring the window openings to be fitted with obscure glazing.

From the submitted drawings, the main Alpha Block will be between 23m and 37m from the shared boundaries with side boundaries of 33 and 34 Llys Ceirios. Over such distances, issues relating to privacy, daylighting and domination are not material even accounting for the 3 storey form of part of the development. Land to the west and north west of 34 Llys Ceirios will be developed as a parking area for the residential accommodation proposed above the retail block. A number of spaces will be relatively close to the common boundary and there is a degree of uncertainty as to the finished level of this part of the parking area. Observations received from the Highway Officer suggests an overprovision of residents parking. Potentially, a number of the spaces in this location could be omitted and the area landscaped or screened to further minimise impact.

As described earlier in this report, the relationship of existing properties to the northern boundary varies with some having parallel gardens and others rear gardens and parking spaces adjoining the site. The northern corner of Alpha Block includes the 3 storey tower which will be between 16m and 18m from the side boundary of the nearest dwelling – 2 Ffordd y Celyn. All habitable room windows in this dwelling are either rear or front facing so any impact in terms of dominating outlook and daylighting will not be significant. That said, given the scale of the development it will be a significant landmark when seen from the rear gardens of the nearest properties. The 3 storey side elevation does include habitable rooms at first and second floor levels but with some 16m and the service road separating, the loss of privacy experienced by the residents does not warrant the introduction of obscure glazing in these window openings. The built form of the development as it relates to other properties to the north of the site will be limited.

In operational terms, there is the potential for the retail development to cause some disturbance to residents given the close proximity of houses to the site. Along the respective boundaries of the site, existing properties are positioned relatively close to proposed car parking, the service yard and the gated service access road. The updated noise survey has considered the impacts and recommends that controls are imposed on delivery times. The Council's Shared Regulatory Services Section has gone further and sought controls to delivery and opening hours to prevent the living conditions of existing and future residents being unduly affected.

A number of residents highlighted a suggestion in the noise survey for a 3m high acoustic barrier to be erected along certain boundaries of the development which included the rear boundary of properties on Llys Ceirios. They maintain that such a structure would overshadow and dominate outlook, a concern that is shared. This recommendation was however offered should it have been necessary for the retail units to be serviced over a 24 hour period. Such an arrangement is not proposed and, on the basis of the current evidence, could not be supported.

Opportunities do exist to further minimise the impact of the servicing arrangements, particularly on the boundaries with 16-20 Llys Ceirios and 33 and 34 Llys Ceirios as space will be available to accommodate additional planting and screening. Space is more limited along the northern boundary where properties will be adjacent to the car parking for customers/residents and the main access to the service yard. In this case, protecting the amenities of residents will be secured through conditions that will agree a delivery and service management plan, restrict deliveries to between 07:00 hours and 20:00 hours, control the rating levels of all fixed plant on the commercial units, and permit the shops to open between 07.00 hours to 23.00 hours - Monday to Saturday and 07.00 hours to 22.00 hours on Sundays and Bank Holidays.

Beta Block and the associated parking and servicing areas immediately adjoin the rear boundaries of 4-12 Bryn Eirlys and side boundaries of 1 Clos yr Eirlys. The rear elevation of the single storey block will be between 11m and 14m from the defined boundary and more generous distances from the rear facing windows of the dwellings. The scaling back of this phase of the development has addressed previous concerns about domination, overshadowing and loss of privacy and this appears to be reflected in the responses from the most recent consultations.

Nevertheless, opportunities to minimise the built form of this phase of the development should be exploited but it is noted that a number of residents have expressed concerns about tree planting so close to the shared boundary and the potential for damage to be caused to property in the future. Revised landscaping details will need to be agreed before development on this phase commences and consideration will be given to these concerns.

The position of the bin store so close to the boundary of 1 Clos yr Eirlys remains an issue and a condition will be imposed requiring a re-design/re-location of this building. Parking spaces at the northern end of the site adjacent to Clos yr Eirlys have drawn some concerns from residents in terms of their operation but this is more a matter of highway safety and will be considered elsewhere in this report.

Like the Alpha Block, the Beta Block incorporates a service yard at the rear and parking areas to the north and south. Again, its future operation has the potential to impact on the amenities of residents. As with the arrangement for the Alpha Block, a tranche of Planning conditions will, however, be imposed to control times when the shops will be open and when servicing and deliveries will take place. Noise from the operation of the centre will not be completely diminished but the controls should ensure that an acceptable soundscape is provided and noise pollution is minimised to a reasonable level.

The proposed dwellings that will occupy the southern part of the western parcel will have shared boundaries with the existing road network, the parking/servicing area of the Beta Block and the side of 2 Clos y Coed Castan. The nearest dwelling will sit forward in the plot but will be separated by the proposed driveway. A pitched roof detached garage proposed in the rear garden will be offset from the shared boundary and sufficiently distanced as to prevent any loss of daylight or issues of domination.

In brief, this phase should have limited impact on the living conditions of existing residents given the scale and layout of dwellings proposed. The corner plot will be occupied by a 3 storey townhouse to create a landmark building at the gateway to the district centre. It will contribute positively to the street scene without having any other significant impacts given the distances from existing properties.

An assessment of living conditions would not be complete without consideration given to the future occupiers of the residential units in Alpha Block and the four dwellings on the western parcel. The level of amenity space afforded to the proposed dwelling is relatively generous albeit the rear boundary will be shared with the car park/servicing area of Beta Block. Controls imposed to safeguard existing residents will also benefit the occupiers of these new properties and the flat units. Outdoor amenity space for these social rented flats will be at the rear and will be given over to bin and cycle storage and located close to the servicing operations of the retail units. Such limited provision must however be balanced against the benefits of being close to facilities, good transport links and thereby minimising the need to travel and more broadly contributing to the national policy objective of creating sustainable communities.

An evaluation of the latest layout confirms that the impacts of the built development on existing residents are acceptable and will be minimised with obscure glazing on offending windows, minor adjustments to the layout in terms of parking and bin storage and the implementation of a comprehensive landscaping scheme around the boundaries of the site. The operational impacts are potentially more considerable but the imposition of Planning conditions to control certain aspects of the use should ensure that living conditions of existing residents will be reasonably safeguarded thus addressing the local and national policy requirements.

Are the proposed access and parking arrangements acceptable in highway safety terms?

A number of residents have offered detailed objections questioning the arrangement of the centre with vehicles having to reverse onto the main thoroughfare and the potential for conflicts to occur with pedestrians. The latest arrangement proposes a limited number of spaces on-street and on only one side of the highway. Subject to minor modifications to the vision splays for the spaces, this layout is considered acceptable in highway safety terms and not dissimilar to the arrangement at the Broadlands District Centre.

A dedicated crossing area has also been included in the latest design which is likely to be incorporated into the design of a traffic calming feature – this has not raised any objections from the Highways Officer.

The Officer's detailed assessment is reproduced below for Members consideration:

In terms of the Residential element there are 16 Flats proposed above the retail units in Alpha block on the Eastern side of the parcel. The 12 x 1 Bedroom flats and 4 x 2 bedroom units require a maximum of 23 spaces for the residential units (including for 2 visitor spaces). The proposed layout indicates 25 however, it is considered that this slight overprovision can be overcome by a suitably worded Planning condition. In addition 4 individual dwellings (4 x 3 bedroom units) are proposed to the south of Beta block (on the Western side of the parcel). Each of the 4 dwellings requires 3 parking spaces which are proposed by way of driveways and garages the provision of which will be ensured by condition.

The retail element is proposed by way of 7 retail units in total. Alpha block on the Eastern side of the Development Parcel provides 3 units (numbered 1 -3, 1 of 396m² and 2 at 126m²). Beta block on the Western side of the Development Parcel provides 4 units

(numbered 4-7 of 133m² each). No information has been provided in respect of the breakdown of the floorspace or number of units required for different retail offerings. Therefore it has been necessary to calculating parking requirement based on the use of all the units as regular A1 retails uses. This calculation indicates that a total of 33 spaces are required for retail purposes (24 spaces for Alpha block and 9 for Beta block).

The submission proposes 42 spaces which is considered to be an overprovision. It is understood that there is likely to be a need for a mix of use types to provide a meaningful and vibrant district centre, and in this regard additional parking may be required. Given the lack of information within the application however, it is considered that the most appropriate method to overcome the issue is to limit the use class of the retail units to Class A1 and require a scheme of parking commensurate with that use class in the knowledge that additional spaces could be provided if required in future alongside proposals for alternative uses which would be given due consideration on their own merits.

The proposal is also supported by vehicle swept path diagrams indicating the ability to service the rear of Alpha block with vehicles of an articulated nature and a smaller rigid vehicle to the rear of Beta blocks. There is however, concern that if these areas are used inappropriately there could be highway safety issues resulting with deliveries occurring from the highway and undertaking inappropriate manoeuvres to the detriment of highway safety. It is therefore requested that Delivery and Servicing management plans for each of these areas is requested by condition. This can cover the collection of refuse from the flatted element and the operation of any gates at the two delivery yards.

Existing residents have expressed some concerns that when the parking spaces for shoppers are full they are likely to park across the kerbs. To ensure that customers do not park inappropriately on the local highway, waiting/loading restrictions will be necessary immediately surrounding the district centre. The funding for road traffic orders has been secured through the original S106 Agreement and the monies can be used to cover the cost of the order at this location.

From the observations received, and subject to some further adjustments to the site layout, the development is acceptable from a highway safety perspective.

On other matters of detail, the observations received from consultees indicate that site drainage is not a development constraint although it will be necessary to agree a comprehensive scheme before development commences on site. Previous site clearance works have removed any biodiversity interest on site but there is an opportunity for enhancement works to be incorporated into the build of the units such as bird and bat boxes and appropriate native species in the proposed landscaping. Overall, there will be no significant adverse residual impacts on the natural environment and biodiversity provided that conditions are attached to the recommendation. The development therefore accords with Policies SP2, SP4, ENV5 and ENV6 of the LDP and advice contained within SPG07 and SPG19, Planning Policy Wales 10 (December 2018) and TAN5.

Affordable housing delivery on Parc Derwen has been extremely limited and well below the threshold established by local policy. The proposed developers of the district centre have also submitted an application to deliver the final housing phase R20 on Parc Derwen and that application is also being reported to this Development Control Committee meeting. As a full application, there is a requirement to provide 20% affordable housing as part of application but the developers are proposing the provision across two sites - 7 Intermediate housing units on R20 with the remainder as part of this district centre development - 14 social rented units. This approach complies with the advice provided in SPG13 Affordable Housing but the delivery and timing of the affordable element on both

sites will need to be secured to ensure that the two developments are linked and the delivery tied to the market housing on the R20 phase of the development.

CONCLUSION

Section 38(6) of the 2004 Act requires that if regard is to be had to the Development Plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. Factors to be taken into account in making Planning decisions (material considerations) must be Planning matters, that is they must be relevant to the regulation of the development and use of land in the public interest towards the goal of sustainability.

On balance and having regard to the above, weighing up of all material considerations relevant to this scheme, the principle of developing this land as a district centre which has previously been agreed and the submitted design, the development accords with the Outline Planning permission, related S106 Agreement and supplementary Planning guidance in the form of the Parc Derwen Development Brief and Parc Derwen Detailed Design Code.

Despite the concerns offered, the proposed development generally achieves the high standards required by policy and guidance and where compromises are made, they are not sufficient to warrant a refusal of Planning permission. Subject to the agreement of a number of Planning conditions, the amenities of both existing and future residents will not be significantly compromised and acceptable access, parking and site drainage arrangements can be provided.

Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with sustainable development principles to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (section 5). The well-being goals identified in the Act are:

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

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

The application is therefore recommended for approval.

RECOMMENDATION

(A) The applicant enters into a Section 106 Agreement to provide:

i a minimum of 20% of the units as affordable housing consisting of 14 social rented units on the site subject of this application site and 7 intermediate units as part of R20 (P/19/624/FUL refers). The Agreement will include a timeframe for delivery that will be concomitant to the construction of the market housing on Phase R20.

iii. a financial contribution of £8,000.00 for a 20mph Traffic Order (within the parcel) to cover the cost of publication of the Order prior to the granting of any consent.

iii a Management Plan detailing a scheme for the future management and maintenance of the car parking and communal service areas on the District Centre Development (P/19/656/RES refers) to be submitted by the applicant company.

(B) The Group Manager – Planning and Development Services be given delegated powers to issue a decision notice granting consent in respect of this proposal once the applicant has entered into the aforementioned Section 106 Agreement, as follows:

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

Site Location Plan – CPT-281-SITE PL-02
Proposed Layout Plan – CPT - 281 – SITE – PL-01-REV H

Ground and First Floor Plans CPT-281 – PL – ALPHA 02 Rev F
Second Floor and Roof Plan CPT-281 – PL – ALPHA 03 Rev E
Elevations and Sections - CPT-281 – PL – ALPHA 04 Rev F

Elevations and Sections - CPT-281 – PL – BETA 04 Rev E
Ground and First Floor Plans CPT-281 – PL – BETA 02 – Rev E
Ground and First Floor Plans CPT-281 – PL – BETA 02 Rev E

Ullswater GF – WD16 – Plans and Elevations – Rev C
Ullswater Corner – GFC – WD10 – Plans and Elevations – Rev C
Derwent – HT – WD16 – Plans and Elevations Village – Rev D
Standard Single/Double Garage – Plans and Elevations – SGD-01

The glazing and ventilation specification shall accord with the details specified in section 6.1.2 of the noise report entitled – Proposed 7 retail units, 16 flats and 4 houses land North of Heol Stradling, Parc Derwen CF35 6AN – report ref – 21301R016DMpak. The glazing, trickle ventilation and acoustic trickle ventilation shall be installed prior to occupation of the dwellings.

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

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

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

3. Notwithstanding the details submitted on Detailed Soft Landscaping Proposals – TDA 2506.01 Rev A, no development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a revised landscaping scheme and programme of works. The landscaping works shall be carried out as agreed.

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

4. Notwithstanding the details submitted on Engineering Layout – 10258-001 – Rev D, no development shall take place until details of the proposed floor levels of the buildings in relation to existing ground levels and the finished levels of the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development relates appropriately to the topography of the site and the surrounding area.

5. Notwithstanding the details submitted on drawings Ground and First Floor Plans CPT-281 – PL – ALPHA 02 Rev F, Second Floor and Roof Plan CPT-281 – PL – ALPHA 03 Rev E, Elevations and Sections - CPT-281 – PL – ALPHA 04 Rev F, no development shall commence until a scheme has been submitted and agreed in writing by the Local Planning Authority for alternative window designs in the first floor on the southern elevation of Alpha Block facing Llys Ceirios. The scheme shall include a combination of fixed pane obscure glazing (minimum of level 5 on the Pilkington index of obscurity). The agreed window scheme shall be fitted prior to the development being brought into beneficial use and shall thereafter be retained in perpetuity.

Reason: In the interests of privacy and residential amenities.

6. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul, road and roof/yard water will be dealt with including future maintenance requirements, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall also include details of how ground water will be managed during the construction phase. The scheme as approved in writing by the Local Planning Authority shall be implemented throughout the period of construction, prior to the beneficial use of any property and retained in perpetuity.

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

7. Notwithstanding the submitted Construction Management Plan, no development shall commence until a Phasing Plan and Revised Construction Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Phasing and revised Construction Management Plan shall include:-

- Phasing plan for the construction of the Alpha and Beta Blocks, the associated parking and service/delivery roads and the proposed dwellings
- Timing and routing of construction and delivery vehicles
- Provision of a temporary compound for the storage of construction materials and plant;
- Parking for contractor's vehicles throughout the construction phase;
- Parking of vehicles for site operatives and visitors;
- Wheel washing to prevent mud and debris from the construction traffic being carried out onto the existing highway network within the Parc Derwen Estate;

The construction works shall thereafter be undertaken in accordance with the agreed Construction Management Plan throughout the construction phase.

Reason: In the interests of highway safety

8. The retail premises shall be used for retail (A1) only and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To avoid doubt and confusion as to the nature and extent of the approved development and in the interests of safeguarding the amenities of residents and in the interests of highway safety.

9. No development shall commence until a scheme of waiting and loading restrictions on the surrounding highway network has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include details of road markings and signage. Such scheme shall be implemented as approved by the Local Planning Authority prior to the development being brought into beneficial use.

Reason: In the interests of highway safety

10. No development shall commence until a scheme of traffic calming on the approaches to and within the district centre has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include details of road markings and signage. Such scheme shall be implemented as approved by the Local Planning Authority prior to the development being brought into beneficial use.

Reason: In the interests of highway safety

11. No development shall commence until a scheme of junction priority markings at the junctions has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include details of road markings and signage. Such scheme shall be implemented as approved by the Local Planning Authority prior to the development being brought into beneficial use.

Reason: In the interests of highway safety

12. The proposed vision splays shown on drawing CPT-281 SITE-PL-01 Rev H received 27/5/20 shall be provided before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

13. Before the related development is brought into beneficial use, vision splays for the following properties shall be provided:

- The means of egress from the servicing and delivery bay to the rear of Alpha Block shall be laid out with vision splays of 2.4m x 25m in both directions;
- The proposed driveway to Plot 4 shall be laid out with vision splays of 2.4m x 25m in both directions with cycle vision splays of 2.4m (measured from the back of active travel route) x 30m in both directions;

The vision splays shall be retained as such thereafter and 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

14. Notwithstanding the submitted drawings no development shall commence until a revised scheme for the provision of a shared 3m wide footway/cycleway fronting Beta block and linking with the existing shared facilities to the North and South has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include for required margins, signage, tactile paving, and bollards to prevent vehicles mounting the facility. Such scheme shall be implemented as approved by the Local Planning Authority

prior to the development being brought into beneficial use and maintained and retained in perpetuity

Reason; In the interests of highway safety

15. Notwithstanding the submitted drawings no development shall commence until a revised scheme for the provision of a shared 3m wide footway/cycleway fronting Alpha block and linking with the existing shared facilities to the North has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include for required margins, signage, tactile paving, pedestrian and cycle vision splays at the Southern egress from the servicing and delivery bay to the rear of Alpha Block (2.4m (measured from the back of active travel route) x 30m in both directions and bollards to prevent vehicles mounting the facility. Such scheme shall be implemented as approved by the Local Planning Authority prior to the development being brought into beneficial use and maintained and retained in perpetuity

Reason; In the interests of highway safety

16. No development shall commence until a scheme for the provision of a shared 3m wide footway/cycleway linking the district centre at the North Western corner of 16 Llys Ceirios to the frontage of 25 Heol Stradling has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include for required margins, signage, tactile paving, and bollards to prevent vehicles mounting the facility. Such scheme shall be implemented as approved by the Local Planning Authority prior to the development being brought into beneficial use and maintained and retained in perpetuity

Reason: In the interests of highway safety.

17. Notwithstanding the submitted drawings there shall be no direct pedestrian/cycle access from the residential core of Alpha Block to the rear servicing yard.

Reason: In the interests of highway safety

18. Notwithstanding the submitted drawings no development shall commence until a revised parking scheme for the provision of 23 residential parking spaces for the flats within Alpha block has been submitted to and approved in writing by the Local Planning Authority. The parking area shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to any of the flats being brought into beneficial use and shall be retained for the purposes of parking of residents and visitors vehicles only thereafter.

Reason: In the interests of highway safety

19. Notwithstanding the submitted drawings no development shall commence until a scheme for the provision of 10 cycle stands for the flats within Alpha block has been submitted to and approved in writing by the Local Planning Authority. The stands shall implemented before the development is brought into beneficial use and retained as such thereafter.

Reason: In the interests of promoting sustainable means of travel to / from the site.

20. The garages hereby approved on Plots 1-4 shall only be used as a private garages and not for any commercial purposes whatsoever and at no time shall they be converted to a room or living accommodation.

Reason: To ensure that adequate parking facilities are provided within the curtilage of the

site.

21. The driveways serving Plots 1-4 shall be completed in permanent materials in accordance with the approved layout prior to those individual units being brought into beneficial use and shall be retained for the purposes of parking thereafter in perpetuity.

Reason: In the interests of highway safety.

22. Notwithstanding the submitted drawings, no development shall commence until a revised parking scheme for the provision of 33 parking spaces (including 2 disabled bays) for the retail units within Alpha block and Beta block has been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be completed in permanent materials with the individual spaces clearly demarcated in permanent materials in accordance with the approved layout prior to any of the retail units being brought into beneficial use and shall be retained for the purposes of parking thereafter in perpetuity.

Reason: In the interests of highway safety

23. Notwithstanding the submitted drawings, no development shall commence until a scheme for the provision of 9 long stay cycle parking stands and 9 short stay cycle parking stands for the retail units within Alpha block and Beta block has been submitted to and approved in writing by the Local Planning Authority. The stands shall be implemented before the development is brought into beneficial use and retained as such thereafter in perpetuity.

Reason: In the interests of promoting sustainable means of travel to/from the site

24. Notwithstanding the submitted drawings, no development shall commence until a servicing and delivery management plan for the retail and residential units within Alpha block has been submitted to and approved in writing by the Local Planning Authority. The plan shall include at least the details of demarcated delivery/servicing bays, lorry manoeuvring area together with a gate management plan. The plan will also need to demonstrate how deliveries will be managed to ensure that deliveries to the units will not coincide with each other at the same time and to ensure that noise from the deliveries from unloading operations will be kept to a minimum. The areas shall be demarcated in permanent materials prior to the beneficial use of the units and kept clear for the manoeuvring of delivery and servicing vehicles.

All deliveries to the residential and retail units shall be carried out and maintained for as long as the development continues in accordance with the approved servicing and delivery management plan.

Reason: In the interests of highway safety

25. Notwithstanding the submitted drawings no development shall commence until a servicing and delivery management plan for the retail units within Beta block has been submitted to and approved in writing by the Local Planning Authority. The plan shall include limiting the size of delivery / service vehicle details to 9.57m together with appropriate signage, the provision of demarcated delivery/servicing bays, lorry manoeuvring and turning area together with a gate management plan. The plan will also need to demonstrate how deliveries will be managed to ensure that deliveries to the units will not coincide with each other at the same time and to ensure that noise from the deliveries from unloading operations will be kept to a minimum. The areas shall be demarcated in permanent materials prior to the beneficial use of the units and kept clear for the manoeuvring of delivery and servicing vehicles with all servicing and delivery vehicles movements to the site and gate operation shall be made in accordance with the management plan thereafter.

All deliveries to the retail units shall be carried out and maintained for as long as the retail development continues in accordance with the approved retail delivery management plan

Reason: In the interests of highway safety.

26. The retail units hereby approved shall not be open to customers outside the following times:-

07.00 hours to 23.00 hours - Monday to Saturday: and
07.00 hours to 22.00 hours - Sundays and Bank Holidays

Deliveries to Alpha Block and Beta Block shall not take place outside the following hours:

07:00 and 20:00 hours.

Reason: In the interests of safeguarding the amenities of local residents.

27. The rating level of the combined noise from all fixed plant, including air conditioning, refrigeration units and extraction systems, operating together (including the application of any tonal penalty if deemed necessary) when assessed in accordance with BS4142 in free field conditions at any noise sensitive premises, shall not exceed the noise levels shown below:

Time Period:	Noise rating level:
Day (0700-23.00)	40 dB LAeq,1 hour
Night (2300-0700)	30dB LAeq, 15mins

Prior to the installation of any fixed plant and services at the retail units, the applicant shall submit a noise assessment demonstrating that the levels of the combined fixed plant stipulated above will be achieved.

Reason: In the interests of safeguarding the amenities of local residents.

28. Within two months of all plant at the development site being brought into beneficial use, a noise report shall be submitted to and agreed by the Local Planning Authority demonstrating by means of direct measurement or where this is not possible, a combination of measurement and calculation, that the rating level of the combined noise from all plant operating together (including the application of any tonal penalty if deemed necessary) when undertaken in accordance with BS4142 in free field conditions at any noise sensitive premises shall not exceed the noise levels shown below:

Time Period	Noise rating level
Day (0700-23.00)	40 dB LAeq,1 hour
Night (2300-0700)	30dB LAeq, 15mins

Should the report conclude that these levels are not being achieved then the report should include a scheme of mitigation required to achieve these levels which must be carried out in full within a timescale agreed with the Local Planning Authority.

Reason: In the interests of safeguarding the amenities of local residents.

29. Prior to any of the retail units being brought into beneficial use, an acoustic barrier with a minimum height of 2m shall be erected at the locations shown in figure 10.1 of the noise report entitled – Proposed 7 retail units, 16 flats and 4 houses land North of Heol Stradling,

Parc Derwen CF35 6AN – report ref – 21301R016DMpak. The barrier shall be constructed in accordance with the specifications detailed in section 10.3.2 of this report.

Details of the barrier shall be submitted to and agreed with the Local Planning Authority prior to its installation to demonstrate that these specifications have been met and to show the barrier height. The barrier shall be constructed in accordance with the submitted details and shall be retained and maintained in perpetuity to ensure the integrity of the barrier is not compromised.

Reason: In the interests of safeguarding the amenities of local residents.

30. Prior to any of the retail units being brought into beneficial use, a waste management strategy shall be submitted to and agreed with the Local Planning Authority to demonstrate how waste and litter arising from the retail units will be managed and controlled. The waste management strategy will require that all waste from the retail units shall be collected between the hours of 07.00-20.00 hours Monday- Friday and at no times on the weekend or bank holidays. The waste management strategy shall be implemented in accordance with the submitted details and be retained and maintained in perpetuity..

Reason: In the interests of safeguarding the amenities of local residents.

- 31 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

32. Any topsoil [natural or manufactured]or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

33. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local

Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

34. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

35. * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

Section 38(6) of the 2004 Act requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Factors to be taken into account in making planning decisions (material considerations) must be planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

On balance and having regard to the above, weighing up of all material considerations relevant to this scheme, the principle of developing this land as a district centre which has previously been agreed and the submitted design, the development accords with the Outline Planning permission, related S106 Agreement and supplementary Planning guidance in the form of the Parc Derwen Development Brief and Parc Derwen Detailed Design Code.

Despite the concerns offered, the proposed development generally achieves the high standards required by policy and guidance and where compromises are made, they are not sufficient to warrant a refusal of planning permission. Subject to the agreement of a number of planning conditions, the amenities of both existing and future residents will not be significantly compromised and acceptable access, parking and site drainage arrangements can be provided.

The Highway Authority will require the Developer to enter into legally binding Section 111 Licence Agreement including an appropriate bond to secure the proper implementation of the proposed highway works and the adoption of the same as part of the maintainable highway. The commencement of the works on or abutting the existing maintainable highway will not be permitted until such time as the Agreement has been concluded.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None