

**REFERENCE:** P/20/777/FUL

**APPLICANT:** ACTL Ltd 5 Windsor Road, Barry, Vale of Glamorgan, CF62 7AW

**LOCATION:** Land adjacent to 8 Sunnyside, Ogmores Vale CF32 7AW

**PROPOSAL:** Proposed construction of a pair of semi-detached houses

**RECEIVED:** 9 October 2020

**SITE INSPECTED:** 21 May 2021

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

Full planning permission is sought for the erection of a pair of semi-detached dwellings on land adjacent to 8 Sunnyside, Ogmores Vale:



***Fig. 1 - OS Map Extract of Application Site***

The dwellings are principally orientated to face the east, and will each comprise a breakfast/family room, utility room and WC at basement level; a living/kitchen area with WC at ground floor level; two bedrooms and a bathroom at first floor level and a master suite at second floor level within the roof space.

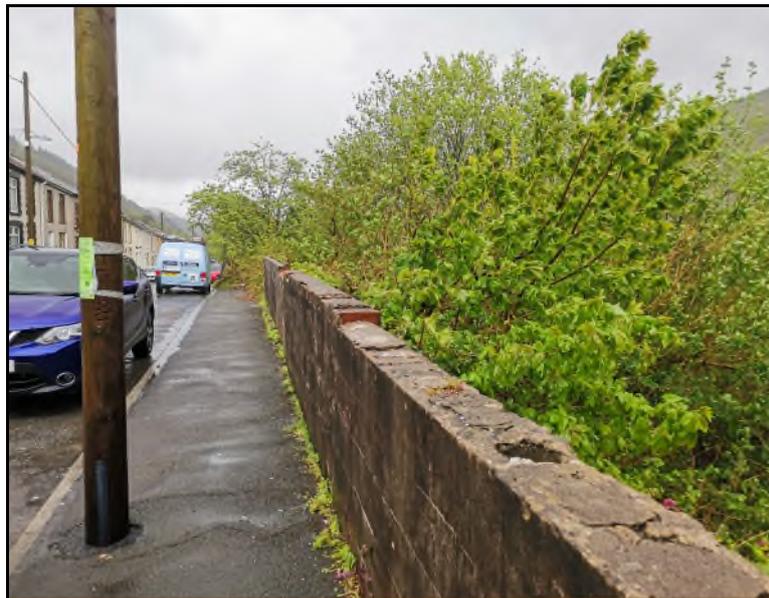
The split-level properties will appear as two storey residential units when viewed from Sunnyside, with render blockwork and facing brick elevations and artificial slate roofs. The windows and doors will be white uPVC. The dwellings will each measure 5.2 metres in width and 8 metres in depth, reaching a height of 8 metres to the ridgeline when viewed from Sunnyside. At the rear, the maximum height of the dwellings will measure 11 metres, owing to the split-level nature of the design and topography of the application site. The proposed elevations are reproduced below:



**Fig. 2 - Proposed Front and Rear Elevations**

### **SITE DESCRIPTION**

The application site lies within the Local Settlement of Ogmore Vale, as defined by Policy PLA1 of the adopted Local Development Plan (2013). It comprises a vacant, rectangular-shaped parcel of land located on the western side of Sunnyside on land which slopes significantly downwards towards the west. The site is proposed to be accessed off its eastern boundary, directly off Sunnyside. It is significantly overgrown with vegetation, as shown below:



**Fig. 3 - Application Site (looking southwards)**

The application site is surrounded by residential properties to the north, east and south which are predominantly a mix of semi-detached and terraced properties of traditional form and appearance, finished in rendered elevations with a mix of concrete tile and slate roofs.

Owing to the steep topography of the site and its surroundings, the properties on the western side of Sunnyside are split-level, whilst the properties on the eastern side are raised above the adjacent highway, as shown below:



**Fig. 4 - Streetscene (looking northwards)**

**RELEVANT HISTORY**

<b>Application Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/03/1489/OUT	2no Detached Dwellings with garage and drives	Conditional Consent	30/01/2004
P/05/582/FUL	Three detached dwellings	Refused	02/09/2005
P/06/247/FUL	Erect 4no 2 bedroom apartments	Conditional Consent	12/05/2006

**CONSULTATION RESPONSES**

<b>CONSULTEE</b>	<b>COMMENTS</b>
<b>Land Drainage</b> 23 November 2020	No objection subject to the inclusion of the recommended planning conditions and informative notes.
<b>Dwr Cymru/Welsh Water</b> 25 November 2020	No objection.
<b>Shared Regulatory Services</b> <b>Public Protection: Contaminated Land</b> 24 November 2020	Recommends the inclusion of conditions and informative notes.
<b>Transportation Officer (Highways)</b> 04 August 2021	No objection subject to the inclusion of the recommended planning condition.
<b>Shared Regulatory Services</b> <b>Public Protection: Contaminated Land</b> 24 November 2020	Recommends the inclusion of conditions and informative notes.

**The Coal Authority**  
21 July 2021

No further comments to raise in respect of this application.

## **REPRESENTATIONS RECEIVED**

The application has been advertised through direct notification to sixteen of the nearest properties, and through the erection of a site notice. The initial period for consultation expired on 8 December 2020.

Six letters of objection were received which raised objection to the scheme on the following grounds:

- Additional traffic to Sunnyside which will cause more congestion and limit on-street car parking capacity;
- Loss of light and privacy to the property known as 11 Sunnyside;
- The land is steep and the development may result in subsidence;
- The dwellings proposed are too large and are not in keeping with the surrounding area;
- Disruption for residents during construction period;
- Not adequate room for construction vehicles;
- Negligible impact on housing need and therefore unjustified form of development.

A second consultation was undertaken after receipt of amended plans on 28 June 2021, and all properties initially consulted were sent a secondary letter requesting further views of the proposed changes. Two further letters of objection were received from neighbouring residents, objecting to the scheme on the same grounds referred to above.

## **COMMENTS ON REPRESENTATIONS RECEIVED**

The following observations are provided in response to the objections raised by local residents.

Factors to be taken into account in making planning decisions must be planning matters; that is, they must be relevant to the proposed development and use of land in the public interest. The matters raised which are considered to be material to the determination of this application are addressed in the appraisal section of the report.

The concern raised which refers to the disturbance of residents during the construction phase of development can be addressed through the imposition of a planning condition which limits the time in which the developer can operate at the site.

Other matters, such as housing need, are not considered to be material to the determination of this planning application, and will not be addressed further.

## **RELEVANT POLICIES**

Local Policies

The Bridgend Local Development Plan 2006-2021 (LDP) was formally adopted by the Council in September 2013, within which the following policies and supplementary Planning guidance are relevant:

<b>Policy PLA1</b>	Settlement Hierarchy and Urban Management
<b>Policy SP2</b>	Design and Sustainable Place Making
<b>Policy SP3</b>	Strategic Transport Planning Principles
<b>Policy PLA11</b>	Parking Standards

<b>Policy SP4</b>	Conservation and Enhancement of the Natural Environment
<b>Policy ENV6</b>	Nature Conservation
<b>Policy ENV7</b>	Natural Resource Protection and Public Health
<b>Policy SP6</b>	Minerals
<b>Policy ENV9</b>	Development in Mineral Safeguarding Areas
<b>Policy COM3</b>	Residential Re-Use of a Building of Land

<b>Supplementary Planning Guidance 2</b>	House Extensions
<b>Supplementary Planning Guidance 8</b>	Residential Development
<b>Supplementary Planning Guidance 17</b>	Parking Standards
<b>Supplementary Planning Guidance 19</b>	Biodiversity & Development

#### National Policies

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:

#### **Future Wales – the National Plan 2040**

##### **Planning Policy Wales Edition 11**

<b>Planning Policy Wales TAN 5</b>	Nature Conservation and Planning
<b>Planning Policy Wales TAN 11</b>	Noise
<b>Planning Policy Wales TAN 12</b>	Design
<b>Planning Policy Wales TAN 18</b>	Transport
<b>Planning Policy Wales TAN 23</b>	Economic Development

#### **WELL-BEING OF FUTURE GENERATIONS (WALES) ACT 2015**

The Well-being of Future Generations 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 comprising 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 well-being goals/objectives as a result of the proposed development.

#### **THE SOCIO ECONOMIC DUTY**

The Socio Economic Duty (under Part 1, Section 1 of the Equality Act 2010), which came in to force on 31 March, 2021, has the overall aim of delivering better outcomes for those who experience socio-economic disadvantage and, whilst this is not a strategic decision, the duty has been considered in the assessment of this application.

#### **APPRAISAL**

This application is referred to the Development Control Committee to consider the objections received from local residents.

## **PRINCIPLE OF DEVELOPMENT**

The application site lies within the Local Settlement of Ogmores Vale, as defined by Policy PLA1 of Bridgend County Borough Council's adopted Local Development Plan (2013). Policy COM3 of the Local Development Plan (2013) states that "residential developments within settlement boundaries defined in Policy PLA1 on 'windfall' and 'small scale' sites for the conversion of existing buildings, or the re-use of vacant or under-utilised land will be permitted where no other LDP policy protects the building or land for an existing or alternative use."

The proposal is considered to be compliant with Policies PLA1 and COM3 of the Local Development Plan (2013) and is therefore considered to be acceptable in principle. However, whilst the area of land is accepted as an area which is capable of redevelopment in principle in accordance with Policy COM3 of the Local Development Plan (2013), consideration must be given to the importance of placemaking in decision making.

Placemaking considers the context, function and relationships between a development site and its wider surroundings. It adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Therefore, due regard must be given to Policy SP2 of the Local Development Plan (2013) as it incorporates the concept of placemaking.

## **DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA**

The acceptability of the proposed development is assessed against Policy SP2 of the Local Development Plan (2013) which stipulates that "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". Design should be of the highest quality possible and should be appropriate in scale, size and prominence.

PPW11 states at paragraph 3.9 that "the special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations".

The area surrounding the application site is residential in nature, and is occupied by a mix of semi-detached and terraced two storey properties. Generally, the properties are finished in rendered elevations with a mix of concrete and slate tiled roofs, as demonstrated below:



***Fig. 5 - Sunnyside Streetscene (looking southwards)***

In general terms, the introduction of a pair of semi-detached dwellings on the western side of Sunnyside is considered to be an appropriate form of development in this location, owing to the nature of the surrounding area. In addition, the clearance of the significantly overgrown site will improve the visual amenities of the area.

The developer is seeking to maximise the potential of the land by increasing the density of the wider site and it is considered that the addition of a pair of semi-detached dwellings is appropriate within the sites wider context. The proposed is not considered to result in overdevelopment of the existing plot, and the proposed positioning of the dwelling is considered to be acceptable.

In terms of size, whilst the dwellings will be readily visible from the streetscene and public vantage points, it is considered that their size is modest and of a scale which is proportionate and complimentary to the surrounding residential area. The proposed dwellings will not appear as overly prominent additions to the streetscene, and are not considered to be overly excessive in terms of size and scale.

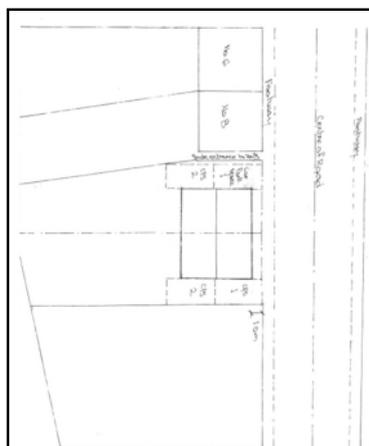
The dwellings are shown to have a mix of render blockwork and facing brick elevations with artificial slate roof, with white uPVC windows and doors. In reviewing the pallet of materials in the surrounding area, it is considered that the proposed materials match other residential properties within the immediate vicinity of the application site, and are therefore considered to be acceptable finishes.

Overall, the dwellings are considered to be additions which respect the character of the surrounding area and will not result in the addition of incongruous features within the streetscene. For this reason, the scheme is considered to be compliant with criterion (3) of Policy SP2 of the Local Development Plan (2013) and is therefore considered to be acceptable in this regard.

### **NEIGHBOURING/RESIDENTIAL AMENITY**

Criterion (12) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that the viability and amenity of neighbouring uses and their users/occupiers is not adversely affected by development proposals, and in addition, seeks to ensure that an appropriate level of amenity is afforded to future occupiers of a development.

Although Supplementary Planning Guidance Note 02 *Householder Development* (SPG02) relates to household development, it is considered that the principles of the guidance note are applicable in this instance. Note 1 of SPG02 states that no development should “unreasonably dominate the outlook of an adjoining property”. The dwellings are proposed to be positioned close to the eastern site boundary, as shown below:



**Fig. 6 – Proposed Site Layout**

Each property will principally face the east with primary windows openings on the eastern (front) and western (rear) elevations.

In terms of light, whilst the dwellings will be located to the south of the existing dwellings known as 6 Sunnyside and 8 Sunnyside, Ogmores Vale, their position is such that the development will not result in overshadowing to the dwellings. The development will not result in substantial loss of sunlight to properties to the north, and is therefore not considered to adversely affect the levels of light currently afforded to the neighbouring properties to the north, in accord with Note 1 of SPG02.

The dwelling has been orientated and designed to limit any form of overlooking into the neighbouring properties to the north as no window openings are proposed to be installed to the northern or southern elevations of each residential unit.

Given the above, the proposal is considered to be acceptable from an amenity perspective, on balance, the proposed development is considered to be acceptable, in accord with criterion (12) of Policy SP2 of the Local Development Plan (2013) and guidance contained within SPG02.

### **HIGHWAY SAFETY AND PARKING PROVISION**

Policy PLA11 of the Local Development Plan states that “all development will be required to provide appropriate levels of parking. This should be in accordance with the adopted parking standards”.

Supplementary Planning Guidance Note 17 *Parking Standards* (SPG17) denotes that off-street car parking spaces should measure 4.8 metres in depth and 2.6 metres in width at a minimum. It also states that 1 off-street car parking space per bedroom should be provided (up to a maximum requirement of 3 spaces).

It is important to note that the guidance contained within SPG17 refer to maximum standards, and Note 10 of Table “a) Residential: New Build & Conversion” clearly states that “it should be noted that any decision to reduce the parking standards from those quoted in the main table will be at the discretion of the Local Authority and will be based upon the availability of any appropriate kerbside or other unallocated parking areas that are deemed fit for purpose without adversely affecting the safety and effectiveness of the adjacent highway”.

In this case, the Highway Authority place weight on a recent appeal decision for a similar scheme in an adjacent street, whereby the Inspector gave consideration to the sustainability criteria and suggested that a 1 space reduction per residential unit would be suitable in this case.

Therefore, in consideration of this scheme, and with regard to the Inspector’s decision, the Highway Authority consider that a reduction is also acceptable in this case, to two off-street car parking spaces per unit. In a consultation response dated 4 August 2021, the Highway Authority confirmed that the scheme is acceptable subject to the provision of two off-street parking spaces per property and accordingly, no objection is raised to the proposal. The scheme is considered to be acceptable in this regard.

### **DRAINAGE**

Criterion (13) of Policy SP2 of the Local Development Plan (2013) seeks to ensure that development proposals incorporate appropriate arrangements for the disposal of foul sewage, waste and water.

In assessing this planning application, the Land Drainage Section have recommended the inclusion of planning conditions which require the submission of a comprehensive and integrated drainage scheme together with the submission of suitable infiltration tests, for the agreement of the Authority prior to the commencement of development.

Dŵr Cymru Welsh Water have advised that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

Subject to the inclusion of the recommended planning conditions, the proposed development is considered to be acceptable in respect of drainage, in compliance with criterion (13) of Policy SP2 of the Local Development Plan (2013). The applicant is reminded that the development requires approval of Sustainable Drainage Systems (SuDS) features by the SuDS Approval Body (SAB).

## **MINING**

A partial area of the application site (eastern half) site lies within the Development High Risk Area as defined by The Coal Authority, and as shown hatched diagonally below:



**Fig. 7 - Development High Risk Area**

On initial review of the planning application, The Coal Authority raised an objection to the development proposal. The application site lies within an area containing coal outcrops which may have been subject to historic unrecorded coal workings at shallow depth. In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, a Coal Mining Risk Assessment should support any planning application in such areas.

Whilst the Coal Authority acknowledged the submission of a Coal Mining Report written by The Coal Authority and dated 11 December 2003, it was considered that the information provided was a factual report, and no assessment of the potential risk posed to the development proposal by past coal mining activity was undertaken. Therefore, in order to address the objection raised, an up-to-date Coal Mining Risk Assessment was required.

In response to the objection raised, the applicant submitted a Coal Mining Risk Assessment, written by Earth Science Partnership and dated April 2021. The submitted report concludes that the risk associated with potential historic surface workings and unrecorded shallow underground mine workings cannot be discounted. Accordingly, it

goes on to recommend that intrusive ground investigations, comprising trial pits and boreholes, should be carried out in order to establish the risk posed by this possible coal mining legacy.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. The intrusive investigations recommended should be designed by a competent person, to properly assess ground conditions and to establish the exact situation regarding mining legacy which could pose a risk to the proposed development. This requirement addresses the concerns raised by local residents which refers to the steep topography of the site, subsidence and ground instability.

As such, it is recommended that planning conditions and informative notes are included upon any consent granted, to ensure site investigations and remedial works are carried out and to ensure a suitably qualified person confirm that the site is, or has been made, safe and stable. Subject to the imposition of the recommended conditions and informative notes, the scheme is considered to be acceptable in this regard.

### **PUBLIC PROTECTION: CONTAMINATION**

Policy ENV7 of the Local Development Plan (2013) states “development proposals will only be permitted where it can be demonstrated that they would not cause a new, or exacerbate an existing, unacceptable risk of harm to health, biodiversity and/or local amenity. Criterion (4) refers to contamination (including invasive species).

The Public Protection Section conclude that the development is acceptable, subject to the imposition of the recommended conditions and informative notes. The proposal is therefore considered to be compliant with Policy ENV7 of the Local Development Plan (2013).

### **CONCLUSION**

Having regard to the above, and notwithstanding the objections raised, in this case and on balance, it is considered that the amended scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers.

The application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours’ amenities to warrant a refusal on such grounds.

### **RECOMMENDATION**

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

1. The development shall be carried out in accordance with the following drawings:
  - Location Plan received on 9 October 2020;
  - Proposed Plan at Basement Level received on 9 October 2020;
  - Proposed Ground Floor Plan received on 9 October 2020;
  - Proposed First Floor Plan received on 9 October 2020;
  - Proposed Plan at Attic Level received on 9 October 2020;
  - Proposed Front Elevation received on 9 October 2020;
  - Proposed Rear Elevation received on 9 October 2020;
  - Proposed Side Elevation (north) received on 9 October 2020;

- Proposed Side Elevation (south) received on 9 October 2020;
- Section Drawing Sheet 3 of 3 received on 9 October 2020;
- Site Plan & Parking Arrangement received on 28 June 2021.

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

2. No development shall take place until there has been submitted to and agreed in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its implementation. Development shall be carried out in accordance with the agreed plan and timetable.

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

3. No development can commence until a scheme to address how ground movement is to be dealt with, including structural and design details of any retaining wall required as part of the development together with a Certificate from a Consulting Engineer certifying that the retaining wall to be constructed will be designed and constructed so as to prevent subsequent ground movement, has been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented strictly in accordance with approved details and shall thereafter be retained and maintained in perpetuity.

Reason: To ensure a satisfactory form of development and the in the interests of safety.

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

Reason: In the interests of highway safety.

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

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

6. No development shall commence on site until a suitable infiltration test, sufficient to support the design parameters and suitability of any proposed infiltration system, has been submitted to and approved in writing by the Local Planning Authority; the approved scheme must be implemented prior to the beneficial occupation of the dwellings.

Reason: To ensure that effective satisfactory management and disposal of surface water is provided for the proposed development.

7. No development shall take place until a site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the local planning authority. The results of the site investigation shall be submitted to the local

planning authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the local planning authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.

Reason: To ensure a satisfactory form of development and the in the interests of safety.

8. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 7, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained in perpetuity.

Reason: To ensure a satisfactory form of development and the in the interests of safety.

9. No development shall commence (excluding the demolition of existing structures) until;
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of land stability.

10. Prior to the occupation of the dwellings hereby approved, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of land stability.

11. Construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenities.

12. 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 LPA 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.

13. \* THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS \*

Having regard to the above, and notwithstanding the objections raised, in this case, on balance, it is considered that the scheme is acceptable from a highway safety perspective, represents an appropriate form of development in this residential location and is designed to ensure that the dwelling will not have a detrimental impact on the residential amenities of neighbouring occupiers. The application is recommended for approval as it complies with Council policy and guidelines, will improve the visual amenities of the residential area and will not have a significantly detrimental impact on the privacy of neighbours' amenities to warrant a refusal on such grounds.

No surface water is allowed to discharge to the public highway.

No land drainage run-off will be permitted to discharge (either directly or indirectly) into the public sewerage system.

From 7 January 2019, new developments of 2 or more properties and over 100m<sup>2</sup> of construction area require sustainable drainage to manage on-site surface water. The surface water drainage systems must be designed and built in accordance with standards for sustainable drainage. These systems must be approved by the SuDS Approving Body (SAB) before construction work begins. The applicant shall submit a sustainable drainage application form to the Bridgend County Borough Council SAB. Further information in relation to the new legislation including the sustainable drainage application forms can be obtained from the following link:  
<https://www.bridgend.gov.uk/residents/recycling-waste-and-environment/environment/flooding/sustainable-drainage-systems/>

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and

status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

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

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

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

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

**JANINE NIGHTINGALE**  
**CORPORATE DIRECTOR COMMUNITIES**

**Background papers**  
None