

OFFICER REPORT

Application Number: 18/P/0125/FUL

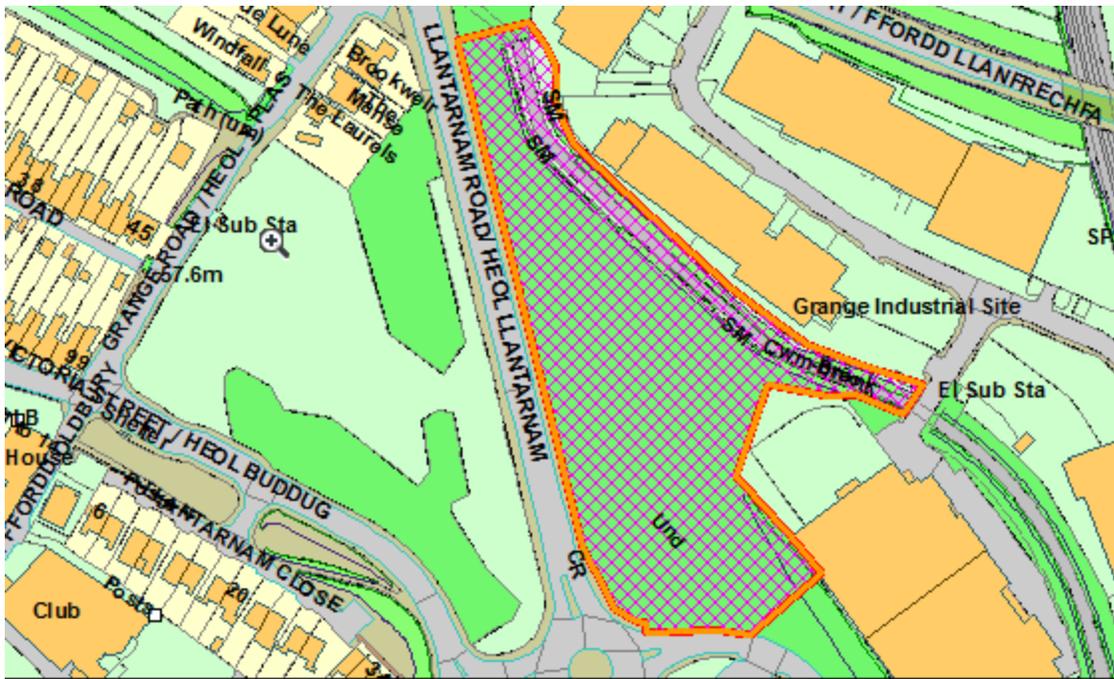
Received Date: 22nd February 2018

Proposal: Proposed Class C3 residential development comprising 10 no. houses, 12 no. apartments and 7 no. supported living units, creation of new vehicular access from Court Road, parking, hard and soft landscaping including works to trees and ancillary works.

Site Address: Land At Llantarnam Road, Cwmbran

Ward: Llantarnam

Applicant: St Ilan Developments & Melin Homes
Agent: Pegasus Developments



SITE HISTORY:

App Number	Proposal	Status	Received Date	Decision Date
18/P/0057/S	Screening opinion	EIA Not Required		16.02.2018
93/P/17810	Development of	Refused		01.04.93

	premises for use Class A3 (Food and Drink)		
87/P/11965	High quality industrial unit/prestige office development	Refused	27.04.87
86/P/11317	Car showroom/workshop parts and officer	Refused	08.07.86

BACKGROUND

In accordance with The Town and Country Planning (Environmental Impact Assessments)(Wales) Regulations 2017, an application for an Environmental Assessment Screening Opinion was submitted in January 2018. It was determined that this proposal did not require an Environmental Impact Assessment to accompany a planning application.

DESCRIPTION OF SITE

This application site is an area of open land located to the east of Llantarnam Road. The eastern boundary of the site consists of a belt of mature trees. There are several trees on the frontage of the site and a Court Road Industrial Sign which was erected by the Cwmbran Development Corporation. This sign is currently spot listed as CADW are assessing whether or not the sign should be listed. All of the trees on the site are protected by a Tree Preservation Order. The remainder of the site consists of grassland which gently rises to the east and towards the belt of trees on the eastern boundary.

The site forms part of a Site of Important Nature Conservation (SINC). The site, and the area of open space on the other side of Llantarnam Road has also been identified as an area of Important Urban Open Space in the Adopted Torfaen Local Plan.

Grange Road Industrial Estate is located to the north east and east of the site which is separated from the site by Cwmbran Brook and the protected belt of trees. To the south west and west of the site on the opposite side of Llantarnam Road is another area of open space with residential development beyond.

DESCRIPTION OF DEVELOPMENT

The application was initially submitted for the erection of 11 No. Dwellings, 15 No. apartments and 6 No. supported living units, a total of 32 units. The scheme as originally submitted included the creation of a new access off Court Road, the construction of an access road, the removal of the trees and the sign on the

southern section of the site and the erection of a three storey apartment block on this southern section of the site. A terrace of 11 two storey dwellings were proposed running parallel with Llantarnam Road and a three storey block consisting of 6No supported living units in the north part of the site.

Following negotiations with Officers, the scheme was amended in an attempt to overcome concerns raised. The amended scheme has now reduced the overall number of units to 29 units consisting of 10 no. houses in a terrace, 12 no. apartments in a three storey block which has now been relocated to the eastern side of the access road, and 7 no. supported living units in a three storey block on the northern part of the site. This amendment has enabled the retention of the mature trees and area of open space on the southern section of the site which has also resulted in the spot listed sign being retained.

PLANNING POLICY:

Planning Policy Wales (9th Edition)(November 2016)

Planning Policy Wales (PPW) (9th Edition)(November 2016) sets out the context for planning in Wales and has a series of chapters that deal with particular subjects. Each of the subject chapters contains sections on how the subject should be treated in Development Plans and for Development Control purposes. As this report relates to an application for full planning permission this section will outline the most significant considerations for Development Control purposes.

Chapter 3: Making and Enforcing Planning Decision: 3.1.3 In line with the presumption in favour of sustainable development (see 4.2), applications for planning permission or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise¹. Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies.

Chapter 4: Planning for Sustainability: This chapter promotes sustainable development, the goal of which is, to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

Chapter 5: Conserving and Improving Natural Heritage and the Coast: Paragraph 5.1.2 The Assembly Government’s objectives for the conservation and improvement of the natural heritage are to:

- promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;

- ensure that statutorily designated sites are properly protected and managed;
 - safeguard protected species, and to
- promote the functions and benefits of soils, and in particular their function as a carbon store.

Paragraph 5.1.3 states that a key role of the planning system is to ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created.

Paragraph 5.5.1 states that Biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land. Paragraph 5.5.2 states that when considering any development proposal (including on land allocated for development in a Development Plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.

Paragraph 5.5.5 states that statutory designation does not necessarily prohibit development, but proposals for development must be carefully assessed for their effect on those natural heritage interests which the designation is intended to protect.

Paragraph 5.5.12 states developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive.

Chapter 8: Transport: Paragraph 8.7.1 states that when determining a planning application for development that has transport implications, local planning authorities should take into account:

- the impacts of the proposed development on travel demand;
- the level and nature of public transport provision;
- accessibility by a range of different transport modes;

- the willingness of a developer to promote travel by public transport, walking or cycling, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission for a development for which it would not otherwise be granted);
- the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

Paragraph 8.7.2 states that Transport Assessments (TA) are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for.

Chapter 9: Housing: Paragraph 9.3.1 states that new housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities. Paragraph 9.3.4 states that in determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Technical Advice Notes

Technical Advice Note 1: Joint Housing Land Availability Studies (June 2006):

This TAN provides guidance on the preparation of Joint Housing Land Studies to enable the monitoring of the provision of market and affordable housing, provide an agreed statement of residential land availability for development planning and control purposes; and set out the need for action in situations where an insufficient supply is identified. This TAN places emphasis on the importance of maintaining a 5 year supply as it states that if JHLAS shows the land supply falling below the requirement, there may be need to give considerable weight to this matter when dealing with planning applications. It states that Local Planning Authorities must ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing.

Technical Advice Note 2: Planning and Affordable Housing (June 2006): This TAN provides advice and guidance in relation to the provision of affordable housing. The guidance requires local planning authorities to:

- Include an affordable housing target in the development plan which is based on the housing need identified in the local housing market assessment.
- Indicate how the target will be achieved using identified policy approaches.
- Monitor the provision of affordable housing against the target (via the Local Development Plan Annual Monitoring Report) and where necessary take action to ensure that the target is met.

Technical Advice Note 5: Nature Conservation and Planning (September 2009):

This Technical Advice Note provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. This TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

Technical Advice Note 11: Noise (October 1997): This TAN provides advice and guidance on technical issues in relation to noise and development. It states that Local Planning Authorities must ensure that noise generating developments does not cause an unacceptable degree of disturbance. It also states that 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 future. This TAN also gives detailed guidance on how to assess such issues.

Technical Advice Note 12: Design (July 2014): The purpose of this TAN is to equip all those involved in the design of development with advice on:

- how ‘Promoting sustainability through good design’ may be facilitated through the planning system; and
- the preparation and validation of mandatory design and access statements.

This TAN defines good design and stresses the importance of good design. Specifically in relation to Residential Development it states that achieving more sustainable residential environments is dependent on linking development to public transport and other uses and services, providing access to local services, and securing the most efficient use of land. For a successful residential area, the design of housing should establish a sense of place and community, with the movement network used to enhance these qualities, and to incorporate features of environmental sustainability. This TAN gives detail advice on good design and states that development proposals, in relation to housing design should aim to:

- create places with the needs of people in mind, which are distinctive and respect local character
- promote layouts and design features which encourage community safety and accessibility

- focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles
- avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building
- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards
- secure the most efficient use of land including appropriate densities
- consider and balance potential conflicts between these criteria.

Technical Advice Note 16: Sport, Recreation and Open Space (January 2009): This TAN advises on the role of the planning system in making provision for sport and recreational facilities and informal open spaces, as well as protecting existing facilities and open spaces in urban and rural areas in Wales.

Technical Advice Note 18: Transport (March 2007): This TAN provide advice and guidance on transport issues including the design and location of the development, parking requirements, walking and cycling, public transport, assessing impacts and managing implementation.

Torfaen Adopted Local Development Plan

LDP Policy BG1 - states development proposals will not be permitted where they would cause significant adverse effects to local nature conservation designated sites, including the features of a Site of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), or Regionally Important Geological Sites (RIGS), subject to two criterion.

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 CF4 states that development proposals, which result in the loss of Important Urban Open Spaces will not be permitted, unless the proposal complements or relates to the function of the Open Space and would enhance its value, or there is an overriding community or regeneration need for the proposal or where its integrity would be maintained.

LDP Policy H4 sets a target of affordable homes within Torfaen over the Plan Period and, subject to annual review, seeks to negotiate the provision of a percentage of affordable housing on all residential sites/developments over a certain size.

with disabilities and are supported by social care. Torfaen Social Care Adults Services have identified a significant need for long term accommodation for people who have a variety of care and support needs, in particular accessible accommodation for those with mobility issues. This provision will provide onsite care and support 24 hours a day. This provision will be used to support individuals to maintain independence whilst being able to have the care and support they require.

Should the development not be taken forward as described In the application housing would require 30% affordable housing (90% socially rented/10% intermediate) and should be in accordance with the current affordable housing SPG.

Second comment: The scheme is being delivered by Melin Homes therefore all units will be affordable. However, if the site were to be transferred or sold to a private developer 30% affordable housing would be required. This affordable provision would be split as 90% socially rented and 10% intermediate - please refer to the current affordable housing SPG.

Education

The area in question lies within the English medium catchment areas of Croesyceiliog (Secondary) School and Llantarnam Community Primary School.

Using Supplementary Planning guidance 32 (total) dwellings could deliver 9 primary aged children (based on 29 pupils per 100 dwellings(0.29 per dwelling)) and 5 secondary aged pupils (based on 16 pupils per 100 dwellings (0.16 per dwelling)).

The capacity of Llantarnam Community Primary School is 315 places and there are (January 2018) 239 pupils on roll, meaning that currently, there is surplus capacity to meet the needs of this development should, any school aged children arise.

In terms of secondary, Croesyceiliog School currently has a capacity of 1609 (11 - 18 age range) places with 1593 on roll (January 2018). As with the Primary school provision above, there is currently albeit a small surplus capacity at the moment to meet the needs of this development.

However, although there currently remains a small surplus it should be noted that a new 11 - 16 age 1200 place school is proposed with the new building available from September 2019. To support the transition process admissions to the school will be restricted to 240 from September 2018.

There are a number of "out catchment" pupils attending Croesyceiliog, but until they complete their studies they will remain on roll and reducing the admission number will, to a degree, manage down numbers to 1200. There are of course significant developments in the catchment area (principally South Sebastopol and Malthouse, Llantarnam) which will impact on provision, but have been accounted for where possible given their inclusion in the Joint Housing Land Availability studies.

Although this is a small development, it along with similar sized proposals, do not usually appear on JHLAS, and although having only a small impact individually, collectively could have an impact on educational provision so there may also be a case in the future to seek education contributions for them.

Ecology Officer

First Comment: I acknowledge the submission of the ecology survey report with associated reptile survey and broad mitigation recommendations. As this location is covered by a Site of Importance for Nature Conservation (SINC) and will be largely lost should this development proceed it is important suitable mitigation/compensation is offered. Mitigation/compensation should be proportionate to the quality of habitat to be lost and therefore based on the findings of the ecology report. Having read the report I feel there is insufficient information as to the quality and type of grassland on site. I therefore recommend that the developer is advised to commission additional ecology work focusing on the grassland habitat (i.e. National Vegetation Classification) and, based on its findings, provide more specific mitigation proposals.

Second Comment: I can confirm I have no objection to above application proceeding as proposed. I would however suggest that the enhancement recommendations detailed on page 9 of the Extended

Phase One and Reptile Survey Report are appropriately conditioned.

In terms of the loss of SINC habitat, it has been agreed that this can be covered via a biodiversity off-setting scheme on council own land nearby. The submitted Mitigation Strategy for the Loss of Grassland details this proposal with a commuted sum of £4,785.00 to facilitate management for three years. This should be included in a s106 agreement.

Natural Resources Wales

We have no objection to the application as submitted.

Please find comments below in respect of land potentially affected by contamination, ecology and flood risk management.

Land Potentially affected by Contamination

We have reviewed the Geotechnical and Geoenvironmental Report by Terra Firma, dated December 2017. We note that the site investigation undertaken has demonstrated that the level of contamination from previous use is very low and therefore the risk to controlled waters is also low. Based on the report, we would request you include the following informative on any planning permission granted.

Informative/ advice to LPA

Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed - NRW have adopted this guidance. These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult us.

Ecology

We note the Proposed Site Layout Plan Drg No A-09-03 Rev C and welcome the retention of the woodland corridor along the watercourse at the rear of the development.

Flood Risk Management

The proposed site lies partially within Zone B, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood risk (TAN 15) (July 2004). We do not hold relevant flood risk information for this site. We refer you to the Council's Drainage Department for further advice.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link <https://naturalresources.wales/media/5271/150302-naturalresources-wales-and-planning-consultations-final-eng.pdf> . We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Forward
(LDP/Policy)

Planning

First comments: The site is within the urban boundary and is well located to access facilities in Old Cwmbran or the town centre.

The site is designated IUOS and the development is not compatible with this designation and so represents a departure from the development plan. The agent argues that the space does not justify its designation but it is part of an adopted plan which was adopted following independent examination by an Inspector. For a departure to be justified evidence has to be provided to show the existing allocation is no longer appropriate and that the new proposed use is needed for the site.

Whilst the agent has questioned the evidence supporting the allocation they have not provided a detailed assessment about the space. The space

provides a valuable visual break in the built up stretch of Llantarnam Road with trees and natural vegetation and also the interesting (historically and visually) entrance sign to the Industrial estate.

From Policy C4 the development will not compliment or relate to the function of the open space, it will not enhance its value, its integrity will not be maintained and therefore the developer is arguing that there is an 'overriding community or regeneration need for the proposal'.

Second comments on amended proposal: Further to my previous comments I note an analysis of the site has been carried and that the landscape officer now raises no objections to the proposals. I can see in this case that the integrity of the site in relation to the landscape/visual importance of the site can be considered to be maintained with the retention of significant areas of trees and additional planting. The site will undoubtedly change in character but the retention of key areas of landscaping provide the argument that the development can be considered to be in accord with Policy CF4c).

Highways And Transportation

First Comment: The parking provision indicated on plan No A-90-04 C is not in accordance with Torfaen County Borough Council SPG Wales Parking Standards. Also the parking numbers on the plan do not match the numbers in the Design and access statement.

In block B there are 10 x 1 bed units and 5 x 2 bed units requiring 20 parking spaces and an additional 4 visitor spaces. There are 15 spaces on plan directly fronting the block and 3 visitor spaces in bays on street. As such there is a shortfall of 5 resident and 1 visitor space for block B.

The 11 x 2 bed units have sufficient resident parking but no visitor parking in bays on street. 2 visitor spaces would be required for these units.

Block A has 6 x 1bed units and there are sufficient resident numbers indicated on plan but there should be a visitor space available for Block A.

I would ask that you defer a decision on this application to give the applicant opportunity to amend parking provision in line with my requirements.

Second Comment: The Highway Officer is now satisfied with the amended scheme from a highway safety and parking provision point of view.

Landscape Officer

First comment: The application is for the development of 11 houses, 15 apartments and 6 supported living units including access, parking and amenity space.

There is no landscape plan to comment on so the comments are based on the information provided in the DAS, ecological report and plans submitted including proposed site layout A-90-03 Rev C.

The development layout sets Block A and the 11 houses close to the canopies and root exclusion zones of the existing trees. Block B is set on the junction of court road and Llantarnam road with the subsequent removal a group of trees subject to a TPO.

The loss of part of the IUOS, its connectivity with the Cwmbran brook corridor habitats west and east and the balanced visual open space provided with low vegetation in the foreground and trees to the rear will have a significant impact on the landscape character of the immediate area. The ecological survey seems to be low on information relating to the foreground grassland and the habitat types and species that it may support.

If the development was to proceed further measures to improve the quality of the project, the environment for local residents, occupants of the new development and landscape and ecological assets could also meet some of the recommendations of the KK&P report and observations.

A Landscape plan

- o The current indication of landscaping is poor and has very little landscape character, pollinator or biodiversity value and needs to improve significantly to

be acceptable

- o Setting out planting arrangement, specifications, species, wildflower and seeding mix, management and aftercare plans for the entire landscape within the development site
- o Describing, with details, the street furniture, SUDS with biodiversity value, protection of the tree root systems, boundary fencing for gardens and frontage , retaining walls and tree planting / protection
- o Fully informed by a more comprehensive ecological survey

New tree planting to the streetscape:

- o In the verge between Llantarnam road footway and the new housing access road new street trees at 5-6m intervals with appropriate tree pits, watering systems, tree protection and management plan from establishment to maturity.
- o The trees to be selected from an appropriate native species street tree supplier and planted as semi maturing trees for immediate impact to the manufacturer's specifications. The trees to be more fastigate / columnar in form
- o To include tree planting to the frontage of Block B to reduce impact of development on the roundabout which currently has no elevated development on its frontage
- o The planting will :
- o Integrate the development within the streetscape more effectively
- o Help to replace loss of tree canopy which is in decline in Torfaen
- o Help to reduce noise pollution
- o Help to improve air quality
- o Improve ecological connectivity
- o Provide a 'semi private' feel to the proposed development

New biodiversity supportive planting in the development

- o Planting plan to include hardy and appropriate flowering pollinator bee and butterfly friendly species using native species wherever possible
- o Wildflower planting to amenity grass areas wherever possible but still retaining accessible greenspace for residents
- o Bulb planting scheme as early pollinator resource

Built structures

- o There are two bin stores proposed on the site. To contribute to proposed ecological value of the site I wish to see the quality of the design of the bin stores improved to include a living roof to help to mitigate for habitat loss. To include a construction detail and aftercare management plan.

Other observations

- o Parking space 03 at the north end of the site requires driving along a proposed footway rather than at 90deg over it. This may need to be re-designed

Should the development proceed and there is not an adequate mitigation proposals through land use planning terms for the loss of Green Infrastructure. An alternative would be off site mitigation to significantly enhance GI networks and resources through a Section 106 agreement. Suggested mitigation should include:

Contribution to

- o offset the loss of IUOS habitat and connectivity by significantly improving the landscape corridor setting habitat and ecological supporting capacity in the Llantarnam ward. This would include new tree and hedge planting to improve existing and create new. Strengthening and enhancing the landscape character.
- o New bulb and wildflower planting in selected areas to improve pollinator resilience
- o Improved linkages via the existing highways footways to nearby safe routes, NCN network and play areas for cyclists, pedestrians and the less mobile.
- o Provide effective long term aftercare and management

In summary the author requires further information with regard to landscape proposals to

- o reduce the impact of the proposed development in the Llantarnam road corridor
- o to mitigate for the loss of an IUOS, GI connectivity and the habitats its supports
- o improve the quality of the landscape proposals for the site both hard and soft

Second comment: I've looked at the amended submission I'm quite happy with the proposals

I'd like conditions placed to ensure we have sight of more detailed landscape proposals before they are undertaken specifically tree planting techniques, sizes and species for the boulevard and planting to the frontage of the 4 storey apartments

I'd also like to see a path connection as indicated on the attached sketch plan. If I was on my way back from the leisure centre, I'd cross the road and I'd cut across at one of the locations indicated. So to avoid wear it would be better to have a link at one location.

Tree (Arboricultural) Officer

First comment: I will object to the proposed dwellings for the reasons outlined below

G1 is to be removed

G2 one tree to be removed and car park spaces constructed within the canopy spread and root protection zone. While the car park spaces can be constructed using tree friendly methods there will be increase pressure to fell trees due to tree debris and possible bird droppings on cars.

G16,17 and 18. Gardens extend into the canopy of these wooded areas which will lead to increase in pressure from lack of light and debris falling into gardens. To reduce these pressure there should be a buffer zone of approx. 10m from the stems of the trees which will also aid maintenance. Where gardens back onto woodlands this can increase fly tipping so again the buffer zone will help to reduce this.

T3 and 4 to be felled.

T5 and 6 to be felled but with management these category C trees would be upgraded to B

T7 again car park areas in the root zone so increasing pressure to fell due to debris landing on cars.

No site levels have been produced showing any alterations in levels around the trees to be retained.

Second comment: Now that the tree group G1 is being retained I have no objections to the proposed development.

Waste Manager

Thank you for consulting with the Waste team regarding application ref - 18/P/0125/FUL. Whilst the waste department has no concerns regarding waste storage for the houses, we are concerned that there may not have been sufficient consideration for storage of waste from the 2 Blocks - A and B.

For each property there will need to be sufficient storage identified for the recycling, food waste, cardboard, any green waste and residual waste that will be generated. To access Torfaen's full waste collections, each house should have enough space for 1 x 140L skinny bins for residual waste, 1 x 240L Green wheelie bin (where green waste is generated), 1 x 23L food waste caddy, 1 x bag for recycling cardboard and up to 2 x 55L black recycling boxes. All of the waste containers would need to be stored away from the footway and on the development.

I note that bin stores have been suggested for Blocks A and B. The bin stores need to be of a sufficient size to store the waste from each of the blocks.

Assuming that there is no green waste generated from the blocks, the bin stores will need to have sufficient storage space for:-

Block A - 6 x 140L skinny bins for residual waste, 6 x 23L food waste caddy, 6 x bags for recycling cardboard and up to 12 x 55L black recycling boxes

Block B - 15 x 140L skinny bins for residual waste, 15 x 23L food waste caddy, 15 x bags for recycling cardboard and up to 30 x 55L black recycling boxes

From the site plan the storage provision for Block B seems insufficient for the proposed housing units.

We would need additional information on the bin stores before we could support the application.

Updated comments: Unfortunately the proposed solution from the developer would not be acceptable.

We would not be able to empty the 1100L containers. All of the recycling need to be placed in the recycling boxes and food caddies. The bin stores would then need to be designed to be large enough for the residents to be able to store the waste in the number of containers highlighted in the attached.

Environmental
(noise/contam/housing)

Health

First comment: I have been in discussion with the applicant's ground contamination consultant about outstanding gas monitoring at the proposed development site. As the gas monitoring has yet to be completed the consultant has asked if this aspect of the site investigation can be conditioned should the development be granted consent. I don't have any objections to this proposal. As such I would advise that the following condition be applied to any approval granted for the proposed development.

"No development shall begin until the gas monitoring survey and report identified in Terra Firma ground investigation report entitled " Proposed Residential Development, Llantarnam Road, Cwmbran , Ref 14417, dated December 2017" has been submitted and approved in writing by the Local Authority. Any recommendations subsequently identified in the gas monitoring report shall be implemented in full."

In addition the Terra Firma ground investigation report advises that any soils imported on to site as part of the development should be suitably validated as suitable prior to use in accordance with 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation Cover Systems' published by the Welsh Land Contamination Working Group.

I would therefore advise the following condition should also be applied to any approval granted for the proposed development.

"Within 3 months of completion of all landscape works at the proposed development a validation report shall be submitted to the Local Authority for approval in writing, to demonstrate that all imported soils brought onto the development site have complied with the 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation Cover Systems' published by the Welsh Land Contamination Working Group."

Updated comments on Gas monitoring:

Further to the attached ground gas monitoring report, I am satisfied that ground gas at the proposed development site is not a significant issue and that no specific mitigation measures would be required to protect any buildings that might be developed at the site. As a result I am satisfied that no specific planning conditions would be required to deal with this aspect of the development should planning consent be granted.

Updated comments on noise:

I have reviewed the response provided by the applicants noise consultant and would comment as follows.

The comments I provide are based on TAN 11 Welsh Government planning guidance in relation to acceptable noise levels at proposed development sites.

The applicant has provided clarification on the noise exposure levels expected at the facades and garden areas for the proposed housing at the development site. Parts of the site, specifically the façade of Block B would be exposed to daytime levels of noise from road traffic of up to 73.9 dBA over a 16 hour period. This would place this part of site into noise exposure category D of TAN 11 guidance whereby planning permission should not normally be granted.

Other parts of the site are exposed to noise levels from road traffic ranging from 62 to 72 dBA placing the rest of the site into Category C of TAN 11 guidance , whereby planning

permission should not normally be granted. However TAN 11 guidance states that where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.

The applicant has proposed a planning condition, should the scheme receive consent, that would require the submission of a scheme of works that would enable internal noise levels of all occupied buildings (including those buildings whose facades are exposed to noise exposure category D) to achieve acceptable internal noise levels based on the standards set out in BS 8233:2014. Such schemes are normally based on improved noise insulation construction techniques and

mechanical means of ventilation which would mean that internal noise levels can only be achieved by keeping windows closed on noise exposed facades. The applicant has stated that due to the shielding nature of the buildings all private outdoor areas will achieve acceptable noise exposure standards of 55 dBA or less. Therefore utilising the standards contained in TAN 11 planning guidance consent for the site should not be granted as parts of the site fall into categories C and D of noise exposure as a result of road traffic noise. However, TAN 11 does state that where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise. So if the Authority considers that there are no alternative quieter sites available for this development then consent can be granted subject to the application of conditions to reduce internal noise levels to an acceptable standard. Should planning approval be granted therefore I would agree that the following condition proposed by the applicant can be imposed to ensure noise exposure to future occupants is reduced to an acceptable level.

Prior to occupation of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to provide that all habitable rooms exposed to external road traffic noise in excess of 63dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 57dBA Leq 8 hour (free field) at night (23.00 to 07.00) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35dBA Leq 16 hour during the day and 30dBA Leq 8 hour night, as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable rooms shall be occupied until

the approved sound insulation and ventilation measures have been installed in that room.

Reason: To protect the proposed residential used against noise arising from the existing traffic use of the area.

Gardens shall be designed to provide an area which is at least 50% of the garden area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.”

Also in relation to the comments from EH on ground contamination set out in the table below there have been some developments since these comments have been provided as a result of clarifications from the applicant's ground contamination consultant. I would therefore not object to the proposed development as a result of potential ground contamination issues but would suggest the following conditions be applied to any consent that may be granted.

“Within 3 months of completion of all landscape works at the proposed development a validation report shall be submitted to the Local Authority for approval in writing, to demonstrate that all imported soils brought onto the development site have complied with the ‘Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation Cover Systems’ published by the Welsh Land Contamination Working Group.”

And

“If during development works any other unexpected ground conditions or evidence of contamination to that identified in Terra Firma report 14417 dated December 2017 is found, ground works shall cease and the Local Authority shall be informed. An inspection by a geo-environmental engineer shall be made, and any required testing or investigation shall be carried out prior to continuation of works.

Second comment: I have reviewed the revised noise report associated with the above application and my previous comments in relation to this proposal stand.

Fields In Trust

No reply received

Architectural Liaison Officer

I have looked at the plans submitted for land at Llantarnam Road, Cwmbran (planning reference 18/P/0125) and although I do not object to the development, I do have reservations concerning the design. My concerns primarily are around the rear access pathway that runs the entire length of the 10 houses shown on the site plan. The area has little to no surveillance, and I feel would become an area for potential ASB/Fly tipping. The site would be highly unlikely to achieve Secured by Design with this pathway remaining.

If it is completely necessary to retain the alleyway then I would suggest the following is implemented:

1. The gates to the rear would need to be self closing and lockable allowing residents access only.
2. The rear garden boundary treatments should be 'hit and miss' fencing to prevent a completely enclosed space, although with not a wide enough gap to allow a foothold to be used as a climbing aid (minimum height of 1.8m).
3. Lighting at the rear of properties should be dusk to dawn lighting and not PIR.

PROW Officer

No reply received

Dwr Cymru/Welsh Water
Treharris

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We were recently consulted for a Schedule 1C Article 2D on the above development site and confirmed we could only accept foul water from the development site and made applicant aware that the development site is crossed by a number of public sewers apparatus with

the approximate positions being marked on the attached statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No operational development is to take place within 3 metres either side of the centreline of the 150, 2x 300, 350, 2x 375 & 600mm public sewers and special purpose chamber.

The applicant's carried out a detailed asset survey of the site and marked the exact locations of the assets, we have liaised with the applicant's representatives to ensure that the development design and surface water drainage proposals does not fall within the crossing sewers protection zones. For the disposal of domestic surface water we note that the applicant is proposing to connect attenuated flows into a nearby brook, we are satisfied with the applicant's use of a sustainable drainage system.

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.

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss. 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.

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above. The proposed development is crossed by a 4 inch distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

SEWERAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

PUBLICITY

An Article 12 Site Notice was erected at the site on 5 March 2018.

An Article 12 Press Notice was placed on the Free Press on 14 March 2018.

Neighbour consultations: 30, 32, 34, 36 Llantarnam Close; 40, 42, 44, 46, 48 and 50 Llantarnam Road; The Laurels, The Manse, Brockweir, The Graig, Glen Dale, Grange Road; Blakes Autos, C B Cars, DBA Building, Gates and Fencing, Peter Jefferies, B Doble and Son, Unit A, Cwmbran Christian Centre, Euro Factory, Unit 7, Grange Industrial Estate.

REPRESENTATIONS RECEIVED

No representations received.

ASSESSMENT AND CONCLUSION

The following is a list of the main issues which need to be fully addressed and considered in the determination of this application. Each issue will be dealt with in turn:

- The Principle of the Proposed Development
- Highways, Transportation, Access and Circulation Issues
- Design and Layout/Character and Appearance of the area
- Residential Amenity
- Ecology and Nature Conservation
- Planning Obligations/Section 106 Agreement

The Principle of the Proposed Development

This application site is located within the urban boundary and within a mixed use area. The site is allocated as an area of Important Urban Open Space (IUOS) in the Adopted Torfaen Local Development Plan (LDP). Policy CF4 of the LDP states that

development proposals which will result in the loss of an IOUS will not be permitted unless:

- a) the proposal complements or relates to the function of the IOUS and would enhance its value; **or**
- b) there is an overriding community or regeneration need for the proposal; **or**
- c) where its integrity would be maintained.

The application site is in private ownership so despite its designation, the public do not have a right of access onto the site and do not use it for any purpose. It has been left unmanaged for many years and is therefore currently overgrown and in a visually poor condition. The trees and woodland on the site are protected by a Tree Preservation Order, however, as they have been unmanaged for many years the quality of the trees and woodland are at risk of deteriorating further. The open space on the opposite side of Llantarnam Road has also been designated as an IUOS in the LDP. However, unlike the application site, this area of open space is owned by the Council and is being managed in an appropriate manner and the public have access to it. As a consequence, this area of open space is an attractive, well maintained and well used area of open space. Whilst both have the same designation as an IUOS, they both clearly have different values.

Consideration needs to be given to what the value of this site is as an IUOS, how the proposal will affect this value and how it complies with policy CF4. The applicant has argued that the site should never have been designated as an IUOS as the original assessment of this open space, which informed the decision to designate it in the LDP, scored it as low value which didn't meet the requirements for designation. Notwithstanding this, the site's designation was carried forward in the LDP which was subject to the scrutiny of a Planning Inspector at the LDP Inquiry. This policy was subsequently adopted and therefore forms part of the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires decisions on planning applications to be made in accordance with the Development Plan policies unless other material considerations indicate otherwise.

As stated above, this site has no community use and therefore its value does not relate to its function. The landscape features of the site and its open character are its value which contributes positively to the character and appearance of this area. The site is currently in a poor condition due to its lack of management which unfortunately has decreased its visual value and positive contribution to the character and appearance of the area.

The scheme as originally submitted included the removal of the trees on the frontage of the site and the removal of the Court Road Industrial Estate sign. Notwithstanding the requirements of policy CF4, this original scheme was considered unacceptable due to its impact on the landscape features of the site and its impact on the character and appearance of the area. The applicant therefore redesigned the proposal. The main element of the redesign was to remove the apartment block from the frontage of the site

and relocate it towards the rear of the site on the opposite side of the proposed access road. As a consequence of this redesign the number of units has been reduced by 3 and has resulted in the retention of the most prominent part of the open space and the trees and sign on the site's frontage. More detailed discussion on the impact on the character and appearance of the area is set out further on in this report.

The applicant is also proposing a woodland management plan to ensure the improvement of the belt of trees at the rear of the site along Cwmbran Brook and the other trees on the site, which mainly front onto Llantarnam Road. This management will improve the quality of the landscape features of the site. Whilst the site will lose some of its open space character, it is considered that the amended scheme retains the landscape features of the site, ensures their long term management and retains some of the open nature of the site due to the development's set back from Llantarnam Road and the fact that it faces Llantarnam Road.

Grassland on the site will be lost which has ecological issues which are addressed further on in this report, however the loss of the grassland is not a significant visual issue as the main value of the site is its openness and its significant tree groups. It is considered that this proposal together with the improvements in the quality of the remaining open space and landscape features, which will be secured by the site's long term management of the site will, on balance, result in the integrity of the site being maintained and what value it currently has being improved. Therefore whilst there is the loss of a large proportion of this open space, the resultant development and the secured landscape improvements will ensure that the site's value and integrity is maintained thus complying with Policy CF4 of the Adopted LDP.

The applicant has argued that this proposal complies with Policy CF4 in that there is an overriding community need for the development as it is providing much needed specialised supported living units and affordable homes.

The Council's Housing Officer fully supports the scheme and has stated that Torfaen Social Care Adults Services have identified a significant need for long term accommodation for people who have a variety of care and support needs, in particular accessible accommodation for those with mobility issues. This provision will provide onsite care and support 24 hours a day. This provision will be used to support individuals to maintain independence whilst being able to have the care and support they require.

Whilst the provision of much needed affordable homes and the supported living units is a material consideration which should be given significant weight, it is not considered that this material consideration could be considered as an overriding need in terms of meeting the requirements of Policy CF4. Nevertheless, the provision of the much needed supported living units and 22No. affordable units is a benefit to the community and should be afforded some weight in the overall consideration of this application.

They have also referred to the lack of a 5 year housing land supply as a justification for the development. The most recent Joint Housing Land Supply indicates that there is a 3.6 year land supply. Following the dis-application of paragraph 6.2 of Technical Advice Note 1 (Joint Housing Land Availability Studies) by the Minister in July 2018, it is now a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where a shortfall exists. It is considered that in this case the shortfall of the 5 year housing land supply has limited weight in the determination of this application.

It is therefore considered that this proposal is acceptable in principle subject to the more detailed consideration of other issues as set out below.

Highways, Transportation, Access and Circulation Issues

The Highway Officer objected to the original scheme due to the shortfall in parking. However, as the number of units have been reduced and the scheme has been redesigned, the parking provision for the site has now improved. There is a shortfall of 1 parking space for one of the dwellings but there are a total of 5 visitor spaces across the whole site. The Highway Officer is now satisfied with the amended parking provision on this site.

Access is off Court Road and there are no vehicular accesses off Llantarnam Road. The Highway Officer is satisfied with the access arrangements on the revised scheme.

It is therefore considered that this proposal will not have a detrimental impact on highway safety.

Design and Layout/Character and Appearance of the area

As stated above, this amended scheme was submitted in an attempt to overcome concerns in terms of the layout and its impact on the character of the area. The most significant amendment was the relocation of the apartment block (Block B) from the southern corner of the site. This has enabled the retention of the most prominent part of the open space and its mature trees and the sign, which is currently spot listed. This amended scheme has also enabled the retention and long term management of the woodland.

As stated above the value of this site is its visual amenity and its significant landscape features. Whilst the site will lose some of its open space character, it is considered that the amended scheme retains the landscape features of the site and ensures their long term management. It is considered that the proposed layout retains some of the open nature of the site due to the development's set back from Llantarnam Road and the fact that it faces Llantarnam Road.

The site is located within a mixed use area with residential development on the opposite

side of the road and industrial development to the east and south. The proposed apartment block (Block B) and the supported living block (Block A) are three storeys in height. The terrace of dwellings are two storey in height but due to the levels of the site they are in a raised position with car parking at a lower level to the front. Whilst there is a large amount of parallel parking along the access road, the spaces in front of the dwellings will be viewed up against the retaining wall for the dwellings. In addition to this the proposed landscaping scheme includes the planting of a tree lined boulevard along the site's frontage with Llantarnam Road. Not only will this boulevard continue the tree lined character along Llantarnam Road, which enhances and adds to the landscape features of the site, it will also enable the development to visually integrate with its surroundings.

The amended scheme also results in the retention of the Court Road Industrial Estate sign. The setting of the sign is protected due to the retention of the area of open space which it is sited on and the adjacent mature trees. It is therefore considered that this amended proposal will not have a detrimental impact on the setting of the listed sign.

It is therefore considered that this proposal will not have a detrimental impact on the character and appearance of the area.

Residential Amenity

The nearest dwellings to this site are the properties on the opposite side of Llantarnam Road, beyond the open space. Therefore there are no residential dwellings nearby which are impacted by this development.

In accordance with Technical Advice Note 11: Noise (Oct 1997) (TAN 11), a noise assessment for the site was carried out. This identified the frontage of the site as being predominantly within Noise Exposure Category C as a result of the road traffic noise for the Llantarnam Road. The relocation of the apartment block away from the highway and the positioning of the dwellings and Block A now places the frontages of the properties just within category C. The rear of the dwellings are in category B. TAN 11 states that within noise exposure category C planning permission should not normally be granted for noise sensitive development, which includes residential development. However, it continues to state that if it is considered that planning permission should be granted for other considerations, then mitigation measures would be required.

The submitted noise assessment includes recommendations for noise mitigation measures such as acoustic glazing and mechanical ventilation on the front elevations of the dwellings, apartment block and the supported living block. As adequate noise mitigation can be provided, it is considered that the provision of much needed affordable dwellings and supported living units outweighs the advice in TAN 11 in terms of noise exposure category C.

A Drainage Strategy has been submitted with this application. The Council's Drainage Officer is satisfied with this strategy however, a condition can be attached requiring a

details drainage scheme to be submitted.

Concerns were originally raised in terms of the relationship between the rear of the dwellings and the woodland. The amended scheme improved this relationship and in addition to this an assessment of the shadowing effect on the rear gardens and sections through the site showing the relationship of the dwellings and the trees have been submitted. It is considered that the relationship between the trees and the amended dwellings is now acceptable. The long term management plan for the woodland will also ensure that the woodland is managed in an appropriate manner which will ensure that the trees don't deteriorate and cause any issues in the future.

The Council's Waste Manger has raised concerns of the level and type of bin storage proposed. Therefore it is considered appropriate to require an amended scheme to be submitted which can be required by condition.

It is therefore considered that the proposal provides adequate level of residential amenity for future occupiers of the site.

Ecology and Nature Conservation

This site is a designated Site of Important Nature Conservation (SINC), designated for its grasslands. Normally, on site mitigation is required, however, if the loss of grassland can't be adequately mitigated on site then off site mitigation can be considered. This site has an area of 0.8ha and the entire site is designated as a SINC. The woodland and stream are to be retained. The grasslands measure approximately 0.63 ha and 0.22 ha is to be retained on the site, resulting in an overall loss of approximately 0.38ha of grassland.

The applicant has submitted a mitigation strategy to offset this loss. The mitigation measures include the retention of 0.22ha of grassland on site and which will be managed sensitively as neutral grasslands. A suitable site for off site mitigation has been identified on conjunction with the Council's Ecologist. This site is on the area of open space on the other side of Llantarnam Road and is in Council ownership. It is proposed that the applicant provide a commuted sum to the Council to manage a portion of this site in such a manner which will improve the diversity of species of grass.

The Council's Ecologist is satisfied with the on site and off site mitigation and considers that these measures adequately mitigate for loss of the grasslands. A long term management plan for the woodland, retained grasslands and trees on the site can also be secured as part of the section 106 agreement.

Policy BG1 of the Adopted Torfaen Local Plan states that development proposals on locally designated sites need to demonstrate that the development cannot be provided elsewhere and the benefits of the development justifiably outweigh the value of the site and provided that adequate mitigatory and/or compensatory provision is made. The development of this site provides much needed affordable dwellings and as stated

above the proposed mitigation measures satisfactorily offset the loss of the grassland. It is therefore considered that this proposal complies with policy BG1.

Planning Obligations/Section 106 Agreement

The Adopted Planning Obligations SPG sets out the requirements for Section 106 Agreements for developments. It includes the requirements of the following topics:

- Affordable Housing;
- Highway requirements;
- Recreation Provision;
- Education Provision; and
- Ecology mitigation.

Affordable Housing

The SPG states that in this location a provision of 30% affordable housing is required. This site is 100% affordable housing. However, in the event that the site is sold on the section 106 agreement will provide a minimum of 30% in accordance with the SPG.

Highway Requirements

There are no highway improvements required as part of this development.

Recreation Provision

This application is for a total of 29No. residential units, however, 7No. of these units are supported living units which are not considered to be family accommodation and will not generate a demand for children's play facilities and therefore in terms of children's play contributions there is no requirement for these 7 units. Therefore each of the remaining 22 residential units require a contribution of £508 per dwelling which totals £11,175.

However, as the residents of the supported living units will be adults the adult recreation contribution is required for the whole site. This contribution is £1,136 per dwelling which equates to £32,944.

Education Provision

The Adopted Planning Obligations SPG sets out the circumstances where contributions for education facilities will be sought from developers. It also sets out the formula on how to calculate the cost of such contributions based on the likely number of pupils generated by the development. The Education Officer has stated that there is currently capacity in both the Primary and Secondary schools serving this site. However, they do say that as a result of the Post 16 strategy there may be reduction in this surplus in the future. The SPG clearly states that contributions will only be sought where there is a

need due to lack of capacity in the existing schools to accommodate the pupils generated by the development.

Therefore it is considered that there is no requirement for a contribution to education facilities and any such request would be unnecessary and would fail the necessity test as set out below.

Ecology mitigation

As stated above, off site mitigation is for the loss of some of the grassland is required. An appropriate site has been identified which is in the ownership of the Council. The applicant will pay a commuted sum to enable the Council to maintain the identified area of land in a manner which increases the diversity for the grassland. The commuted sum required is £4,785.

There is also a requirement for the preparation and implementation of a long term management plan for the management of the woodland, retained grassland and trees on the site.

Proposed Heads of Terms

The following is a summary of the proposed Heads of Terms for the Section 106 Agreement:

- Affordable Housing: Provision of a minimum of 30% affordable at a split of 90% social rented and 10% intermediate.
- Recreation: Off site contribution of £11,175 for children's play and contribution of £32,944 for adult recreation (scheme/site to be identified in the Section 106 Agreement).
- Ecology: Commuted sum of £4,785 for the provision of offsite ecological mitigation for the loss of the grasslands and the submission and implementation of a long term management plan for the retained woodland, grasslands and trees on the site.

In 2010 the Community Infrastructure Levy Regulations (2010) came into affect. 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; (Each of the obligations of the Section 106 Agreement, as set out above, are necessary as without them the development would have an unacceptable impact.)
- b) Directly related to the development; (Each of the obligations of the Section 106 Agreement are directly related to the impacts of the development and are required to offset the direct impacts.)

and

- c) 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 that the development's impacts are adequately off set.)

To conclude, it is considered that this full application for 29 dwellings on this site is, on balance, considered to be acceptable and it complies with the national and local policies referred to above. It is therefore recommended that planning permission be granted subject to the following conditions and the Section 106 Agreement covering the above Heads of Terms.

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 Development Management to be authorised to grant permission subject to the following conditions or any amendments additions or deletions of these conditions he may deem necessary.

RECOMMENDATION: Approve with Conditions

CONDITIONS:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless otherwise specified by a further condition or the Section 106 Agreement as part of this permission.:

A-00-01 REV B
A-00-02 REV B
A-00-03 REV B
A-00-04 REV A
A-90-03 REV H
A-90-04-REV E
A-90-201-REV A
1772101/P/GA/011
1772101/P/GA/001 REV C
1772101/P/GA/004 REV D
1772101/P/GA/008 REV A
1772101/P/GA/010 REV A

Arboricultural Implications Assessment dated August 2018 prepared by Steve Ambler and Sons Tree Specialist.

Tree Survey, Categorisation and Constraints Plan dated 29 September 2017 (updated 11 June 2018) Version 2 prepared by Steve Ambler and Sons Tree Specialist.

Mitigation Strategy for loss of grassland prepared by Ecological Services Ltd dated 6 August 2018.

Geotechnical and Geoenvironmental Report Job No. 14417 prepared by Terrafirma dated December 2017.

Environmental Noise Assessment 4691/ENS_Rev3.

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

- 3 Prior to the commencement of development, notice shall be given to the Local Planning Authority that the development is to be commenced. The Notice shall be on a form as set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, as amended or in a form substantially to like effect.

Reason: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning Wales Act 2015.

- 4 Prior to the commencement of construction of any of the dwellings hereby permitted, samples of the materials to be used in the construction of the external surfaces of that dwelling shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity.

- 5 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (Or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls, shall be erected other than those expressly authorised by this permission as shown on approved plan No. .

REASON: To protect the character and appearance of the proposed development.

- 6 Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved by the Local Planning Authority. The details submitted in pursuant with the condition shall include, but not be limited to, details of the construction traffic routes, measures to protect residents from noise and disturbance, wheel wash facilities and hours of construction. The development shall then be carried out in accordance with the approved details.

REASON: In the interest of residential amenity.

- 7 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the

sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard landscape and amenity interests.

- 8 The trees to be retained on the site and adjacent to it shall be protected during construction in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

REASON: To ensure adequate tree and hedge protection.

- 9 No building shall be occupied until parking has been provided in accordance with approved plan A-90-03 REV H. Notwithstanding the Town and Country Planning (General Permitted) Development Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order, with or without modification) all such garages and parking spaces shall thereafter be retained solely for the parking of vehicles in connection with the dwelling they serve.

REASON: To ensure adequate off street parking is provided in the interests of highway safety.

- 10 Prior to the commencement of development full details of the materials to be used for the hard surfaces on the roads, footways, driveways and parking spaces as shown on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interest of visual amenity.

- 11 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 Planning 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.

- 12 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.

- 13 Notwithstanding the provisions of Schedule 2, Part 1, classes A, B, C, D, E, F and G of the Town and Country Planning (General permitted Development) Order 1995 (as amended for Wales)(or any order revoking and re-enacting that order with or without modification), no extensions, buildings or other alterations shall be erected or carried out at the dwellinghouses other than those expressly authorised by the permission and shown on the approved plans.

Reason: To control future alterations in the interests of visual and residential amenity.

- 14 Prior to occupation of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to provide that all habitable rooms exposed to external road traffic noise in excess of 63dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 57dBA Leq 8 hour (free field) at night (23.00 to 07.00) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35dBA Leq 16 hour during the day and 30dBA Leq 8 hour night, as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable rooms shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To protect the proposed residential used against noise arising from the existing traffic use of the area.

- 15 Notwithstanding the details shown on the approved layout drawing No. A-90-03 REV H, full details of the proposed bin stores for Block A, Block B and the dwellinghouses shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that adequate bin storage are provided.

- 16 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and approved, in writing by, the Local Planning Authority, in accordance with the submitted Drainage Strategy prepared by Shear Design dated April 2018. The scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings, apartments and supported living units and retained in perpetuity.

Reason: To ensure that adequate drainage is provided for the site.

INFORMATIVES:

- 1 Torfaen Local Development Plan covers Torfaen County Borough. The following policy/policies is/are relevant to the consideration of this application: BW1, BG1, CF4, H1, H4, H5, S1, S2, S4 and S5.

- 2 The developers are to ensure that any existing public services which pass through the site are not interfered with or damaged and any diversions or alterations to such services must be carried out in agreement with the responsible Authorities before such work commences.

Mrs Helen Smith

Appendices	None
Background Papers	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. Planning Application File: 18/P/0125/FUL

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)