

OFFICER REPORT

Application Number: 18/P/0654/FUL

Received Date: 2nd October 2018

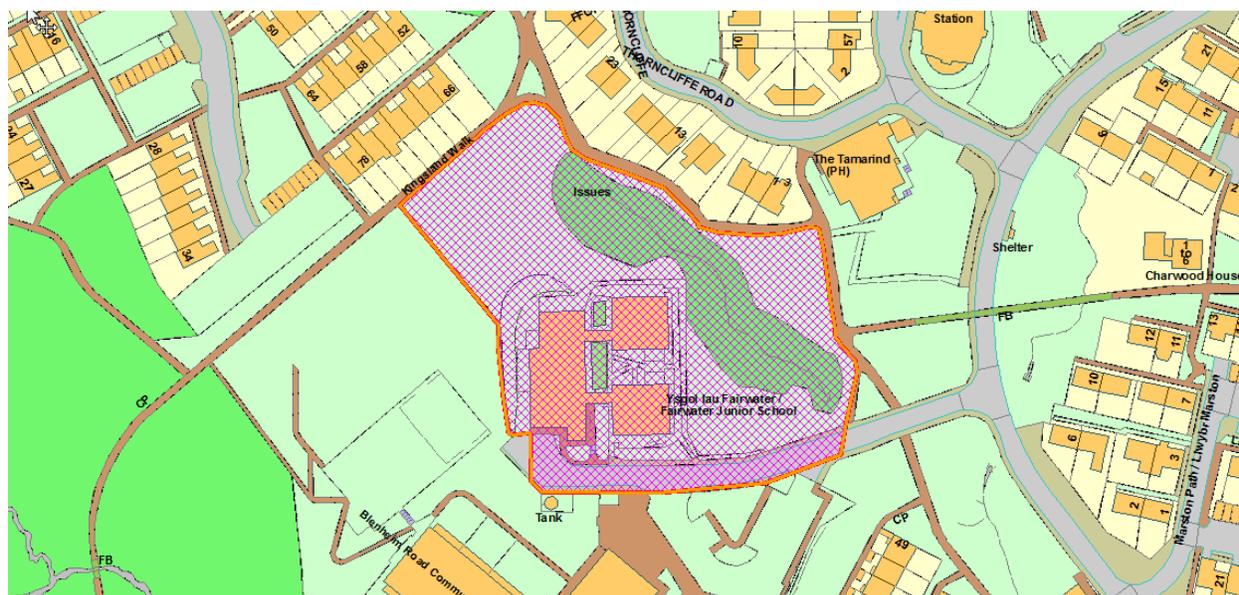
Proposal: Demolition of existing school building and construction of 17 No affordable homes with associated public open space, drainage, infrastructure and highways works

Site Address: Land At Blenheim Primary School Blenheim Road St Dials Cwmbran

Ward: Fairwater

Applicant: Melin Homes

Agent: Asbri Planning Ltd



SITE HISTORY:

App Number	Proposal	Status	Decision Date
16/P/01112/F UL	Proposed erection of a modular style of building, single storey to be used as a 'Flying Starts Early Learning Centre'. Sited within the parameters/grounds of the newly constructed Blenheim Road Community Primary School	Approved	12.10.16
15/P/00099	Demolition of Infant School and	Approved	28.04.15

erection of replacement Primary School including landscape, engineering and access works.

13/P/00417	Proposed application for 4 houses, three two bedroom and one three bedroom	Approved	16.02.16
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BACKGROUND

This application relates to the former Blenheim Primary School and specifically the junior school building. The original school buildings were vacated between September 2015 and October 2016 as the site was surplus to Council's educational requirements due to the Council's 21st Century Schools Programme. Planning permission was granted in 2015 for the erection of a new Community Primary School (pp ref: 15/P/00099) to the west of the application site. That school has been completed and is currently occupied by both infant and junior school children.

This application has been submitted following pre application advice being sought on the proposal to develop the site for residential purposes.

In addition a pre application consultation has been undertaken by the applicant. Along with consultations with statutory consultees 31 neighbouring properties were consulted on the scheme.

The application has been made by Melin Homes who are a registered social landlord.

DESCRIPTION OF SITE

The application site is located on a gradient which falls away to the south east. The application is located to the north of the recently completed community primary school on the former school site which is now vacant. The access road to the school forms the southern boundary of the site. To the northeast of the site there is band of mature trees, beyond this there are residential properties.

DESCRIPTION OF DEVELOPMENT

Permission is sought to erect a total of 17 residential units. This consists of 8 one bedroom flats, 7 two bedroom terrace dwellings and 2 three bedroom terrace dwellings. The access to the site is via the existing school access road from Blenheim Road. The proposal includes a new wider footway along the length of the access road, with the width increasing from 1.5m to 2m wide. The proposal includes a parking area off the existing access road which would have a total of 32 off street parking spaces, this includes 4 visitor parking spaces.

The proposed dwellings would be located roughly on the footprint of the former school building fronting onto the access road with the open space currently around the building remaining in place. The wooded stream area to the north of the site would not be developed. To the north west of the proposed housing public open space will be provided and an equipped play area is proposed.

Three separate blocks of buildings are proposed. Plots 1-5 consists of a row of 2 bedroom and 3 bedroom dwellings which are two storey in height and front onto the access road and parking area. The second block consist of 6 flats plots 6-11 again these are two storey properties. The final block consists of four two bedroom terraces and two 2 bedroom flats, which will face the access road.

As the development is being undertaken by a Registered Social Landlord the proposed dwellings would be built to Design Quality Assessment standard.

PLANNING POLICY:

LOCAL PLANNING POLICY

The current Development Plan for this Authority consists of the Torfaen Local Development Plan (LDP), which was adopted by the Council on 3 December 2013.

The following Local Development Plan policies are relevant;

Strategic Policies

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.

LDP Policy S7 - seeks to ensure that development proposals promote the conservation and enhancement of the Natural, Built and Historic Environment.

LDP Policy S8 - outlines the planning obligations will be required on development proposals to address impacts of development and to make the proposal acceptable in land use planning terms; with key priorities being stated.

Borough Wide Policies

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.

Topic Based Policies

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.

LDP Policy H5 sets the standards for the provision for Recreation, Open Space and Allotments which will be sought in conjunction with new residential developments of 3 or more dwellings.

LDP Policy CF3 seeks to improve the quality and accessibility of the County Borough's community facilities and states that development proposals that would result in the loss of or be of detriment to a community and/or leisure facility will not be permitted subject to several criterion.

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.

SUPPLEMENTARY PLANNING GUIDANCE:

Planning Obligations (June 2011)

The SPG sets typical criteria and thresholds for contributions towards: Affordable Housing; Highways and Transport; Educational Facilities; Community Facilities and Regeneration; Ecology and Biodiversity and Recreation and Public Open Space.

CONSULTATION RESPONSES:

Ward Members	No reply received
Community Council	Members of the Community Council have no objections to this application.
Asset Management	No reply received
Building Control	No reply received
Drainage Officer	The drainage strategy notes that the site will have a mixed surface water system with some drainage discharging into the existing

gravity sewer and some being attenuated with the Highway going somewhere else.

I remember having discussions about this some 12-18 months ago and there were plans floating about then, but none with the application, and we will need calculations to determine the greenfield run off.

Subsequent comments following additional details being provided

Happy now, no further comments at this time

Ecology Officer

I have reviewed the ecology reports submitted with the above application; the survey information is sufficient but has not recognised that the hedge on site meets the criteria (over 20m long and comprising over 80% native species) to be considered as priority habitat under Section 7 of the Environment (Wales) Act. As such, compensation planting of commensurate or greater value should be provided to compensate for the loss. Compensation planting ideally should comprise a replacement hedge on site, but if this cannot be accommodated we would consider planting to enhance and/or protect the retained woodland, or offsite compensation.

If you need any further information, please get in touch

Education

The proposed development lies within the catchment areas of Blenheim Road Community Primary School and Cwmbran High School.

Using supplementary planning guidance 17 units could result in 5 Primary aged children (29 pupils per 100 dwellings, or 0.29 per dwelling) and 3 secondary aged pupils (16 pupils per 100 dwellings, or 0.16 per dwelling).

Blenheim Road Primary currently has availability with a capacity of 315 (excluding nursery) and numbers on roll (September 2018) of 233 (excluding nursery) while Cwmbran High also has availability (1248 places against 1095 NOR as of September 2018 (excluding SNRB pupils and accommodation).

Although this is a relatively small development, which may yield only small numbers of school aged children, it will nevertheless potentially put pressure on existing provision, particularly as similar such smaller developments will impact as they are developed.

There may therefore be a case for an education contribution.

Environmental Health
(noise/contam/housing)

Noise and Air quality. Construction/demolition phase

Public Health advise that the applicant provide a Construction/Demolition Management Plan, to be agreed by the LPA, prior to the commencement of works. The plan should detail the proposed times of operation along with measures that will be undertaken to protect local residents and the wider environment from the health effects and potential nuisance resulting from noise, dust and fumes associated with the development works.

Contaminated Land

The report; "*Former Blenheim School, Cwmbran, Site Investigation Report, 12243/LW/18/SI/RevA*" submitted with this application is accepted as a preliminary report. As suggested in paragraph 10.3.2 of the above a, post demolition, supplementary investigation will be required to assess the areas beneath the current school footprint. There is also the potential for unexpected contamination to be revealed during the development, and for contamination to be imported with soils.

Public Health therefore advise that the suite of contamination conditions be applied to any approval decision.

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.

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 â" 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 â" Imported Material

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

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.

Environmental Health (food
Premises/hygiene/registration)

The Commercial Services Team have no objections or comments to make in relation to this application.

Fields In Trust

The proposed homes will essentially be built on the footprint of the former school building and although some sloping open space is being lost at the south eastern corner a more usable space is being provided at the north western corner. Fields in Trust therefore has no objection to the proposal.

Fields in Trust would like to point out however that the public open space lies at the back of the north west terrace which means that other than the overlooking properties on Kingsland Walk it doesn't enjoy good natural surveillance. This might affect the sense of security felt by younger children and may encourage anti-social behaviour.

Highways And Transportation

I refer to your memo dated 20 November 2018, regarding the above planning application.

I have attached a copy of drg No LT1808.04.01 indicating very minor amendments to footpath links within the site.

I would not oppose the application from a highway standpoint, however I would wish to see the following conditions attached to any grant of approval:-

1. 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
2. The required visibility splays for the access shall be a minimum of 2.4 metres
x 25 metres to the right from the centre line of the access.
3. Any boundary walls/fences must be set back behind the visibility splays.
4. The root ball of any low level planting must be located a minimum distance of 300mm from the back edge of footways/marginal strips and the root ball of any trees must be located a minimum distance of 1 metre from the back edge of footways/marginal strips.
5. The access road, footways and ancillary features must be constructed to adoptable standards. 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.

6. Surface water from the site must be to a standard approved by the Suds Approval Body

Housing Officer	I can confirm that we are working in partnership with Melin to deliver this site as 100% affordable housing. Should Melin not continue with the scheme there will be a requirement for 20% affordable housing on site as per affordable housing SPG
Landscape Officer	No reply received
Forward Planning (LDP/Policy)	No reply received
Architectural Liaison Officer	<p>I have no objections to the planning application for 17no dwellings at Blenheim Primary School. I would recommend the following to ensure that the development provides a safe and secured environment for residents to live in:</p> <ul style="list-style-type: none">o Parking areas should be lit to adoptable standards, BS 5489 to provide adequate lighting for residents when entering or leaving their vehicles.o All dwellings should also have 'dusk til dawn' lighting, not PIR, provided at the front and rear entrances of the dwellings.o Any new planting should not obstruct surveillance from the dwellings over public areas, particularly car parking areas. Trees need to allow a 1m clear field of vision.o Rear boundary treatments should be a minimum height of at least 1.8m and front boundary treatments no higher than 1m.o The gate providing access to the pathway to the rear of plots 1-5 needs to be self-closing and lockable.o Windows and Doors should meet the requirements of PAS 24:2016
PROW Officer	No reply received
Streetscene	We will require further discussion with regards to the play area that is located outside the immediate area of the dwellings.
Tree (Arboricultural) Officer	No objection to the general layout but plot 17 is too close to the trees to be retained. This will lead to constant pressure in the future to fell or trim the trees
Waste Manager	For each house/apartment there will need to be sufficient storage

identified for the recycling, food waste, cardboard and residual waste that will be generated. To access Torfaen's full waste collections, each house/apartment should have enough space for 1 x 140L skinny bins for residual waste, 1 x 23L food waste caddy, 1 x 90L 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.

Additionally, there will need to be an appropriate collection point identified to enable the waste containers to be collected.

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 recently completed Schedule 1C - Article 2D consultation for the above development site, we confirmed that we can accept foul water only from the site into the public sewerage system. The development site is crossed by a public 450mm surface water sewer and a public 225mm foul water only sewer, please see copy of attached indicative public sewer record with approximate positions. No operational development is to take place within 3 metres either side of the centreline of the sewers. We request that the locations of these assets are determined prior to commencing any operational development. If development is likely to fall within this area please contact us. It may be possible for the applicant to divert sewers under Section 185 of the Water Industry Act 1991. We have reviewed submission package and have reviewed "Drainage Strategy Report", this details the current and proposed drainage strategy for the development site. We note from site surveys that it appears that the existing surface water arrangement connects into a nearby surface water drainage system, we require clarification on the type of asset that the existing site was discharging to and the asset that the applicant is proposing to discharge to at an attenuated discharge rate.

Notwithstanding this, 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 development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the

potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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.

SEWERAGE TREATMENT

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

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.

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

36 Neighbouring residential properties were consulted on the application.

REPRESENTATIONS RECEIVED

None to date

ASSESSMENT AND CONCLUSION

This application is located within the urban boundary. The main issues to consider are the principle of the development; whether the access and parking arrangements are acceptable; whether this proposal will have a detrimental impact on the character and appearance of the area; whether the proposed development will have a detrimental impact on any residential amenities of any neighbouring properties; any impact on ecological interest; and whether the proposal complies with the section 106 planning obligations SPG.

Principle of Development

As stated above the site is located within the urban boundary but is not specifically allocated for residential development. Policy CF3 of the Adopted Torfaen Local Plan seeks to protect community facilities, including schools.

This vacant building/junior building was closed in October 2016 following the Council's decision in relation to the reorganisation of the schools within the area (the Council's 21st Century Schools Programme). Alternative provision was made for the pupils within the recently constructed community primary school which is located adjacent to the application site. It is therefore considered that the loss of this part of the former school as a community facility is acceptable as it complies with criteria (a) (b) and (e) of policy CF3

Highway Safety /Access & Parking

The access to the site will be via the existing entrance to the school site directly off Blenheim Road. This road is to be improved further with the footpath width along the north side of the road being increased

by 0.5m. This access road is considered to be appropriate to serve the additional dwellings. Each dwelling will provide adequate off street parking in the form of external parking spaces located in a central parking court. In addition 4 off street visitor parking spaces are proposed. The Highway Officer is satisfied with the level of the parking to be provided, with a total of 32 off street parking spaces proposed.

The site layout includes the provision of a footpath through the site running from north to south, this will provide pedestrian access to through the site and beyond.

Character and Appearance

It is considered that this proposal will not have a detrimental impact on the character and appearance of the area. This application site is located within a mixed area of residential properties and commercial and community facilities including the community primary school. The site as existing includes the vacant school building which is set well back from the site's relatively small frontage with Blenheim Road. Consequently, this site is relatively self-contained in terms of its impact on the character and appearance of the wider area.

With regard to the design and layout of the site, it is considered that the road layout and the dwellings are acceptable and provides an adequate mix of housing. The proposal will include a play area and areas of public open space, to the north and east of the site, although this area of public open space will not be directly overlooked by the proposed dwellings the existing dwellings along Kingsland Walk face onto the play area. Furthermore the pedestrian route through the play area and public open space, would provide natural surveillance to the public open space as well as providing a link through the site from the residential properties to the north and the community primary school to the south. Plots 6 to 17 on the southern section of the site would front onto the access road which gives an attractive frontage along the entrance to the site.

The existing belt of mature trees along the north eastern boundary of the site will be retained. To ensure that no undue pressure is placed on this landscape feature, the layout of the proposed development was amended from the pre application stage to ensure that the boundaries of the dwellings are set back from this feature. The Councils, Arboricultural officer has indicated that plot 17 is located close to a mature oak tree and it may lead to pressure to fell the tree in the future. However, this tree is not protected by an individual TPO and is part of a larger group of mature trees. Furthermore, the tree report submitted with the application has highlighted that pruning works to the tree will be required to construct plot 17. The works to the tree would not impact on the future health or amenity value of the tree and would reduce the risk of limb failure in the future. The Council's Arboricultural officer has confirmed that pruning of the tree would be beneficial to the health of the tree and does not disagree with the findings of the tree report

The materials to be used on the proposed dwellings will be a mix of white/cream render, buff facing brick and grey clad elevations with a reconstituted slate tile. Boundary treatments will be a mix of railings, screen walling and wooden fencing. The proposed materials would reflect the existing dwellings in the vicinity of the site and are considered to be appropriate.

The current site is not accessible greenspace as it was previously the fenced off grounds of the school. This proposal would provide for publically accessible open space which is considered to be an

improvement.

Residential Amenity

The nearest existing residential properties to the proposed dwellings are located on Thorncliff Road, to the north of the site and are in excess of 90m away from the proposed residential properties. As a result the existing residential properties to the north of the site would not be overlooked or overshadowed by the proposed residential properties.

Each house would have both front and rear garden amenity space which is considered to be adequate to serve the properties. The proposed flats would have external drying facilities and bin storage which would also be private. As a result the level of private amenity space for the proposed development is considered to be appropriate.

Ecological Interests

A bat survey has been undertaken on the existing vacant building and concluded that there were no roosts within the building. The Council's Ecologist was concerned with regard to the hedge on the site being considered to be a priority habitat. They have indicated that their preference would be to have replacement hedge to compensate for the loss of the existing hedge. However, they have indicated that planting to enhance /retain the existing woodland may be appropriate. Details of this could be conditioned as part of an approved landscaping scheme.

The distance between the tree canopies and the rear of the dwellings has also been increased. This amendment has resulted in an improved buffer to the trees which will help protect them in the future from the development.

Surface Water Drainage

The Council's Drainage Officer initially raised concerns with the proposal and requested further details and clarification. The Council's Drainage Officer are satisfied with the proposals for the surface water drainage for the site. The surface water will be attenuated in an underground tank within the site and the discharge rate will be limited to greenfield run off rate. Foul drainage will connect to the existing foul public sewer. Welsh Water have raised no objections to the scheme but have identified that equipment is located within the site, the applicants will be advised via an informative that Welsh water equipment may be at risk during the development.

Planning Obligations/Section 106 Agreement

The Adopted Planning Obligations SPG sets out the requirements for Section 106 Agreements for developments. The applicant was advised at pre application stage that a section 106 Agreement would be required to provide 20% affordable housing. In addition the applicant was advised that a contribution for Adult Recreation of £1136 per dwelling would be required and public open space based on 9.16m² per dwelling would also be expected to be designed into the scheme. It is noted that the

development of 17 dwellings would not automatically trigger the requirement for an equipped play area on site, but would usually require a payment per dwelling to improve facilities within the area. However, the area has a lack of equipped recreational play facilities and there are no facilities within walking distance of the site, as a result, to accommodate the increased demand an equipped play area was requested.

Affordable Housing

The applicant has indicated in their planning statement that they are agreeable to a section 106 agreement which would secure 20% affordable housing on the site and that the intention is to provide 100% affordable housing.

Recreation Provision

There are no equipped play spaces within 400m of the site. Due to this lack of provision a commuted sum for off-site improvements would not be appropriate. The proposal includes the provision of a bespoke play area, which would have play equipment and an access routes through. The precise details of the play area would be conditioned, however, the proposal would provide either two or three pieces of equipment which would be of a high play value which would be expected within a larger equipped play area. The applicant has indicated that they would want the play area to be developed by the Local Authority and to be transferred to TCBC for future maintenance through a s106 agreement.

In terms of adult recreation contribution there are existing facilities within 1200m of the application site (Cwmbran Park) and Sandybrook) where a commuted sum could be used to make improvements. However, in this instance due to the significant lack of children's play areas in the vicinity, rather than seek separate improvements to adult facilities it is considered appropriate that an enhanced area of children's recreational equipment is provided taking advantage of the opportunity that the development of this site provides to improve the overall recreation provision in the area.

Public open space

The proposed layout of the development would retain a large area of woodland and open space to the north of the site which is not to be developed and is considered to more than meet the public open space requirement of 9.16m² per dwelling. Once again the applicant has indicated that they intend to transfer the area of land back to TCBC, again this would be with an appropriate payment for the future maintenance.

Education Provision

The Council's Education Section has indicated that the development will potentially put pressure on existing provision and have indicated that there may be a case for an education contribution.

The Adopted Planning Obligations SPG sets out the circumstances where contributions for education facilities will be sought from developers. Paragraph 3.2 of Annex 3 states:

"An obligation in relation to educational facilities will be required where a proposed development is likely to result in the generation of additional pupil numbers in excess of that which local schools can accommodate."

It has been calculated that this development will give rise to 5 primary school children and 3 secondary aged pupils. Education have confirmed that both Blenheim Road Primary and Cwmbran High currently has capacity to accommodate these additional pupils. As a result a contribution to education facilities is not considered to be necessary.

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.)

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.

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. Unless otherwise specified by another condition of this Notice, the development shall be carried out in accordance with the approved plans and documents submitted 21.9.18

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. Prior to the erection of any dwelling on site, a landscaping scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme should include a replacement hedge on site to replace the one lost by the proposal. Details on the proposed species, sizes, numbers and densities of all plant material should be provided and a full maintenance. In addition the scheme should provide an indication of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection during the course of development. Thereafter, the approved details shall be implemented in the first planting and seeding season following occupation of the first dwelling or completion of the development, whichever is sooner. Any trees or plants which die, are removed or become seriously damaged or diseased within a period 5 years from completion of development shall be replaced in the next planting season with others of a similar size and species.

Reason: To safeguard ecological, landscaping and amenity interests.

4. No changes in level shall take place within the canopy of the existing trees on site which are to be retained. Prior to the erection of the dwellings details should be provided of the location of any topsoil stockpile as a result of site strip.

Reason: To ensure there is no impact on the existing trees during construction.

5. Prior to the occupation of the dwellings hereby approved 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
Reason: To ensure adequate off street parking is provided to serve each property in the interest of highway safety.

6. The required visibility splays for the access shall be a minimum of 2.4 metres x 25 metres to the right from the centre line of the access.

Reason: In the interest of highway safety.

7. The root ball of any low level planting must be located a minimum distance of 300mm from the back edge of footways/marginal strips and the root ball of any trees must be located a minimum distance of 1 metre from the back edge of footways/marginal strips.

Reason: In the interest of highway safety.

8. The access road, footways and ancillary features must be constructed to adoptable standards. 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.

Reason: In the interest of highway safety.

9. Prior to the erection of the dwellings, details of the equipment and features, and layout for the equipped play area shown on drawing number LT1808.04.01 shall be submitted to and

approved in writing by the local planning authority. The approved play area shall be constructed prior to the occupation of the final dwelling.

Reason: To ensure that adequate recreational facilities are provided to meet the future resident's needs.

INFORMATIVES:

1 For each house/apartment there will need to be sufficient storage identified for the recycling, food waste, cardboard and residual waste that will be generated. To access Torfaen's full waste collections, each house/apartment should have enough space for 1 x 140L skinny bins for residual waste, 1 x 23L food waste caddy, 1 x 90L 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.

2 Welsh water have advised the following;

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.

3 The Architectural Liaison Officer has advised the following;

- Parking areas should be lit to adoptable standards, BS 5489 to provide adequate lighting for residents when entering or leaving their vehicles.
- All dwellings should also have 'dusk til dawn' lighting, not PIR, provided at the front and rear entrances of the dwellings.

- Any new planting should not obstruct surveillance from the dwellings over public areas, particularly car parking areas. Trees need to allow a 1m clear field of vision.
- Rear boundary treatments should be a minimum height of at least 1.8m and front boundary treatments no higher than 1m.
- The gate providing access to the pathway to the rear of plots 1-5 needs to be self-closing and lockable.
- Windows and Doors should meet the requirements of PAS 24:2016

4 Torfaen Local Development Plan covers Torfaen County Borough. The following policy/policies is/are relevant to the consideration of this application:
BW1, H4, H5, CF3, BG1.

Sarah Hensby

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: 18/P/0654/FUL</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)