

PLANNING COMMITTEE

Committee Date: 16 October 2018

Application Number: 14/P/00449

Received Date: 9th February 2017

Proposal: 7 detached houses on site of former Apollo Service Station

Site Address: Apollo Service Station Llantarnam Road Llantarnam Cwmbran
Llantarnam Road Llantarnam Cwmbran

Ward: Llantarnam

Applicant: Mr A Crees

Agent: Mr Steve Groucott



SITE HISTORY:

App Number	Proposal	Status	Decision Date
03/P/08206	single storey retail unit and associated parking	WITHDRAWN	2004
04/P/10044	single storey retail unit and associated parking	FINALLY DISPOSED OF	2008

BACKGROUND

Members will recall that this application was originally reported to Committee in August 2017, where it was resolved to approve the application subject to a S106 agreement. At that time it was proposed that the following payments would be made:

- £13,076 towards public open space, adult recreation and children's play areas
- A financial contribution equivalent to 30% affordable housing. It was agreed that the S106 agreement would allow for the level of contribution required to be reviewed - based on viability - on the sale of the second and fourth houses.

The S106 has not be completed and the applicant has asked that the viability assessment be undertaken now, rather than on the sale of the second and fourth houses. Officers offer no objection to this change of approach. Therefore, the Authority's Policy and Implementation Team has now undertaken a viability assessment on the scheme and concluded that the development can support S106 contributions of £13,000 towards open space, recreation and play areas POS/Recreation payment and a payment of £57,000 towards affordable housing. Members are therefore requested to grant planning consent subject to this amended S106 proposal.

SITE LOCATION & DESCRIPTION

The application site is located on Llantarnam Road, Cwmbran. It was previously a petrol station but that use ceased a number of years ago and since that time the site has been used for the parking and storage of vehicles.

The majority of Llantarnam Road is occupied by residential properties, although there are some retail and industrial uses around 150 metres to the north of the application site. The properties immediately to the north and south of the application site are residential, with a public garden on the opposite side of the highway to the west. The eastern boundary to the rear of the site is bordered by single storey industrial units which are part of Court Road Industrial Estate. The nearest commercial units are occupied by a variety of businesses, including a car spraying operation. These units are set down from the road level to the rear of the site. These units are a mixture of B1 & B2 uses (light industry and general industrial uses), including a vehicle spraying, repairs, MOTs and van hire. The topography of the site itself is level, the land falls after the boundary to the rear industrial units by about 4 metres.

A noise report has been submitted in support of the application which indicates that the site is in Noise Exposure Category B, as denoted by TAN 11. This requires that,

'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'.

The report identifies road traffic noise to be the main source of noise for the site and that the noise emissions recorded from the industrial site were 'relatively low'.

PROPOSED DEVELOPMENT

Consent is sought to construct 7 detached two storey houses on the site of the former Apollo Petrol Station, Llantarnam. The properties would include pitched roofs and bay windows, to reflect the design of some existing early 20th century properties on Llantarnam Road. The properties would include small front gardens, with boundary walls and front onto Llantarnam Road.

Vehicles would access the development from a central access off Llantarnam Road, with two existing accesses to be blocked up as part of the development. The central access point would lead to a rear access point for each property, with their dedicated parking being accessed from the rear of their homes. Parking would be provided in-line with the Authority's Parking Standards.

A dwarf wall with close board fence on top, totalling 2.4 metres in height, would be located along the eastern (rear) boundary of the site with Court Road Industrial Estate. A strip of landscaping would be located between this boundary and the rear access road.

The application indicates that sound proofing measures would include acoustic glazing and 'whole house ventilation' to avoid the need to open windows at night.

PLANNING POLICY

LDP Policy BW1 - provides a detailed Borough wide General Policy on Development Proposals with criterion covering 'Amenity and Design', the 'Natural Environment', the 'Built Environment', 'Utilities Provision' and 'Design and Transport', against which all planning applications will be determined in conjunction with other relevant policies of the Local Development Plan.

LDP Policy S1 - Defines the Urban Boundaries to promote the full and effective use of urban land, to allow for development to contribute to the creation of sustainable communities and define the urban area within which there is a presumption in favour of development. Land outside Urban Boundaries is within the Countryside where development is restricted.

LDP Policy S2 - Gives a set of Sustainable Development criterion that should be taken into account in the design of development proposals.

LDP Policy S3 - Provides criterion that should be considered to seek to mitigate the causes of further climate change and adapt to the current and future effects of climate change such as promoting sustainable design.

LDP Policy S4 -seeks that new development must have full regard to the context of the local natural and built environment and its special features including criterion on sustainable design and promoting a mix of uses.

LDP Policy S5 - makes provision by identifying sites for new dwellings during the period 2006-2021.

TAN 11: NOISE:

Noise-sensitive development

Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night'

Goes on to state that measures may be introduced to limit exposure to noise. This could include engineering works, such as the 'protection of surrounding noise-sensitive buildings (e.g. improving sound insulation in these buildings and/or screening them by purpose-built barriers)' or through consideration of layout of the development'

Advises that where developments fall within noise Category B,

'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise'.

CONSULTATION RESPONSES:

Highways And Transportation **“ACCESS**

The access has been shown located centrally within the frontage of the site off Llantarnam Road which is acceptable.

There is an existing refuge island and right turn facility directly fronting the site which has not been indicated on

the plan. This facility is needed to serve Court Road Industrial Estate and I would require the applicant to relocate the refuge island and associated road markings.

Any works to relocate the refuge island and right turn facility must be carried out as part of the application and all costs involved must be met by the applicant.

Visibility requirements

The visibility requirements from Court Road Industrial Estate Junction onto Llantarnam Road are 2.4 metres x 59 metres in both directions from the centre line of the junction.

The visibility requirements for the new access onto Llantarnam Road serving the site are 2.4 metres x 43 metres in both directions from the centre line of the access.

Any houses located between the junction with Court Road and the new access must be set back behind the point where the 2 visibility splay lines intersect and any houses must be set back behind the left hand visibility splay of the new access. Any boundary walls/fences/piers must not exceed 0.9 metres in height above the carriageway and there should be no planting between the front of the houses and front boundaries.

The required visibility splays for both the junction and new access are not correctly indicated on the plan but when scaled on the plan they are achievable and should be conditioned as part of any planning consent.

ROAD LAYOUT

The access must be constructed to adoptable standard and a turning facility capable of accommodating one of the turning movements of a refuse vehicle contained in Design Bulletin 32 must be provided at the termination of the cul-de-sac.

The layout indicated on the plan is now to an adoptable standard.

EXISTING ACCESSES ON LLANTARNAM ROAD

The two existing accesses off Llantarnam Road must be removed and the footway reinstated and full height kerbs installed. The plan shows a continuous footway fronting Llantarnam Road as required. These works must be carried out as part of the application and all costs involved must be met by the applicant.

Existing Adopted Public Highway – *There is a section of adopted carriageway and footway (Public Highway) located within the red line area of the application at the most northerly existing access. Prior to any works being carried out on site it must be formally stopped up as Public Highway. This can be done under Section 247 of the Town and Country Planning Act 1990. Following the issue of any planning consent the applicant would have to make a formal application to Welsh Government under Section 247 and providing the application is successful then the land would no longer be classed as Public Highway and would revert to the current landowner.*

I previously supplied a plan indicating the extent of the adopted highway - the sections of adopted highway that need to be stopped up are not indicated on this plan but will need to be stopped up prior to any development taking place.

Road Traffic Order - *There is a 'No Waiting At Any Time' Road Traffic Order on Llantarnam Road directly fronting the site and although the Order will not require amendment as part of this application, double yellow lines will need to be applied across both accesses. All costs involved must be met by the applicant.*

PARKING PROVISION

Parking provision for each unit must be in accordance with the Torfaen County Borough Council, CSS Wales Parking Standards 2014, i.e. 1 parking space per bedroom, with a maximum requirement of 3 spaces per unit. One visitor space must also be provided for every 5 units. Parking provision is now acceptable

Ideally a turning area should be provided near to the 2 sets of 4 car parking spaces because of the distance vehicles would have to reverse before they could turn; however I would not insist on it”.

Ward Members

No comments made

Community Council

"Councillor Walker (Ward Member, Cwmbran Community Council) considers that the proximity of this site to the nearby industrial units makes it wholly unsuitable for any form of residential development. Any new housing would suffer from noise, fumes etc. caused by its proximity to the industrial units. The proposed planting between the two sites would fail to protect the housing from these inconveniences."

Environmental Health
(noise/contamination)

I refer to the above planning application consultation and would recommend the following conditions

Contaminated land

All work should comply with the latest guidance which includes;

BS 10175:2011

*Welsh Government Document WG 15450,
Contaminated Land Welsh Statutory Guidance.*

*Welsh Local Government Association Document,
Requirements for the Chemical Testing of Imported
Materials for Various End Uses.*

Contamination

(1) No part of the development hereby permitted shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an

appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011 containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

Contamination - Unforeseen

(2) Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a

result of potential land contamination are satisfactorily addressed.

Contamination - Imported Material

(3) Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority and must comply with the Welsh Local Government Association Document, Requirements for the Chemical Testing of Imported Materials for Various End Uses 2011. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

NOISE, INTERNAL CRITERIA

All residential properties shall be subject to sound insulation measures to ensure that all habitable rooms are able to achieve at any time, a noise level not exceeding 40dBA Leq16h daytime and 30dBA 8hr and 45dBA MaxFast at night with windows shut and alternative means of ventilation provided. Ventilation may be mechanical or passive, however if passive systems are to be used they must be acoustically designed as not to compromise the façade insertion loss."

An acoustic report shall be provided post development which must demonstrate that the above criteria has been achieved on at least on plot to be determined by the LPA

Welsh Water

*We would request that if you are minded to grant Planning Consent for the above development that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.*

SEWERAGE

Conditions

Foul water and surface water discharges shall be drained separately from the site.

Reason: To protect the integrity of the public sewerage system.

No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system. Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

Advisory Notes *If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652. 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 we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991*

being granted by DCWW.

Streetscene

No objection to the development

However would there be any section 106 money for play as the nearby play area is desperate for improvement

Housing Officer

Housing will require 30% affordable housing on this site. For onsite provision the 30% should be delivered as 21% socially rented and 9% intermediate. Each socially rented property will be purchased by a nominated RSL at 37% of current ACG (date of contract) and each intermediate at 50% of OMV (at date of contract). This requirement is in line with the current affordable housing SPG for further details please see document.

It should be noted that the proposed dwellings would not be suitable as affordable housing as they are all 4 bedroom detached units, so an off-site commuted sum will be accepted.

NEIGHBOUR REPRESENTATIONS

A neighbouring resident objects on the following grounds;

- 1. 'Unsafe vehicular access from a busy road junction and commercial estate.*
- 2. In sufficient foul and surface drainage provision with the existing services unable to cope with the additional construction.*
- 3. Concerns with boundary proximity to enable maintenance for neighbouring property at 195 Llantarnam Road.*
- 4. Insufficient parking space.*
- 5. Not in keeping with the local planning directive for the area.*
- 6. Proximity of Commercial Industrial Units to proposed housing.*
- 7. Proposed Housing too high a density for such a small site.*
- 8. Proposed housing type not in keeping with existing housing'.*

The owner of the car spraying business in the Court road industrial estate units to the rear of the application site also objects to the proposal. He writes,

*'My building is located in a row six 3000 sq ft industrial units directly behind the proposed site approximately, 4 metres from the boundary.
As well as my building there is a mechanical garage in unit 11, there is a wood*

fabrication business in unit 8 and a steel fabrication business in unit 6, all these business' operate at unsociable hours and use machinery. Units 9 and 7 are currently empty.

*I have some serious concerns in regards to these houses being built right next to a body shop that has been at this location for approx. 35years
First as CK Motors, (late 70's), then CK Motor company, then myself as Cwmbran Auto Refinish in 2007.*

I have previous experience with the problems that arise from a body shop around a residential area back in 2005/2006 at unit 3a Two Locks, Cwmbran.

Which resulted in us being served with an abatement to stop spraying, (Torfaen should have records of this)

When I purchased this site back in 2007 one of the main reasons was that it had been a body shop for so long without any issues.

I have made a serious investment in this building and business over the seven years I have been here and am not prepared to have these houses jeopardise my business, or affect me financially.

The workshop is always open and generating noise from 8am till 8 pm Monday to Friday

The workshop can generate noise from as early as 5 am to as late as 11 pm on some days.

The workshop is always open on a Saturday and quite often on a Sunday.

We spray anywhere between 3 to 7 cars and commercial vehicles per day, our spray booth and the ducting for the spray booth is located at the rear of our building some 4 to 6 metres away from the proposed site. Our building is considerably lower than the proposed site, therefore our extractor level would be level with the hoses after they were built.

I think if these houses are built then a can of worms that neither myself or TCBC can control will be opened.

*There will be noise and fume complaints from the new residents on a regular basis!
This will result in both mine and TCBC's time and money being wasted along with a group of dissatisfied house owners that have paid probably £200000.00 for a property that is causing them nothing but trouble.*

The only option for building on that site should be industrial or retail'.

ASSESSMENT AND CONCLUSION

Planning consent is sought to construct 7 detached dwellings on the site of a redundant petrol station. The main issues for consideration are;

1. Residential amenity of existing residents
2. Whether the juxtaposition of the proposed dwellings and the commercial uses to

the rear is acceptable, particularly in terms of noise generated by the existing industrial uses

3. Visual amenities & design
4. Highway safety
5. Section 106 requirements

Residential amenity of existing dwellings: Policy BW1

The proposed development would be unlikely to significantly impact upon the residential amenities of existing adjacent residential properties. The nearest residential property to the north would be around 32 metres away and separated by a public highway.

The house of the adjoining neighbour to the south (195 Llantarnam Road) is set back behind the rear elevation of the nearest proposed dwelling; the front elevation of 195 Llantarnam Road would be set 7 metres to the rear of the rear elevation of the new property. However, given that a distance of around 14 metres would be retained between this existing dwelling and the nearest proposed house, as well as the obtuse angle that would limit any direct visibility between windows, this relationship is on balance considered to be acceptable. There would be a window in the proposed dwelling at first floor level but this would be obscurely glazed. On balance it is not considered that the proposed development would have an unacceptable level of impact on the residential amenities of the adjacent property. **Proximity to commercial units: Policies BW1 & TAN11**

The proposed dwellings would be located approximately 27.5 metres from the rear elevation of the industrial units to the rear of the application site. Whilst this is not an ideal relationship, Llantarnam Road is an area which includes a mixture of uses and other existing residential properties are close to industrial units in this area. The proposed dwellings are set at a higher ground level than the industrial units to the rear and are separated from the rear elevation of the proposed dwellings by a grass verge, a 2.4 metre high wall with wooden fence, a landscaped buffer, an access road and a rear garden. On this basis, it is considered that the two uses would not be unacceptably close.

The application includes acoustic glazing for windows and whole house ventilation for the proposed dwellings in order to prevent an unacceptable level of noise disturbance. The Authority's Environmental Health Team have not objected to the proposals. The site is identified as Noise Exposure Category B: TAN 11 advises '*conditions can be imposed to ensure an adequate level of protection against noise for this category*'. Accordingly, the Environmental Health Team have requested that a number of planning conditions in relation to potential noise disturbance are attached to any consent granted. These would require sound insulation measures to be included within the proposed development to restrict noise levels within the properties. This would be followed up by an acoustic report on completion of the development to demonstrate that the noise levels within the proposed properties area acceptable. Environmental Health Officers have not objected as they are satisfied conditions can be attached to any consent granted which safeguards the amenities of future

residents in terms of noise disturbance. Therefore, the proposals are on balance acceptable in this respect.

In terms of potential for fumes from the nearby paint booths reaching the proposed properties, Environmental Health legislation requires businesses to include adequate ventilation systems to prevent odours and fumes going beyond the boundary of their site. On this basis, the Authority's Environmental Health Officers raise no objections. Therefore, the proposals are considered acceptable in this respect.

The adjacent business owner is also concerned that complaints regarding fumes could affect his business. In terms of potential for fumes from the nearby paint booths reaching the proposed properties, Environmental Health legislation requires businesses to include adequate ventilation systems to prevent odours and fumes going beyond the boundary of their site and causing a statutory nuisance. The Authority's Environmental Health Officers advise that, if the business operates in a responsible manner, significant odours, to the extent that they would constitute a statutory nuisance under the terms of The Environmental Protection Act 1990, should not be produced. On this basis, they do not object. Therefore, the proposals are considered acceptable in this respect.

Visual amenities: Policy BW1

The existing site is an eyesore in the area as it includes a number of vehicles, a dilapidated petrol station canopy and a high chain link fence. The proposal to change the use of the site from a redundant petrol station / vehicle storage and parking area to a residential development would represent a significant improvement to the visual amenities of the area. The design of the proposed dwellings is attractive and reflects some of the early 20th century properties found on Llantarnam Road. The proposal is therefore considered to be satisfactory impact in terms of visual amenities.

Highway safety: Policy BW1

The Authority's Highways Engineers are generally supportive of the proposed development. They confirm an adequate level of residents' parking would be provided within the site and also support the proposed single vehicular access to the site off Llantarnam Road. Whilst they have requested that some amendments are made to the proposed layout, these can either be controlled by condition or the Agent will submit amended details prior to Committee. Subject to these amendments, the proposed scheme is considered acceptable in terms of highways safety.

Other matters

The resident of one of the neighbouring residential properties on Llantarnam Rd is concerned that they would not be able to gain access to maintain their boundary. The site is currently in private ownership and therefore permission to enter onto the site would be required from the landowner irrespective of the use. Therefore, this matter is considered to be of low material weight in the determination of the application.

Concerns have also been expressed regarding the capacity of the local drainage system to accommodate the proposed development. Welsh Water have not objected to the proposals. A condition would be attached to any consent granted requiring a drainage scheme for the site to be submitted to and approved by the Local Planning prior to the commencement of development. The proposal is therefore considered to be acceptable in this respect.

Section 106 requirements

The applicant has agreed to enter into a S106 agreement which would include payments towards public open space, adult recreation and children's play areas, totalling £13,076 and a payment of £57,000 towards affordable housing. Based on a viability assessment of this site, Officers are satisfied that this contribution is acceptable.

In accordance with current practice development would need to be commenced within 2 years of the decision date rather than the normal 5 years. This is to ensure that the Section 106 can be reviewed to take into account any uplift in market conditions.

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

a) Necessary to make the development acceptable in planning terms; *(the obligations of the Section 106 Agreement are necessary to ensure that adequate mitigation is provided for the provision of children's play areas, public open space, adult recreation and affordable housing provision.)*

a) Directly related to the development; *(the obligations of the Section 106 Agreement are directly related to the development.)*

and

b) Fairly and reasonably related in scale and kind to the development. *(The obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards play provision, public open space, adult recreation and affordable housing provision.)*

Conclusion & Recommendation

Whilst it is recognised that the juxtaposition of residential with industrial uses which would result as part of this development is not ideal, similar relationships exist elsewhere on Llantarnam Road. Additionally the Authority's Environmental Health Team do not object to the proposals on the basis that conditions can be attached to any

consent granted to safeguard against an unacceptable level of noise disturbance. The current site is an eye sore within the area and the proposed residential development would significantly improve the residential amenities of the street scene. On balance, the proposals are therefore considered acceptable and it is recommended that consent be granted, subject to a Section 106 agreement.

Recommendation

Upon completion of an Agreement under Section 106 of the Town and Country Planning Act concerning the matters referred to in the above report, the Head of Planning and Development be authorised to grant permission subject to the following conditions or any amendments additions or deletions of these conditions he may deem necessary.

CONDITIONS:

- 1 The development shall begin not later than two years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 Unless otherwise specified by another condition of this Notice, the development shall be carried out in accordance with the following approved plans and documents:

Site layout TC02/02B received 14 August 2017

House type AC 03/03 received 16 August 2017

Site location plan AC 03/01 received 14 August 2017

Reason: To ensure the development is carried out in accordance with the approved details. Any material alteration to the approved details may have an impact that has not been assessed.

- 3 All residential properties shall be subject to sound insulation measures to ensure that all habitable rooms are able to achieve at any time, a noise level not exceeding 40dBA Leq16h daytime and 30dBA 8hr and 45dBAMaxFast at night with windows shut and alternative means of ventilation provided. Prior to the beneficial occupation of the first dwelling hereby approved, an acoustic report demonstrating that the above criteria have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

- 4 Prior to the beneficial occupation of any property hereby approved, the boundary treatments for the rear/eastern elevation of the site shall be installed in

accordance with the approved details. Thereafter, all other approved boundary details shall be installed prior to the completion of development.

Reason: In the interests of visual and residential amenity.

- 5 (1) No part of the development hereby permitted shall commence until:
- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
 - b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011 containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
 - c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.
- No part of the development hereby permitted shall be occupied until:
- d) Following remediation a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

(2) Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

(3) Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority and must comply with the Welsh Local Government Association Document, Requirements for the Chemical Testing of Imported Materials for Various End Uses 2011. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

- 6 Prior to the commencement of development, details of the materials to be used in the construction of the external surfaces of the dwellings hereby approved, as well as details of the front boundary gate, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- 7 Prior to the commencement of development, a drainage scheme for the site shall be submitted to and approved in writing by the local planning authority. Thereafter, development shall be undertaken in accordance with the approved details

Reason: In order to safeguard drainage interests

- 8 Prior to the commencement of development, a scheme for relocating the refuge island to the front of the site on Llantarnam Road shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter, the approved scheme shall be installed prior to the beneficial occupation of the first property.

Reason: In the interest of highway safety.

- 9 Prior to the commencement of development, the existing highway within the frontage of the application site shall be stopped up under the appropriate section of the Town & Country Planning Act 1990.

Reason: In the interest of highway safety.

- 10 Prior to the occupation of each dwelling hereby approved, the parking spaces for that dwelling shall be provided in accordance with drawing no TC03/02B and those spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: To reduce the need for on street parking in the interests of highway safety.

- 11 The visibility splays within the site from both the new access onto Llantarnam Road and existing junction serving Court Road Industrial Estate shown on drawing no TC03/02B shall be maintained free of any obstruction exceeding 0.9 metres in height above the level of the adjoining carriageway for as long as the development exists.

Reason: In the interests of highway safety

- 12 The proposed new window to be inserted at first floor level on the southern elevation of the dwelling hereby permitted immediately adjacent to 195 Llantarnam Road shall be:
- i) obscurely glazed (equivalent to Pilkington glass obscurity scale 3 or higher);
 - ii) non-opening unless any part of the window which can be opened is, when measured at any point along the lowest edge of that part, at least 1.7m above the internal floor directly below that point; and
 - iii) permanently maintained as such.

Reason: To safeguard the amenity of neighbouring properties.

INFORMATIVES:

- 1 Torfaen Local Development Plan covers Torfaen County Borough. The following policy/policies is/are relevant to the consideration of this application: BW1, S1, S2, S3, S4 _ S5
- 2 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
- 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 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.

- 3 With regards to condition 5, the Authority's Environmental Health Officer advises ventilation may be mechanical or passive. However, if passive systems are to be used they must be acoustically designed as not to compromise the façade insertion loss.

- 4 The Authority's Environmental Health Officer advises that, with regards to condition 5, all work should comply with the latest guidance which includes;
 - BS 10175:201
 - Welsh Government Document WG 15450, Contaminated Land Welsh Statutory Guidance
 - Welsh Local Government Association Document, Requirements for the Chemical Testing of Imported Materials for Various End Uses.

5. Please refer to the attached comments of the Authority's Highways Engineer (dated 15 August 2017) regarding highways works which would be required as part of this application which would be secured as part of a S.278 Highways Agreement.

Rebecca McAndrew

Appendices	None
Background Papers	<p>Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report.</p> <p>Planning Application File: 14/P/00449</p>

For a copy of the background papers or for further information about this report, please telephone: Richard Lewis, Head of Development Management (Tel. 01633 647628)