

REFERENCE: P/19/624/FUL

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

LOCATION: Parcel R20, Parc Derwen, Coity

PROPOSAL: Construction of 102 dwellings together with associated infrastructure and landscaping

RECEIVED: 19 August 2019

This application was considered at the Development Control Committee meeting held on 23 July 2020 but it was deferred with a request that the applicant company provide a detailed assessment of the open space provision for the wider Parc Derwen development and for Officers to draft an additional planning condition that would tie the delivery of the housing on this phase to the provision of a Local Equipped Area of Play on an adjacent site.

A copy of the original report with the response from Persimmon Homes is reproduced below together with the additional planning condition and changes to the wording of other conditions that had been set out in the amendment sheet that was presented at the Committee meeting.

APPLICATION/SITE DESCRIPTION

Persimmon Homes have submitted a full planning application for the construction of 102 dwellings on land forming Parcel R20 on the Parc Derwen development at Coity, Bridgend. The site comprises nearly 4 hectares of green field land and is the southernmost part on the development. The site is relatively flat with trees and hedgerows around the perimeter of the site which provides a strong landscape feature on part of the southern boundary with Heol West Plas. A surface water lagoon and pumping station, developed as part of the Parc Derwen infrastructure, occupy the south eastern corner.



Fig. 1 – Aerial Photograph of the Application Site

The site is the last phase of housing on Parc Derwen and is covered by the original Outline Planning permission P/00/288/OUT which permitted a comprehensive

development including a district centre, school, community facilities and open space. The permission was subject to a number of Planning conditions and Section 106 obligations that, amongst other matters, controlled the number of housing units. 1,500 houses were permitted to be delivered in accordance with an agreed phasing plan.

A 'Deed of Variation' to the Section 106 Agreement was agreed in September 2014 and this allowed an additional 14 dwellings increasing the permitted number to 1,514.

There are currently 1460 dwellings which benefit from consent on the site, leaving 54 units remaining to be delivered under the Outline Planning permission. An application to develop the commercial centre has also been submitted by Persimmon Homes pursuant to the Outline consent and that includes 20 residential units on the upper floors.

As this application proposes a development that would exceed the remaining unit numbers, it has been submitted as a full application and the following documents have accompanied the submission:

- Design, Access and Planning Statement
- Transport Statement by Aecom – May 2019
- Preliminary Ecological Appraisal & Ecological Appraisal dated May 2019 and October 2019 by First Ecology
- Site Investigation Report – April 2016 by Integral Geotechnique
- BS58377 Tree Survey and Constraints Plan by Wye Valley Tree Services
- Construction Method Statement and Management Plan – March 2020

The Parc Derwen Detailed Design Code and Design Guidance identifies the site as being part of the 'Urban Core', a higher density area at the site entrance having a strong traditional urban core with a series of streets and squares. The Design Code suggests that the character will be made up of a network of streets each with a well-defined building line with gaps in the frontage kept to a minimum. The Urban Core will consist of predominantly terraced houses with some semi-detached and detached properties to give varied form. Materials will include render with some elements of brick and stone with slate being the dominant roof material.

The designer's response to the design code is a layout that comprises 102 residential units being a mix of 2, 3 and 4 bedroom dwellings.

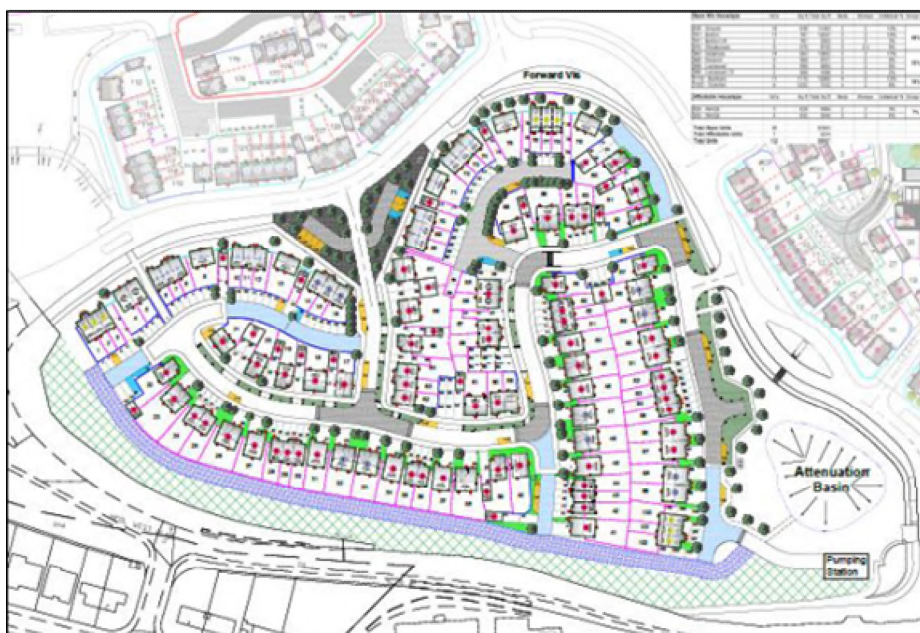


Fig. 2 - Site Layout Plan

Existing access points on Heol Stradling and Bryn Stradling will serve a connecting internal road network including a series of private drives. A strong building line is proposed along the aforementioned highways to accord with the design guidance with a 'village square' feature incorporating hard and soft landscaping, formed around the northern access to the site.

2 storey units are predominant although 2.5 stories have been introduced to form landmark buildings at key points along the street frontages.



Fig. 3 - Windermere Landmark Building

Car parking will be provided either to the front of the dwelling or on the driveways alongside and, for those dwellings that will front Heol Stradling, in parking bays at the rear accessible from the estate roads. The movement framework for the proposed development ensures pedestrian, cycle and vehicular links to the existing highway network.

A feature of the development is the 'rain gardens' that will be designed into the existing highway and will form a key component of the sustainable drainage scheme to include permeable paving and a swale created between the rear boundaries of the proposed housing on the southern boundary and the retained hedgerow.

The Transport Statement (TS) by Aecom examines the existing transport and highway issues relating to the proposed development and considers the expected travel demand.

The accompanying Ecological Appraisal by First Ecology identifies ecological constraints to the proposed development works and provides recommendations, as appropriate, to enable compliance with Planning policy and wildlife legislation. The site survey identified 13 standard Phase 1 habitat types of which the species-poor hedge with trees qualifies as a Biodiversity Action Plan priority habitat and habitat of principal importance. There was evidence to suggest the site supports breeding birds and potential evidence of badgers in the form of mammal pathways. In addition, the site is considered to have the potential to support various species of foraging and commuting bats and reptiles. Bat activity surveys confirmed the presence of three species of bat foraging along the hedgerow and landscaped area in the eastern section of the site. Reptile surveys detected no evidence of grass snake, slowworm or common lizard therefore no further surveys or mitigation works in relation to reptiles are required at this time. The report recommends method of works, the provision of new landscaping, bat mitigation implementation, breeding bird checking and Arboricultural impact assessment, method statement and tree protection plan if required.

The Site Investigation Report by Integral Geotechnique confirms that the ground conditions encountered across R20 typically comprise a thin layer of topsoil/made ground over a variably thick layer soft to firm becoming firm red brown, slightly gravelly, silty clay overlying dolomitic conglomerate bedrock strata at depth. The applicant has provided specific guidance on the foundation design although this is a matter dealt with under the Building Regulations.

An independent arborist has surveyed all individual trees and groups including hedgerows and the results are set out in the submitted Tree Survey and Constraints Plan. In the assessors view the majority of trees are categorised as low quality with some landscape value and it is noted that some will be lost as a consequence of the development. Those trees that are considered to be of moderate quality will be retained and will generally form part of the new landscaping alongside the road and drainage infrastructure. The important hedgerow feature along the southern boundary will be retained.

RELEVANT HISTORY

P/00/288/OUT – Residential Development, District Centre, Primary School, Community Facilities & Open Space – Conditional Consent & S106 – 14/11/07

P/04/1715/FUL – Access road and drainage works – conditional consent – 13/11/07

P/08/52/FUL – Extension to access roads – conditional consent – 19/03/08

P/12/822/RLX – Extend period for submission of reserved matters – conditional consent – 04/01/13

P/17/686/RLX – Further extension to period for submission of reserved matters – conditional consent – 17/10/17

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 has expired.

CONSULTATION RESPONSES

Coity Higher Community Council object on the following grounds:

- The 102 houses will exceed the overall numbers for Parc Derwen agreed many years ago.
- There are no play parks, bins or similar on the estate.
- The school bus stops are located next to the site access and therefore highly dangerous.
- Coety and Litchard Primary Schools are full so there is insufficient space for children in these houses to attend local schools and they would have to be bussed to Coychurch Primary School assuming there is space there.
- It will also put unacceptable pressure on the A4061 between Bridgend and M4 J36 and will increase the traffic avoiding this road and travelling via Coity village roads, which are not of a sufficient standard to safely accommodate a heavier traffic flow.
- There are not adequate spaces in GP practices to manage the current numbers in this area of Bridgend and there is no GP surgery in Coity, Litchard or Pendre.
- Coity Higher CC cannot see how this application can proceed until the facilities on Parc Derwen are completed (primarily play parks and bins), the bus stops are relocated and the primary school provision within safe walking distance is provided and even if all the above facilities are put in place it still makes the Parc Derwen estate larger than originally planned.

Highways Officer – No objection subject to conditions.

Land Drainage – No objections subject to conditions.

Dwr Cymru Welsh Water – No objections subject to conditions.

Street Scene (Waste & Recycling) – Private access roads can limit accessibility by the Council's waste contractor. This may result in residents having to deposit waste and recyclates for collection beside the nearest adopted footpath. The Developer should consider provision of a suitable collection point to avoid inconveniencing other residents

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

Glamorgan Gwent Archaeological Trust – No objection.

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

REPRESENTATIONS RECEIVED

Councillor Amanda J Williams (Local Member): I would like to see a condition in Planning that the outstanding play parks on Parc Derwen are completed prior to commencement of this development. This development exceeds the original number of houses and so it is unfair that the existing residents are still waiting for play parks. There has never been any urgency for Persimmon to complete the play parks and if this isn't added as a condition then I would like to see it discussed at Planning Committee. I fear that without such a clause, the parks will be left until all houses are completed and there will be no safe areas of play for the children on the estate for many more years.

Objections have been received from the following addresses:

28 Heol Stradling

33 Ffordd y Draen

9 & 16 Trem Gwlad Yr Haf, Coity

6 Maes Y Coed Castan, Coity,

73 & 100 Clos Yr Eryr, Coity

6 Heol Spencer, Coity

The following is a summary of the objections received:

- The number of planned dwellings will exceed the overall numbers agreed for Parc Derwen – the site infrastructure cannot accommodate additional housing;
- Coety and Litchard schools are full so there is insufficient space for children in these houses, they would have to be bussed to Coychurch assuming there is space. The local school in Coity has already reached capacity. These additional houses will bring with it, more children, for which they cannot attend the local school;
- The approved play parks have not been completed – the roads are unfinished and are not adopted – lots of areas across the site are unfinished.
- The on-site facilities (shops, etc.) have not been provided.
- The School bus stops are located by the proposed site. Although a traffic management plan is submitted, what other safety measure will be taken in this area. There have already been accidents.

The Managing Director of Persimmon Homes West Wales has written a letter in response to the deferment addressing the following matters: Parc Derwen Play Equipment and R20 Open Space Provision.

The letter states:

'We note that a decision on the application was deferred pending further information relating to the delivery of play equipment on the wider Parc Derwen development as well as the 'on-site' requirements associated with the R20 phase.

You will have noted correspondence from Ryan Greaney (Planning Manager, Persimmon Homes West Wales) dating back to the 1st of April 2020 seeking approval of our play equipment designs from you and the Council's Parks Department pertaining to the following public open areas 'NEAP 1', 'LEAP 2', 'LEAP 3' and LEAP 10a. Having chased this matter up with you on June 2020, we finally received comments from the Parks Department on 23rd June 2020. Further to a subsequent telephone conversation between our appointed contractor (Mr Neil Pigdon, Sunshine Playgrounds) and Mr Phil Beaman (Green Space and Bereavement Services Manager) to discuss the comments, we have moved to produce an appropriately revised suite of plans to address the issues which will be resubmitted to the Parks Department for further comment in August. Indeed, Ryan Greaney has written to Phil Beaman regarding his availability for a meeting (on site or 'virtually') to discuss these amendments although no response had been received at the time of writing this letter.

As set out in Ryan Greaney's initial communication with you on 1st April 2020, we were aiming to install the play equipment during the Spring/early Summer of 2020. Clearly, the constraints associated with the Covid-19 outbreak and the time taken to provide comments on our proposals rendered this impossible. Nevertheless, we remain committed to providing these facilities as soon as practicably possible. Therefore, assuming the positive dialogue continues throughout August and our revised proposals are confirmed as meeting your Parks Department's standards, and confirmation received of the Council's timescale for adoption, we would envisage a September to November construction for all four play areas.

Our ability to commence the installation process in September is clearly reliant on the discussions with the Parks Department being brought to a suitable conclusion in August. However, in the event that these discussions extend beyond this we will still endeavour to provide the equipment at the earliest opportunity. It is worth noting at this stage that there is generally a 5 week lead-in period between the instruction of the play contractor and the commencement of installation on site. We will, of course, keep you updated on our progress in this regard,

We also note that there were some queries from Members of the Development Control Committee concerning the overall level of play provision on Parc Derwen and why additional provision is not proposed as part of this development. As set out in your Committee Report, the Parc Derwen clearly benefits from a large extent and number of areas of open space, including informal areas, areas and the central playing fields, which are well illustrated by the Open Space Plan in the approved Parc Derwen Design Code.

Taking your own open space Policy set out under Policy COM11 of the Adopted Local Development Plan, it is sought that 2.4 hectares of outdoor recreation space is provided per 1000 people. Using the Welsh Government's 2014 Household for average household size (2.29 people), the population of a fully constructed Parc Derwen (1,582 dwellings) would be estimated as follows:

1,582 (dwellings) x 2.29 (average household size) = 3,622.78 population

To this end your own adopted policy would require a total of 8.69 hectares of public open

space provision as part of the overall Parc Derwen development.

In fact, the Parc Derwen development provides an approximate total of 21.2 hectares of public open space provided across the site — exceeding the policy level requirement by 12.51 hectares. The areas of open space can be broken down into the following categories:

Informal Open Space - 2.6 hectares;

Equipped Areas of Play - 1.4 hectares;

Playing Pitches - 4.9 hectares;

Informal areas of open space including woodland that is used for walking etc. (north west/south east of site) — 12.3 hectares;

In addition to the extent of open space provided, its location and accessibility is also an important factor to consider. Indeed, when considering the recommended benchmark guidelines for walking distances set out in the Fields in Trust – ‘Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard (Wales)’, the dwellings proposed within the R20 phase would be located well within the recommended distances of 1,200 metres from playing pitches, 400 metres from an equipped area of play, and within 100 metres from informal open space.

Indeed, you will note that additional informal space is also as part of R20 development in the shape of the linear area along the southern edge of the site (comprising the ‘amenity space’, required as part of the new SuDS/SAB process) and the provision the ‘square’ at the northern access into the site.

To this end, the development would clearly comply with the requirements of policy COM11 of the Adopted Local plan’.

COMMENTS ON REPRESENTATIONS RECEIVED

A number of the objections raised are addressed more generally in the appraisal section of the report. The following specific comments are provided in response:

As a full application, it is not bound to the numeric requirements of the Outline Planning permission. Nevertheless, understanding whether the existing infrastructure (the road network, the site drainage, the school provision etc.) can accommodate any uplift on housing numbers is a material consideration. However, based on the consultation responses received, the road network can accommodate the development and will not require any improvements to existing roads and junctions. Capacity also exists within the foul sewage network and surface water will be disposed of in a sustainable manner. The Section 106 contributions that will be realised from this development will go towards the provision of a permanent extension to or a mobile classroom within the grounds of Coety Primary School, catering for the child places that will be generated by this development. Concerns about accessing doctors and dentists goes beyond the control of the Local Planning Authority. There was no requirement for the provision of such facilities on Parc Derwen.

The delivery of play areas across Parc Derwen is controlled by the original S106 obligation and agreed phasing schedule. Any failure on the part of the developer to comply with these agreements can be the subject of enforcement and legal action. In April of this year Persimmon Homes submitted play area designs for three locations: NEAP 1, LEAP 2, LEAP 3 and LEAP 10A which can be located on the plan below:

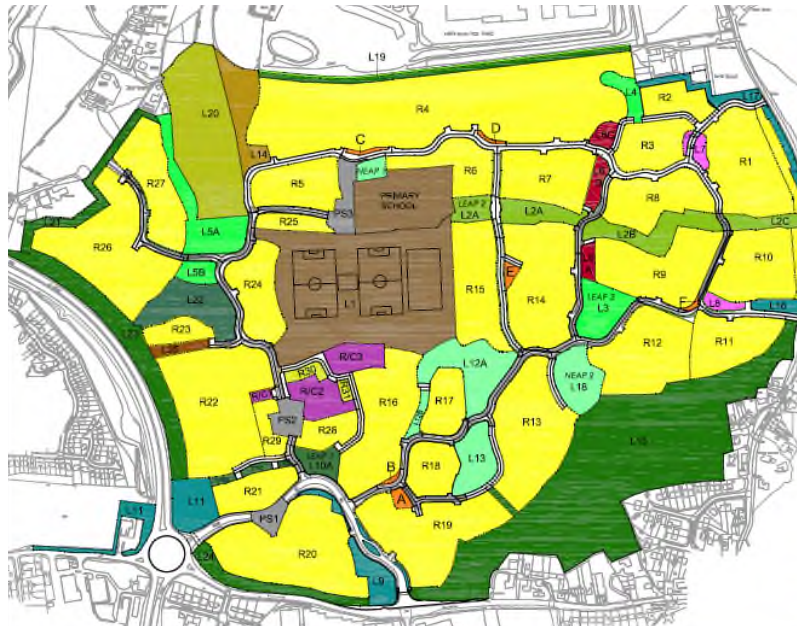


Fig. 4 – Individual Parcels

The designs are the subject of discussions with the Council’s Parks Department but there is a clear commitment from the developers to deliver these play areas in the forthcoming months, irrespective of the decision on this Planning application. It should be noted that LEAP 10A lies immediately to the north of this application site. The Community Council and residents have also referenced a failure to provide litterbins on the estate. This is not a requirement of the Planning permission and is a matter to be discussed between the developer(s) and the Street Scene Department of the Council.

The S106 obligation did not include a timeframe for the construction of the retail units other than a requirement to construct a road to an adoptable standard to the district centre land prior to the occupation of the 750th dwelling. That obligation has been satisfied. Nevertheless, a new retail centre would have significant benefits to the community and would reduce the number of trips that are currently made off site. The Reserved Matters submission to construct the retail centre was approved at the last committee meeting (P/19/656/RES refers). The S106 obligation for this site will include clauses relating to affordable housing which will be delivered across both sites – 7 intermediate units on R20 and 14 social rented units in the district centre. Occupations on this housing phase will be controlled and tied to the delivery of affordable housing offering some certainty that the retail development will be commenced.

Two bus stops are located on Heol Stradling close to the proposed ‘village square’ and one of the access points to this phase of the development. The stops are currently used as a school drop off by both public school transport and private bus hires. In 2019, a road traffic accident involving a school bus and a construction vehicle took place near the stops. The incident was subject to review and it was concluded that the fault rested with the drivers. Consideration has been given to re-siting the stops but alternative locations are limited. Persimmon Homes are mindful of the situation and the concerns of the local member and community and have submitted a construction management plan that confirms that all construction vehicles during the initial phases will be from Bryn Stradling to the east of the application site – see extract plan below:

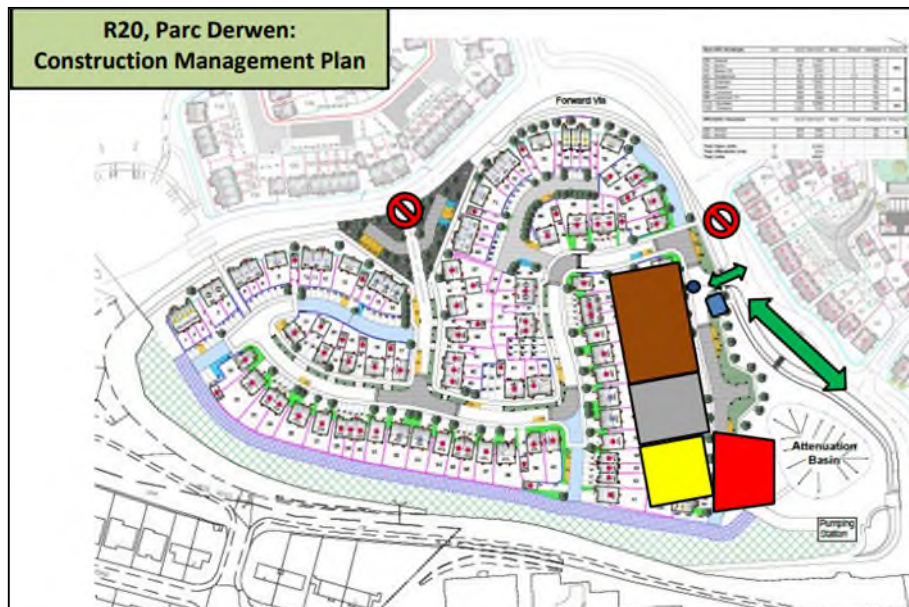


Fig. 5 – Construction Management Plan

Officers agree that the wider development provides sufficient Public Open Space to serve residents of the Parc Derwen estate and the equipped play areas will be provided in due course.

POLICY CONTEXT

The relevant policies and supplementary Planning guidance are highlighted below:

- Policy SP1 Regeneration Led Development
 - Policy PLA1 Settlement Hierarchy and Urban Management
 - Policy SP2 Design and Sustainable Place Making
 - Policy PLA11 Parking Standards
 - Policy SP12 Housing
 - Policy COM3 Residential Re-Use of a Building or Land
 - Policy COM4 Residential Density
 - Policy COM5 Affordable Housing
 - Policy COM11 Provision of Outdoor Recreation Facilities
 - Policy SP14 Infrastructure
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- Supplementary Planning Guidance Parc Derwen Development Brief
 - Supplementary Planning Guidance Parc Derwen Detailed Design Code and Design Guidance
 - Supplementary Planning Guidance Note 02 House Extensions
 - Supplementary Planning Guidance Note 08 Residential Development
 - Supplementary Planning Guidance Note 17 Parking Standards
 - Supplementary Planning Guidance Note 19 Biodiversity and Development

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

The following Welsh Government Planning Policy is relevant to the determination of this planning application:

Planning Policy Wales – Edition 10 – December 2018 – National Sustainable Placemaking Outcomes: Creating and Sustaining Communities; Making Best Use of Resources;

Maximising Environmental Protection and Limiting Environmental Impact; Growing our Economy in a Sustainable Manner and Facilitating Accessible and Healthy Environments.

Planning Policy Wales TAN 12 Design

Local Development Plan Policy SP2 (Design and Sustainable Place Making) is the overarching policy which should be considered in the assessment of all Planning applications. It 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.

APPRAISAL

The application is referred to Committee to consider the objections raised by the Community Council and 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 whether:

- The principle of developing this land for housing accords with national and local Planning policy and any other material considerations;
- the existing infrastructure can accommodate the number of units proposed in relation to the highway network, site drainage, provision of education, open space and play facilities and other community facilities;
- the design of the layout and proposed housetypes achieves the high standards of design that is required by the Parc Derwen Detailed Design Code and Design Guidance;
- The development will significantly impact on the living conditions and well-being of residents that live in close by and the extent to which any impacts can be minimised by the imposition of planning conditions;
- The development adversely impacts on the site's biodiversity interests;

Whether the principle of developing this land for housing accords with national and local planning policy and whether the existing infrastructure can accommodate the number of units proposed in relation to the highway network, site drainage, provision of education, open space and play facilities and other community facilities:

The site is located within the primary key settlement of Bridgend as defined by Policy PLA1 Settlement Hierarchy and Urban Management of the Bridgend Local Development Plan (LDP) adopted in 2013. Policy PLA1 states that development in the County Borough will be permitted where it provides the maximum benefits to regeneration at a scale that reflects the role and function of the settlement.

The site is also located in the Bridgend Strategic Regeneration Growth Area as defined by Policy SP1 Regeneration-Led Development.

The site is allocated for regeneration and mixed use development as defined by Policy PLA3 of the LDP. Policy PLA3 states that the regeneration of brownfield and under-utilised sites within defined settlements that provide an appropriate mix of land uses will be permitted. Specifically, PLA3(1) allocates the site for up to 1,515 residential units, community and education facilities, playing fields, accessible natural greenspace and retailing.

As stated earlier in the report, the site benefits from an existing Outline consent and is subject to a detailed design code and Section 106 Agreement however, the proposal of

102 dwellings would exceed the 1,515 threshold of units allocated in the LDP and approved by the Outline Planning permission. So whilst the principle of residential development has already been established on this site, the uplift in numbers for this site proposed by this application must be considered in the light of the likely impacts on local infrastructure.

The submitted Transport Assessment (TA) assesses the impact of the development on the two site access points:

- Junction 1 - Heol Stradling/Heol West Plas/A4061 roundabout and
- Junction 2 - Bryn Stradling/Heol West Plas/Main Avenue signalised junction.

An independent third party review of the TA by a third party consultant (ARUP) states:-

The TA states that no material change in operating conditions at Junction 1 is likely. Given that conservative roundabout geometry inputs have been used, this conclusion is acceptable.

The proposed development will result in increases in Degree of Saturation at Junction 2 of up to 3% on the Heol Stradling arm, which is not considered to be a material change. The impact of the development on other arms is relatively marginal.

The conclusions of the TA in terms of providing no mitigation at these junctions is therefore considered reasonable.

Notwithstanding this view, it should be appreciated that the original Transport Assessment which established the development ceiling, included for the site being served by its own district centre which would have provided for some reduction in vehicular movements to/from Parc Derwen.

The district centre has yet to be developed but is the subject of application P/19/656/RES which was reported to the last Development Control Committee meeting. Consideration has been given to the imposition of planning conditions that prevent the occupation of any unit that would be constructed on this phase above the 1514 permitted until the district centre has been completed. The evidence does not support such an approach and the Council must also be mindful that under the S106 Agreement there is no requirement to build the centre only to construct the service road which has been carried out. Later in this report, the provision of affordable housing as part of this development is considered and the applicant company are offering to deliver on this phase and as part of the district centre development. Clauses in the agreement will control its implementation and will only allow a defined number of market units to be constructed before work is commenced on the affordable housing on the district centre.

Evidence submitted with the application and the responses received from consultees suggests that the additional units can be accommodated without materially affecting traffic on the highway network and more specifically through the roads and junctions on Parc Derwen. Capacity also exists within the site drainage to serve the development.

With reference to the potential impact on local education capacity, which has been highlighted by the Community Council and local residents, the following number of pupils will be generated by the additional number of housing units above the figure agreed as part of the outline permission, namely 47 dwellings:

- 3 Nursery places
- 11 Primary School places
- 9 Secondary School Places

The site lies within the catchment of Coety Primary and Pencoed Comprehensive schools. Whilst surplus capacity currently exists at Pencoed Comprehensive School, the lack of places for nursery and primary aged children at Coety Primary School is well established.

Based on the calculations above, a contribution of £228,382 would be required in accordance with SPG16 to provide additional places at primary level which the Council's Education and Family Support Directorate has indicated will be at Coety School in the form of additional classroom(s).

Concerning open space, Policy COM11 seeks the provision of 2.4ha of outdoor recreation space per 1000 people. It should be noted that no additional formal open/play space is proposed as part of this development. Persimmon Homes in seeking to address Policy COM11, have provided the following response:

The scheme benefits from a high number of areas of open space including informal, equipped and the playing fields. Persimmon Homes have used the Welsh Government 2014 based householder projections for the average household size for Bridgend, which was estimated in 2019 to be 2.29. Based on this figure, the population of Parc Derwen is approximately 3,677. This would therefore require an open space provision of 8.8 Ha in line with Policy COM11. The consented schemes at Parc Derwen provide an approximate area of 21.2 ha of public open space broken down into the following areas:

- 2.6 Ha Informal Open Space
- 1.4 Ha Equipped Areas of Play
- 4.9 Ha of Playing Pitches
- 12.3 Ha Informal areas of open space including woodland that is used for walking etc. (north west/south east of the site)

The dwellings situated within R20 would be located within the recommended benchmark 'Fields in Trust' guidelines of a walking distance of 1,200 metres from playing pitches, 400 metres walking distance from an equipped area of play, and within 100 metres of the amenity space/informal open space which is required through the SAB process along the southern boundary of the development (0.36 Ha). The development would also comply with Policy COM11 as all dwellings would be located within 300 metres of accessible natural green space...

Based on this evidence, the level of open space across the whole of Parc Derwen accords with the Council's current policies. Concerns about the implementation of the agreed areas of play have been highlighted and it does appear that the developers have not fully adhered to the agreed delivery plan. As stated above, designs for four areas are currently under review by the Council. In the supporting communications received from Persimmon Homes there is a firm commitment to deliver these play facilities when agreed.

The framework of local Planning policies broadly support the development of housing on this allocated site. At a national policy level the sustainable placemaking outcomes provide the framework for achieving an optimal development and in this regard, the site compares favourably to those objectives in being accessible by means of active travel and public transport and having good connections to goods and services. Biodiversity will not be significantly compromised and the introduction of sustainable drainage features will contribute to better water management and resilience to climate change. Any potential negative impacts on infrastructure, in this case school places, can be mitigated in part through contributions secured by a Section 106 Agreement. Overall, the principle of developing this land for housing is acceptable.

Does the design of the layout (and proposed housetypes) achieve the high standards of design that is required by the Parc Derwen Detailed Design Code and

Design Guidance?

The Local Planning Authority has adopted the Parc Derwen Detailed Design Code and Design Guidance (DDC & DG) as Supplementary Planning Guidance (SPG) and its aim is to help deliver a sustainable, distinctive development of the highest quality. This SPG includes a density plan, which divides the whole estate site between high, medium and low-density areas:-



Fig. 6 – Housing Density Plan

From the above extract, the application site is designated as medium density. A development of 102 dwellings on a site of just under 4 hectares would achieve a density of 26 units per hectare which accords with the SPG. The Section 106 Agreement attached to the original grant of Planning permission zones the application site within a defined Development Cell which defined a maximum number of dwellings that could be accommodated. As this application is a full submission, it is not bound to accord with the requirements of the S106 in this regard.

The Detailed Design Code has also divided the whole development site into five distinct character areas which are intended to be developed to reflect changing qualities in differing sections of the development site.



Fig. 7 – Character Areas

From the above extract, the application site falls within Area 1 designated as Urban Core. This area is defined within the SPG in the following manner:-

urban core - concept/vision

The higher density area at the entrance to the development will have a strongly traditional urban character with a series of streets and squares. Historic market town centres such as, in part, Bridgend, Cowbridge, Abergavenny and Crickhowell, provide the references in terms of urban form and architecture.

The character will be made up of 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. Variation in the distance between frontages will create interest and variety. Changes in the direction and alignment of the street should create an evolving and varied townscape.

Side or rear garden boundaries in prominent locations and adjacent to the public realm should be kept to a minimum.

The Urban Core will consist of predominantly terraced houses with some semi detached and detached properties to give varied form.



Fig. 8 – Urban Core Designation

Within this concept area, the guidance provides extra detail including categorising a hierarchy of highways with different forms of street frontages. The following extract shows that for the application site, the highways will be 'Street Frontages'. All internal areas within the submitted layout carry no designation.

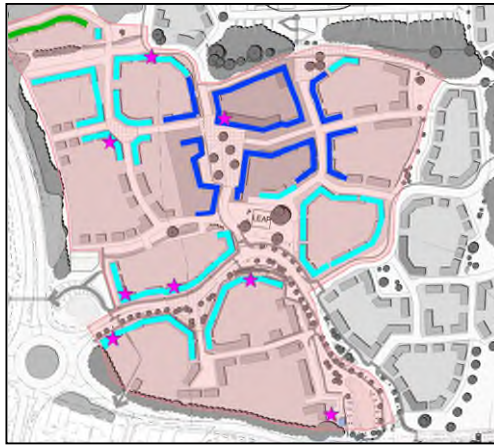


Fig. 9 – Street Frontages

The street frontage designation effectively encloses the northern boundary of the site with Heol Stradling and around the village square. The SPG clarifies that Street Frontages will be strongly defined and consist predominantly of terrace properties. Minor variations in the building line up to a maximum of 1m are encouraged. Parallel building frontages should be restricted to short length. Through negotiation, changes to the layout have been made and it now accords with this aspect of the Planning guidance. Groups of terraced properties broken up with larger detached units are proposed to form a building line that responds appropriately to the road network fronting the development. Landmark buildings have also been introduced at key locations.

In terms of the materials and architectural details, the SPG requires the street frontages to be mainly render with some elements of brick and stone. In all other areas the external walls will be a mixture of brick, stone and render. In respect of roofs, slate is expected to be the dominant material along the street frontages with grey ridge tiles with a small element of red/orange ridge tiles. In other areas plain and profiled tiles will be acceptable. Chimneys along the street frontages should be the main feature. All chimneys should be in brick. A mixture of clipped eaves/verges and eaves with an overhang of bargeboards on verges are to be used in this area. Windows are to be sash and casement windows in white with vertical subdivision. Following negotiation the developer has amended the layout in order to achieve general compliance with the above mentioned materials requirements but it is not clear from the house type drawings whether these will accord with the architectural details particularly in respect of chimneys. It is therefore considered that an appropriately worded condition can ensure the inclusion of these features.

Overall, the proposed layout achieves the high standard of design required by the design code and by both local and national policy.

Whether the development will significantly impact on the living conditions and well-being of residents that live close by and the extent to which any impacts can be minimised by the imposition of planning conditions

One policy test for development is ensuring that the viability and amenity of neighbouring uses and their users/occupiers will not be affected.

The existing road network (Heol Stradling and Bryn Stradling) separates this phase of development from existing properties, minimising the impact of the new building works.

Privacy standards will be achieved with the closest relationship being between the terrace block on Plots 72 and 74 with 13d to 15a Heol Stradling opposite. A distance of 19m, separated by the main access road, accords with the guidance. Similar arrangements are proposed on other parts of the layout particularly on the eastern side with properties on Bryn Stradling but here greater separation distances will be achieved. Overall, the layout will not result in significant compromises in the levels of privacy residents currently enjoy and will not cause any issues of over dominance or over-shadowing.

Any noise and disturbance experienced through the construction phases is inevitable but will be controlled through the agreed construction method statement.

To ensure compliance with the policy and the Council's guidelines, it is necessary to review the design of the layout to ensure that future occupiers of this new housing phase will also enjoy acceptable levels of privacy, light and outlook. Overall, the layout is relatively compact and whilst the housing density is medium in terms of the Parc Derwen guidance, amenity space is generally at a premium with the need to achieve the required car parking, a sustainable drainage system and the quantum of development proposed. Negotiations have secured improvements to the layout which has ensured that the required privacy standards will be achieved. Garden sizes are more modest for the smaller properties but provide acceptable levels of amenity.

The impacts on the site's biodiversity interests

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."

The Ecological Appraisal that has accompanied this application confirms that the biodiversity interests are principally found in the hedgerows on the eastern and southern boundaries of the site. They provide corridors for foraging and community activity for the local bat population. Although the eastern hedgerow will be removed, extensive planting is proposed and there are opportunities for other mitigation works (bat tiles/bat boxes) to be incorporated into the construction of the houses. As part of the proposed development, a 'green corridor' will be created along the southern boundary of the site incorporating existing hedgerows with the addition of new native species planting and the creation of wildflower margins allowed to develop as rough grassland. This will provide further potential foraging and commuting corridor for bats.

Overall, there will be no significant adverse residual impacts on the natural environment and biodiversity if 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

Section 106 Obligations;

Policy SP14 of the Bridgend Local Development Plan requires that applications for

development should include material proposals that deal with the fair and reasonable infrastructural requirements of a development and to mitigate any impacts that may arise because of the development. Contributions to education facilities have been discussed earlier in the report and the S106 obligation will secure a sum of £228,382 towards the provision of primary education. On the matter of open space provision, it is considered that the evidence presented by the developers would indicate that sufficient provision has been secured through earlier permissions and it is difficult to justify a contribution as part of this development. Local residents concerns are rightly focused on the delivery and implementation of existing commitments for the wider site, however, this is a separate Planning matter which the Council is progressing with the developer outside of the determination of this application.

Policy COM5 is triggered by this application and it requires 20% affordable housing in this location (21 units). Persimmon Homes are proposing the provision across this site (7 intermediate housing units) with the remainder as part of the district centre development, (14 social rented units – P/19/656/RES refers). 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 through a Section 106 Agreement. Clauses to ensure that the two site developments are linked and the delivery tied to the market housing on this phase of the development will be included.

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 for housing accords with national and local Planning policies. Despite the concerns offered, the current infrastructure provision is sufficient to serve the uplift in housing units on Parc Derwen with any identified impacts being mitigated through the financial contribution secured through the S106 agreement. On matters of detail, the scheme 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. Access, parking, site drainage and biodiversity interests are appropriately addressed by the submitted layout.

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 subject to a Section 106 Agreement, conditions and informative notes.

RECOMMENDATION

A. The applicant enters into a Section 106 Agreement to provide financial contributions as follows:

- i. Provide a financial contribution of £228,382 towards the provision of primary school places in Coety Primary School.
- ii. Provide a minimum of 20% of the units as affordable housing consisting of 7 intermediate units on the site subject of this application site and 14 social rented units as part of the development on the District Centre site (P/19/656/RES refers). The Agreement will include a timeframe for delivery that will be concomitant to the construction of the market housing on Phase R20.
- iii. The developer will be also be required to enter into a Section 106 Agreement to fund a financial contribution of £24,000.00 for Traffic Orders to cover the cost of publication of the Orders for this parcel and the development of the District Centre (P/19/656/RES refers) prior to the granting of any consent.

The Agreement will also include 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:

Site Location Plan LP10
Planning Layout PL01 – Revision L
Engineering Sheet 1 – 10257-100-01 – Revision F
Engineering Sheet 2 – 10257-100-02 – Revision E

638 Alnwick
761 Barton
761 Barton Corner – received on 9/12/19
970 Windermere – Landmark Planning Drawing received on 17/1/20
993 Delamare
969 Derwent
999 Lockwood
999 Lockwood – Corner
1115 Burnham
1115 Burnham – Landmark Planning Drawing received on 9/9/19
1222 Coniston

628 WHQS
835 WHQS

Single and Double Garages – Elevations and Floorplans

Detailed Soft Landscape Proposals – TDA – 2504.01 – Revision D

Landscape Specification and Management Plan – TDA – received 23/2/20

SUDS Landscape Specification and Management Plan by TDA – received 23/2/20

Recommendations and Mitigation Measures included within:

Construction Management Plan – received 23/2/20

Construction Method Statement – received 23/2/20

Construction Traffic Signage Plan – received 23/2/20

Site Investigation Report – 11501/JJ/16/SI/Rev A

Ecological Appraisal – First Ecology - October 2019

Hedgerow Protection Measures submitted on 29 July 2020 – the scheme shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be retained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced/protected in accordance with this condition and the ground levels within the fenced/protected areas shall not be altered nor shall any excavation be made.

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

- 2 Prior to their use on site, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development to protect the visual amenities of the area.

- 3 No dwelling shall be occupied until the drainage works have been undertaken in accordance with the details on Engineering Sheet 1 – 10257-100-01 – Revision F and Engineering Sheet 2 – 10257-100-02 – Revision E.

Reason: To ensure safe drainage of the site to avoid flooding

- 4 The proposed floor levels of the dwellings hereby approved and general site levels shall accord with the details on Engineering Sheet 1 – 10257-100-01 – Revision F and Engineering Sheet 2 – 10257-100-02 – Revision E.

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

- 5 Within 3 months of the date of this permission, a detailed scheme including all items of play, associated ground works and hard and soft landscaping works for the proposed Local Equipped Play Area on LEAP 10A shall be submitted in writing to the Local Planning Authority for agreement. The scheme as agreed in writing by the Local Planning Authority shall be completed and in use prior to the occupation of the 50th dwelling on this phase (Parcel R20) of the development.

Reason: In the interests of the residential amenities of future occupants.

- 6 Within 6 months of the date of this consent a scheme of waiting and loading restrictions along the site frontage with Heol Stradling and Bryn Stradling shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of road markings and signage. The agreed scheme shall be implemented as approved prior to any dwelling being brought into beneficial use.

Reason: In the interests of highway safety.

- 7 Within 6 months of the date of this consent a scheme of waiting and loading restrictions in the village green areas fronting Plots 13-16 & 67-71 shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall include details of road markings and signage. The agreed scheme shall be implemented as approved prior to any dwelling being brought into beneficial use.

Reason: In the interests of highway safety.

- 8 Prior to the occupation of plots 1-15, 41-46, 68-71, 75-81, 98-102 and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a scheme for the location of refuse and recycling collection points shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall detail collection points located within a maximum of 30m of each dwelling. The collection points shall thereafter be constructed in accordance with the agreed design prior and shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

- 9 Within 3 months of the date of this consent and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a revised comprehensive scheme for traffic calming restricting 85% tile traffic speeds to 20mph shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as agreed shall be implemented before any dwellings are occupied and shall be retained and maintained in perpetuity.

Reason: In the interests of highway safety.

- 10 Within 3 months of the date of this consent and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a revised scheme for vehicular parking for plots 1, 3, 4, 5, 14, 15, 16, 24, 25, 55, 56, 68, 69, 70, 72, 73, 74, 83 & 84 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed parking scheme shall be implemented before the unit which it serves is brought into beneficial use and shall retained for parking purposes in perpetuity.

Reason: In the interests of highway safety

- 11 Within 3 months of the date of this consent and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a revised scheme for the provision of visitor parking at a ratio of 1 space per 5 units shall be submitted to and agreed in writing by the Local Planning Authority. The agreed visitor parking areas shall be implemented before the units which they serve are brought into beneficial use and shall retained for parking purposes in perpetuity.

Reason: In the interests of highway safety.

- 12 Within 3 months of the date of this consent and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a revised scheme for turning facilities within the village green areas fronting Plots 13-16 & 67-71 has been submitted to and agreed in writing by the

Local Planning Authority. The agreed turning areas shall be implemented in permanent materials before the units which they serve are brought into beneficial use and shall be retained for purposes of vehicle turning in perpetuity.

Reason: In the interests of highway safety.

- 13 Within 3 months of the date of this consent 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 shall be 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 district centre being brought into beneficial use and maintained and retained in perpetuity

Reason: In the interests of highway safety.

- 14 The proposed site access junctions onto Heol Stradling and Bryn Stradling shall be laid out with vision splays of 2.4m x 43m in both directions prior to the beneficial use of any unit served by those junction and shall retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

- 15 The proposed accesses to the village green areas fronting Plots 13-16 & 67-71 shall be laid out with vision splays of 2.4m x 25 in both directions prior to the beneficial use of any of the units served by those areas and shall be retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

- 16 The proposed private drive access immediately south of Plot 16 shall be laid out with vision splays of 2.4m x 17m in both directions prior to the beneficial use of any unit served by that junction and shall retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

- 17 The proposed private drive access immediately south of Plot 86 shall be laid out with vision splays of 2.4m x 17m in both directions prior to the beneficial use of any unit served by that junction and shall retained as such thereafter in perpetuity.

Reason: In the interests of highway safety

- 18 The proposed private drive access fronting plot 82 shall be laid out with a westerly vision splay of 2.4m x 17m prior to the beneficial use of any unit served by that junction and shall retained as such thereafter in perpetuity.

Reason: In the interests of highway safety.

- 19 Notwithstanding the details submitted on Planning Layout PL01 – Revision L, no development of Plots 59-60 shall commence until a scheme for a revised rear boundary to Plot 59 to provide for 1m x 1m pedestrian vision splay from the driveway of Plot 60 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before any of the units on plots 59 – 60 are brought into beneficial use.

Reason: In the interests of highway safety.

- 20 Notwithstanding the details submitted on Planning Layout PL01 – Revision L, no dwelling shall be occupied until the individual driveway until a scheme for the provision of 1m x 1m pedestrian vision splays from the driveways has been submitted to and approved in writing by the Local Planning Authority. The driveways and vision splays shall be implemented as approved before any of the units are brought into beneficial use.

Reason: In the interests of highway safety.

- 21 The proposed walls and pillars to the rear of Plots 5 & 6 shall not exceed 0.6 metres in height above adjacent carriageway level for a minimum distance of 1m from the back of footway.

Reason: In the interests of highway safety.

- 22 No structure, erection or planting exceeding 0.6 metres in height above adjacent carriageway level shall be placed within the required vision splay areas at any time.

Reason: In the interests of highway safety.

- 23 Within 3 months of the date of this consent and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a scheme for a 3m wide pedestrian cycle linking the internal site road adjacent to Plot 67 to the existing crossing point fronting Plot 75 shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include for tactile paving, signage and the provision of physical features preventing vehicular traffic traversing the route. The agreed scheme shall be implemented prior to the beneficial use of the first dwelling and shall be retained as such thereafter in perpetuity.

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

- 24 Within 3 months of the date of this consent and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a scheme for a connection link adjacent to Plot 82 to the existing pedestrian cycle link fronting plots 80-88 shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include for a 3m wide pedestrian/cycle link within a 4m corridor, signage, tactile paving and the provision of physical features preventing vehicular traffic traversing along the pedestrian/cycle link. The agreed scheme shall be implemented prior to the beneficial use of the first dwelling and shall be retained as such thereafter in perpetuity.

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

- 25 Within 3 months of the date of this consent and notwithstanding the details submitted on Planning Layout PL01 – Revision L, a scheme for a connection link adjacent to Plot 5 to the existing pedestrian cycle link fronting Plots 1-5 shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include for a 3m wide pedestrian/cycle link within a 4m corridor, signage, tactile paving and the provision of physical features preventing vehicular traffic traversing along the pedestrian/cycle link. The agreed scheme shall be implemented prior to the beneficial use of the first dwelling and shall be retained as such thereafter.

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

- 26 No development apart from site clearance and preparation shall take place until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to

and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

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.

- 27 The remediation scheme approved by condition 26 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

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.

- 28 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.

- 29 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 Local Planning Authority.

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

- 30 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 Local Planning Authority.

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

- 31 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.

- 32 No dwelling shall be occupied until the access road serving the dwelling has been laid out and constructed to a minimum of binder course level of bituminous material at gradients that do not exceed 8.33% (1 in 12) in accordance with the approved layout before the dwelling is first occupied and thereafter the road shall be completed to finished course prior to the beneficial occupation of the last dwelling in such street in accordance with a programme agreed with the Local Planning Authority.

Reason: To ensure safe and satisfactory vehicular and pedestrian access to the dwellings is provided in the interests of highway safety.

- 33 No dwelling shall be occupied until the individual driveway and parking bays serving the dwelling have been laid out as approved and completed in permanent materials at gradients that do not exceed 8.33% (1 in 12) and shall be retained thereafter for parking purposes in perpetuity.

Reason: To ensure the provision and retention of sufficient off street parking in the interests of highway safety.

- 34 None of those dwellings detailed with a garage shall be occupied until the garage for the dwelling has been completed as approved.

Reason: To ensure the provision and retention of sufficient off street parking in the interests of highway safety.

- 35 Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development Order, 1995 (or any Order revoking or re-enacting that Order), any garage within the approved layout shall be retained as such at all times and shall not be converted to living accommodation or business usage.

Reason: To ensure the retention of adequate off street parking in the interests of highway safety.

36 * THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS *

- a. The submitted layout meets the Authority's privacy standards and the design of the dwellings will not adversely impact on the visual amenities of the area nor harm neighbours' amenities.
- b. Street nameplates reflecting the official street name allocated by the Council shall be erected by the developer at locations and to a specification to be agreed with the Council prior to occupation of the first dwelling house in the street that has been so allocated.
- c. An information pack containing public transport information including timetables shall be provided by the developer on occupation of each residential unit.
- d. The observations received from Dwr Cymru/Welsh Water and Designing Out Crime Officer, which are available on the Planning pages of the Council's website are highlighted for the developer's information and consideration.
- e. In order to satisfy the drainage condition, the developer must provide:-
 - A Detailed foul and surface water drainage layout identifying both sewers and their connection points to the public sewerage system
 - Agreement in principle from Dwr Cymru/Welsh Water with regards to the proposed foul and surface water connections
 - Agreement from Dwr Cymru/Welsh Water for the relocation of the existing sewers.
- f. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:
 - (i) determining the extent and effects of such constraints;
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. 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; and

(iii) the safe development and secure occupancy of the site rests with the developer.

- g. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.
- h. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination
- i. 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.
- j. In promoting Active Travel, the developer should consider the provision of secure cycle parking for future residents. Welsh Government's Active Travel guidance recommends the provision of 1 secure cycle parking space per bedroom per unit.

JONATHAN PARSONS
GROUP MANAGER PLANNING & DEVELOPMENT SERVICES

Background Papers

None