

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2017/1145	<u>DATE:</u>
PROPOSAL: 4 x self-contained flats with associated car parking and engineering operations (Amended plans received 09/02/18)	
LOCATION: Land at Park Row, Cwmavon, Port Talbot SA12 9PW	
APPLICANT: First Choice Housing Association	
TYPE: Full Plans	
WARD: Bryn & Cwmavon	

BACKGROUND INFORMATION

Members should note that Councillor Galsworthy requested on 7th February 2018 that the application be determined via Planning Committee due to concerns regarding the ground / site conditions relating to the historical mining use of the site. The request was considered at the Committee call-in panel on 14th February 2018, at which time it was agreed that the application should be determined at Planning Committee.

SITE AND CONTEXT

The application site is located on land at Park Row/Heol Mabon, Cwmafan, Port Talbot.

The application site measures approximately 0.06 hectares in area. It comprises a vacant grassed area which was formerly part of the garden area of Number 9 Park Row, Cwmafan (and historically had terraced dwellings built upon it). It is sloping in profile from the south up to the north, bounded by a two-storey dwelling to the east (Number 9), Heol Mabon and informal open space to the south, two-storey residential dwellings to the west and vacant land forming part of the garden area of Number 5 Park Row to the north. Access to the site is proposed off Heol Mabon.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the erection of 4 x self-contained flats with associated car parking and engineering operations.

The proposed block of flats will be split over two-storeys and will be centrally located within the site. It will have a footprint measuring 15.5m wide by a maximum of 11.2m, and reaching a height of 7.6m. It will provide 2 x one-bedroom disabled-friendly flats at ground floor, and a further 2 x one-bedroom flats at first floor. The building is designed with a gable-ended ridged roof with the ridge running east-west, with a mono-pitched porch element to the front elevation, and single element to the rear elevation. The main windows are proposed to the front and rear elevations, with the access for the ground-floor flats to the side elevation.

Externally, it is proposed to provide 4 parking spaces (one per flat) accessed off Heol Mabon. To the west side of the property a small covered bicycle store is proposed, and to the east side and rear of the property a retaining wall is proposed ranging from 0.6m high up to 1.45m high in the north-eastern corner. In addition, to the side and rear boundaries of the site 2.1m high timber fencing is proposed. It is also indicated on the submitted plans that the existing hedge along the northern boundary will be retained.

AMENDMENTS

It should be noted that since the application was originally submitted, the developer has been in discussions with Dwr Cymru Welsh Water regarding the drainage of the site and the sewer located on the western boundary. This necessitated revisions to the scheme – namely the repositioning of the cycle store adjacent to the building and removal of the retaining walls from the western side and grading of the ground instead. Amended plans were therefore submitted and a public re-consultation exercise undertaken.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PLANNING HISTORY

The application site has the following relevant planning history: -

- P1986/5721 Erection of 9 residential dwelling units Approved 31/10/86
- P1987/6090 Infrastructure works to service 9 no. residential plots Approved 31/07/87

CONSULTATIONS

Head of Engineering & Transport (Highways): No objection, subject to conditions.

Head of Engineering & Transport (Drainage): No objection, subject to condition.

Welsh Water: No objection, subject to conditions.

Contaminated Land Unit: No objection, subject to conditions.

Coal Authority: Confirmed that No Consultation is required.

REPRESENTATIONS

The neighbouring properties were consulted on 16/01/18, 30/01/18 and 09/02/18 respectively. A site notice was also displayed on 17/01/18 and 09/02/18.

In response, to date 13 no. representations have been received, with the issues raised summarised as follows: -

- Concerns with highway and pedestrian safety, including parking.
- Concerns regarding the historical mining legacy and ground stability in the area. There is long history with the site and the Authority, and the land was eventually given/sold-off for “garden land” only, and should not therefore be built upon.
- Concerns regarding the impact on the visual amenity of the area.
- Potential impacts on residential amenity of neighbouring properties.
- Concerns regarding potential impacts on property values.
- Concerns with increased noise and pollution from traffic.
- Concerns with the potential loss of views.
- Concerns regarding the potential future occupiers.

REPORT

National Planning Policy

- [Planning Policy Wales](#)

- [Technical Advice Notes](#)

Technical Advice Note 12: Design

Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies

- Policy SP7 Housing Requirement
- Policy SP8 Affordable Housing
- Policy SP10 Open Space
- Policy SP20 Transport Network

Topic based Policies

- Policy SC1 Settlement limits
- Policy AH1 Affordable Housing
- Policy OS1 Open Space Provision
- Policy EN8 Pollution and Land Stability
- Policy BE1 Design

Supplementary Planning Guidance

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Affordable Housing](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Design](#) (July 2017)

EIA and AA Screening

As the development is not Schedule 1 or Schedule 2 Development under the EIA Regulations, a screening opinion will not be required for this application.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of a residential development at this location is generally acceptable, provided there are no overriding highways, amenity or environmental objections.

In respect of the density requirement of Policy BE1 of the LDP, as this proposal would equate to approximately 66.6 units per hectare, it would exceed the density required at this site and is therefore acceptable in this regard.

Impact on Visual Amenity

It is noted that the proposed flats are designed with a gable-ended ridged roof, and are indicated to be finished with facing brickwork walls and artificial slate roof tiles. As the majority of the properties fronting Heol Mabon are semi-detached dwellings with a mixture of gable-ended ridged roofs and hipped roofs, and the proposal would also have the appearance of a pair of semi-detached dwellings, it is considered that the overall proposal would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

In respect of potential overlooking, it should be noted that the main windows are proposed to the front and rear elevations of the property, apart from porch windows to the sides. As there is informal open space opposite the site and the other residential properties are located across the street and at angle, it is considered that the development would not create any unacceptable overlooking issues in this regard. In respect of the windows to the ground-floor rear elevation, it is noted that these windows would overlook upon their rear garden area, and any views of Number 5's side garden would be obscured by the proposed boundary fence and existing hedge to be retained. In respect of the first-floor rear

windows serving the proposed lounges and bedrooms, it is noted that there would be a separation distance of approximately 10m from the rear boundary of the site and the side garden of Number 5. As it is noted that Number 5 has a very large plot with a lawned side garden, and the proposed flats would not directly overlook the private amenity space immediately surrounding Number 5, it is considered that the development would not create any unacceptable overlooking issues. Similarly, as the properties along Tai Canal are located to the west of the proposed flats it is considered that the relative angles would be such that there would be no unacceptable overlooking issues.

With regards to potential overbearing and overshadowing, as the rear of Number 9 would be located approximately 16.6m from the side of the proposed flats, it is considered that this would not create any unacceptable impacts. In respect of Number 1 to the west, as there would be a separation distance of approximately 21m between the dwelling and proposed flats it is also considered acceptable in this regards. Finally, in respect the side garden of Number 5 to the rear, as this is located at a higher level than the application site and there is a separation distance of approximately 10m, it is considered this would not give rise to any unacceptable issues.

It is also noted that a Construction Method Statement is being requested by condition, which will cover matters such as hours of operation, having regard to the proximity of residential properties.

It is therefore considered that the overall proposal would be acceptable in terms of residential amenity.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the proposal would provide a total of 4 parking spaces, which equates to 1 space per bedroom. This is in line with the Authority's Parking Standards Supplementary Planning Guidance for residential properties (Use Class C3). With regards to potential visitors parking, it should be noted that there is no requirement under the SPG to provide on-site visitors parking, as the development is less than 5 units. As the Head of Engineering and Transport (Highways Section) offers no objection to the submitted scheme, including parking arrangements, subject to conditions, it is therefore considered that the proposed development would be acceptable in terms of highway and pedestrian safety.

In respect of the objections received relating to highway and pedestrian safety, including the fact that Heol Mabon is a bus route, it should be noted that the SPG states "All parking areas other than residential parking areas off low-trafficked, low speed, minor residential roads should be designed to allow vehicles to enter and leave the site in forward gear". As Heol Mabon would be considered an unclassified minor residential road, there is no requirement for the developer to provide on-site turning facilities. In respect of visitor's parking, it is noted that residents tend to park along one side of Heol Mabon, and it is noted that there is potential for some on-street parking as there are currently no restrictions such as residents' only parking or Traffic Regulation Orders (e.g. yellow lines).

It is also noted that a Construction Method Statement is being requested by condition, which will ensure that the development itself has regard to highway safety during construction.

Flood Risk / Drainage

It should be noted that the developers have indicated that foul drainage is proposed to connect into the existing mains, with surface water to a sustainable drainage system. In support of the application, a flood assessment and drainage strategy was submitted. However, the percolation tests within this confirm that the half drain time would not be achieved within 24 hours. Furthermore, there is insufficient room on the plot to locate soakaways and maintain the 5m separation distance from boundaries and/or foundations. As such, an alternative option would be required. The Head of Engineering (Drainage Section) and Welsh Water have both assessed the submitted scheme and offer no objections, subject to a condition relating to the submission of a comprehensive drainage scheme. Provided this is imposed on the application, it is considered that the development would be acceptable in terms of flooding and drainage.

Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. A detailed report has been undertaken by Intégral Géotechnique which has shown the site to have elevated Arsenic and polycyclic aromatic hydrocarbons (PAH) above the generic assessment criteria. The report has also referred to a quantification of asbestos in 1 sample (<0.001%) and provided recommendations covering such matters, including the need for the proposed soft landscape areas

would need to be capped with a minimum 600mm thickness of suitable topsoil and subsoil; that water supply pipes should be protected from the contamination present in the ground; and a no-dig barrier layer between the contaminated soil and clean cover layer to be included as part of the design.

Therefore, remedial works to address the contamination in the ground will be required, and in this regard subject to conditions covering such matters, the Contaminated Land Unit offers no objection to the proposal, such that it is considered that the proposed development would be acceptable in terms of pollution.

Ground Stability/Coal Mining Legacy

Members should note that Councillor Galsworthy requested the application be determined via Planning Committee due to concerns regarding the ground / site conditions relating to the historical mining use of the site, with such matters being referred to by local respondents also.

The application site constraints have identified that the site is located outside of the High Risk Area defined by The Coal Authority (which is identified below in grey on Figure 1 below).



Figure 1 - Coal Mining High Risk Area

Due to the concerns raised by local residents and Members, the Coal Authority was nevertheless notified about the proposed development. They responded to clarify that the “The application site **does not** fall with the defined Development High Risk Area and is located instead

within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted”.

Notwithstanding the above, it should be noted that a detailed Site Investigation Report has been undertaken by Intégral Géotechnique. Whilst this did not raise any overriding issues, it did recommend further works, noting that *“There are no coal authority records of any shallow mining. However, the geology map indicates that shallow coal seams could be present below the site. Therefore, since this is a very old mining area, the possibility that the site might be underlain by very old unrecorded shallow workings, cannot be discounted at this stage. Consequently, the foundation recommendations given in Section 11.3, are subject to the findings of a drilling investigation which is recommended in order to investigate if there is a risk of shallow unrecorded coal mining underneath the site”*.

Because of the initial SI recommendations, further SI work was undertaken in the form of drilling deep boreholes. Findings (as per attached SI Addendum) were that no coal seams or workings were found underneath the proposed building.

Having regard to the initial SI, and in order to safeguard any potential future risk, an additional site investigation drilling deep boreholes was undertaken. The findings were that no coal seams or workings were found underneath the site of the proposed building.

As such, it is considered that the proposed development would be acceptable in terms of coal mining legacy, and refusal of the application on these grounds could not be justified. In line with the Coal Authority’s recommendation, a suitably worded informative will be attached to any planning permission in respect of foundation design etc.

Although reference has been made in representations to an undeveloped site opposite and historical mining issues, these are not matters which can influence the determination of this application, not least because they relate to a different site. As detailed above, this site has been the subject of extensive site investigation to demonstrate acceptability, while it is further noted that the current site historically used to have dwellings on it, whereas the site opposite has never been developed for housing (which may or may not have something to do with the underground conditions).

Section 106 Planning Obligations

Local Development Plan **Policy SP 4** (Infrastructure) states that “Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable”.

Policy I1 (Infrastructure Requirements) then states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the proposal relates to a planning application for the development of 4 x self-contained flats.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Affordable Housing

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new housing developments will be required to contribute to affordable housing provision. Within the Port Talbot spatial area, a 25% affordable housing target is sought. It is noted that the applicant (First Choice Housing Association) are Registered Social Landlords (RSL) and the scheme will be 100% affordable housing. Nevertheless, in order to ensure that the proposal complies with Policy AH1, a suitably worded condition will be imposed on the application requiring a scheme to demonstrate that 25% of the development will be retained as 'Affordable Housing' in perpetuity, even if the remaining are converted to the open market.

Public Open Space / Children's Play Facilities

Policy OS1 states where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement for maintenance in conjunction with all new residential developments of 3 or more dwellings, based on the following standards:

<u>Open Space</u>	<u>Standard</u>
Outdoor Sport	1.6 hectares per 1,000 population
Children's Play	0.25 hectares per 1,000 population
Informal Space	0.55 hectares per 1,000 population
Allotments	0.19 hectares per 1,000 population

Having regard to the 'Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls. Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development, and there is a need for the development to contribute towards addressing such deficiency.

It is noted that the site lies within the Cwmafan ward, where there are existing ward shortfalls in pitch sport, non-pitch sport, children's play and allotments. As the development comprises 4 residential units, the requirements of Policy OS1 are relevant, and it would be appropriate to secure Developer Contributions in respect of the following:

The development has the following open space requirements:

Pitch sport - 105 sqm

Non pitch sport - 41 sqm

Children's play - N/A (1 bedroom units)

Potential S106 Capital costs for Public Open Space are as follows:

Pitch sport - £1,136

Non pitch sport - £4,120

Children's play - N/A

Allotments - £192

Total - £5,448

The developer has confirmed, in writing, they are prepared to provide the requested contribution. As such, subject to such contributions being secured through a Section 106 Legal Agreement legal agreement, it is considered that the development would comply with Policy OS1.

Other Matters

As identified earlier in this report, a number of objections were received in response to the publicity exercise. In response to the main issues raised, which have not been addressed elsewhere in this report, the following comments are made:

- In respect of the concerns relating to potential impacts on property values and potential loss of views, it should be noted that these are not material planning considerations so cannot be taken in account when determining this application.
- In relation to the concerns relating to the potential for increased noise and pollution from traffic, it should be noted that the scale of the proposed development would be unlikely to give rise to any unacceptable issues in these regards, especially as the site is in a sustainable location along a bus route and provisions have been made for active travel with the provision of a cycle store.
- Turning to the concerns regarding the potential future occupiers, it should be noted that this is not a material planning consideration and cannot impact upon the determination of the application. It is noted that First Choice Housing Association offers housing schemes for adults with learning disabilities and additional needs. However, in terms of the planning process the scheme is assessed under the C3 residential use class only, not the individual circumstances of the potential occupiers.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed development would not have any unacceptable impacts upon residential amenity or upon the character and appearance of the surrounding area, or upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SP7, SP8, SP10, SP20, SC1, AH1, OS1, EN8, and BE1 of the Neath Port Talbot Local Development Plan. Approval is therefore recommended.

RECOMMENDATION

Approval with Conditions, subject to the signing of a Section 106 Legal Agreement with the following Head of Terms:

- (1) Prior to the first beneficial occupation of any of the flats hereby permitted, a sum of £5,448 shall be provided for the provision, enhancement, maintenance and improvement of and access to outdoor pitch and non-pitch sport areas, and/or allotments within the Bryn and Cwmafan Ward.
- (2) If within 3 months of the date of this resolution the S106 Agreement is not signed, the application shall be refused for the following reason:

“Through the failure to sign the required S106 agreement to secure the required open space provision, the application fails to accord with Policy OS1 of the Neath Port Talbot Local Development Plan”.

CONDITIONS

Time Limit Conditions

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

Dwg. No. (90)001.

Dwg. No. (90)007E.

Dwg. No. (90)006J.

Dwg. No. (90)002A.

Dwg. No. (90)009A.

Dwg. No. (90)008B.

Dwg. No. (90)005F.

Flood Consequence Assessment and Drainage Strategy.

Site Investigation Report 12000/PB/17/SI.

Site Investigation Report 12000/PB/AFT.

Reason

In the interests of clarity.

Pre-Commencement Conditions

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(4) Notwithstanding the submitted details, no development shall commence until a comprehensive drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The required 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. Should the ground investigations prove the site to be impermeable, evidence will be required to that effect, along with proposals for the positive drainage of the site. 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.

(5) Prior to commencement of work on site a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for the following:-

A. The parking of vehicles of site operatives and visitors.

B. Loading and unloading of plant and materials used in the demolition of existing buildings and the construction of the new development.

C. Storage of plant and materials used in constructing the development.

D. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

E. Prevention of material discharge onto the public highway.

F. Measures to control the emission of dust and dirt during construction.

G. Wheel washing facilities.

H. A scheme for recycling / disposing of waste resulting from the demolition and construction works.

I. The number and frequency of lorries entering and leaving the site per day, vehicle routes and frequency of road sweeping.

J. Measures to prevent stacking of vehicles onto the public highway;

K. Identification of significant construction and demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures;

L. Hours of work on site, and specified hours of deliveries and any elements of the demolition or construction that could lead to amenity issues and disturbance of adjoining properties.

Reason

In the interests of residential amenity and pedestrian and highway safety.

(6) Prior to the commencement of work on site, a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Action Conditions

(7) If the entire scheme is not Social Housing Grant Funded, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25 % of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason

To ensure the satisfactory provision of affordable housing in perpetuity in accordance with Policy AH1 of the Neath Port Talbot Local Development Plan.

(8) Prior to the first beneficial occupation of any flat hereby approved, a scheme detailing the cycle store shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be implemented on site in accordance with the approved scheme prior to the first beneficial occupation of any flat, and retained for use by residents thereafter.

Reason

In the interest of visual amenity and active travel.

(9) Prior to the first beneficial occupation of any flat hereby approved, the means of enclosure/screening details, as indicated on the approved plans, shall be erected on site and retained as such thereafter.

Reason

In the interest of the amenities of the occupiers of the property and the amenity of the adjacent residents.

(10) Prior to the first beneficial occupation of any flat hereby approved, the car parking spaces, as detailed on Dwg. No. (90)006J shall be provided on site and provided with drainage to ensure that no surface water run-off flows onto the public highway, and these shall be retained for parking use thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure adequate off-street car parking is provided.

(11) Prior to the first beneficial occupation of any flat hereby approved, vehicular footway crossings as detailed on Dwg. No. (90)006J shall be provided on site and retained and such thereafter.

Reason

In the interest of highway and pedestrian safety.

(12) Prior to beneficial use of the proposed development commencing, and if required by Condition 6, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 6 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Regulatory Conditions

(13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.