

REPORT OF THE HEAD OF COMMUNITY WELLBEING AND DEVELOPMENT –
6 July 2015

APPLICATION NO:
P/2014 /0738

LOCATION:
THE LODGE TUDOR DRIVE
LLANERCH PANNA PENLEY
WREXHAM
LL13 0LR

DATE RECEIVED:
01/10/2014

COMMUNITY:
Maelor South

CASE OFFICER:
SEH

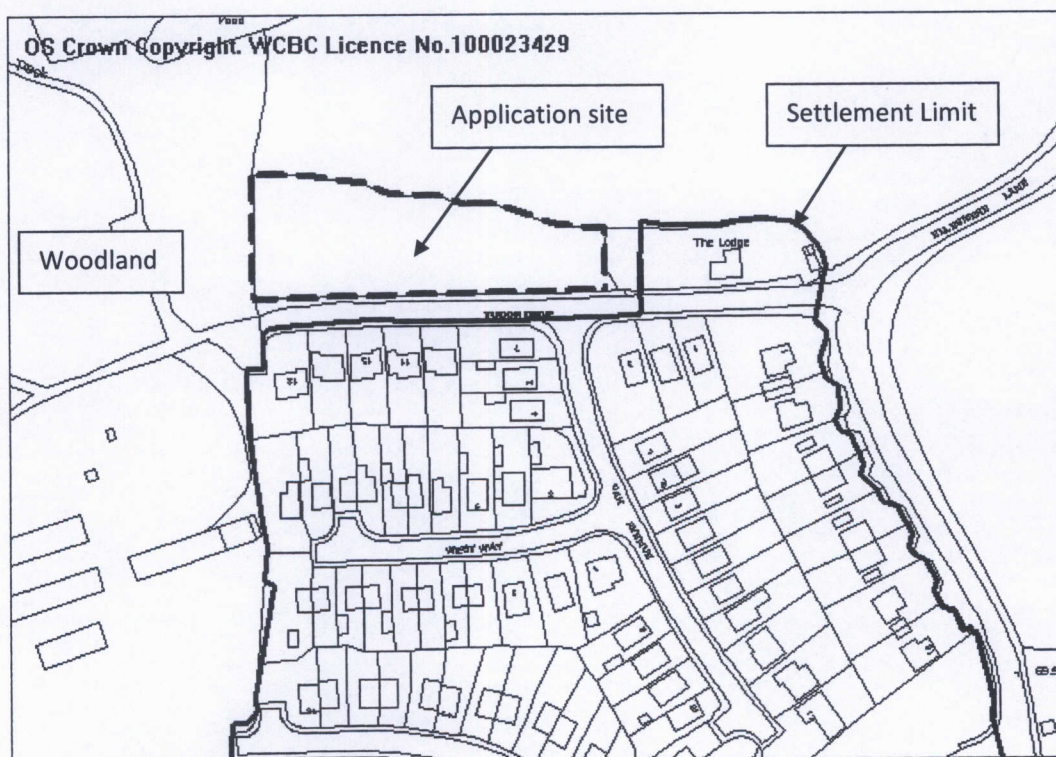
WARD:
Overton

DESCRIPTION:
APPLICATION FOR OUTLINE
PLANNING PERMISSION FOR
RESIDENTIAL DEVELOPMENT OF 7
NO. DETACHED DWELLINGS AND
NEW ACCESS POINTS ONTO
TUDOR DRIVE (LAYOUT AND
ACCESS NOT RESERVED)

AGENT NAME:
GREEN SPACE
ARCHITECTS
MR GERAINT
EDWARDS

APPLICANT(S) NAME:
MR SIMON RANDALL

THE SITE



PROPOSAL

This is an outline application (with access and layout unreserved) for residential development consisting of 7 no. 3 and 4 bedroom detached houses. The application includes a design and access statement, ecological

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appraisal, newt mitigation and management plan, bat survey, tree report and indicative landscaping scheme.

HISTORY

P/2014/0358 Outline planning application for residential development (10 houses - 6 detached and 4 semi-detached) and new access points onto Tudor Drive (layout and access not reserved).
Withdrawn 18/07/2014

DEVELOPMENT PLAN

The site is outside any settlement limit and within Zone A flood Risk Area. Policies PS1, PS2, PS3, PS4, PS11, GDP1, GDP2, EC2, EC4, EC6, EC12, EC13, H5, T8 and T9 of the Wrexham UDP are relevant. Local Planning Guidance Notes Nos. 16 – Parking Standards, 17 – Trees and Development, 21 – Space around Dwellings, and 32 – Biodiversity and Development are also relevant.

CONSULTATIONS

Community Council:

Local Member:

Object on the grounds that the development site is outside of the Village envelope.

Firstly the access from this Estate joins the Ellesmere Lane on a bend. Admittedly there are no visibility problems but the road markings are inadequate. Furthermore, although this section of the Ellesmere Lane is controlled by a 30 mph limit, because the Lane itself is only spasmodically developed it appears more as open country so motorists feel that the 30 mph limit is superfluous. Perhaps some speed calming requirements could be added as conditions? More importantly, both the Primary and the Secondary Schools are, in the words of the Head Teacher of the Primary School 'full to bursting'. It is essential that the necessary contributions are made for both Primary and Secondary, and that the payments are made before the development starts and are not allowed to be paid only when the development is completed.

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Highways:	No objection subject to recommended conditions (see special considerations section below).
Public Protection:	No objection subject to the imposition of a condition to restrict hours of construction works, and advisory notes in relation to dust management.
Education:	Contributions are required for both primary and secondary education provision in the amount of £24,304.
Welsh Water:	No objection subject to the imposition of a condition securing a drainage scheme for the site. No objections to the potential connection to the public surface water drain on Tudor Drive.
NRW:	The site is within a Zone A surface water flood risk area and so a condition is required to secure the submission of a Sustainable Urban Drainage System. No objection to the development provided that the newt mitigation area is properly established and managed in the long term.
Senior Flood Officer:	No objection to the development provided that a condition is attached to the permission to secure SuDS at the site. Should this prove inappropriate, the surface water can be disposed of via the existing public surface water drain on Tudor Drive.
Neighbours:	6 letters of objection and 11 online comments received raising the following concerns: • The proposed development is to be built on agricultural land, outside of the settlement limit which would cause a visual intrusion into the countryside location. There is no demand for these houses as there are new houses for sale on the other side of Penley, and brownfield sites available inside the settlement limit which should be used first before this greenfield site; • The position of the access to the site is on a sharp bend on the junction of

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Tudor Drive. Ellesmere Lane is already very busy with the additional homes in the village from the Morris Homes estate, going to use the amenities in Ellesmere. There are visibility problems at the junction and the condition of the road is poor. The highway cannot cater for the additional traffic movements which will cause safety issues for the pedestrians, cyclists, joggers and horse riders that frequently use this road and Ellesmere Lane where drivers often exceed the speed limit;

- The schools are already oversubscribed and the village shop is not open regularly. The village does not have a regular bus service. The site is located in an unsustainable location and new residential development should be located in Wrexham where there are adequate services to sustain the 5 year housing demand;
- The residents in the village have chosen to live here to escape large housing estates and want to enjoy the peace and quiet of the countryside. If this development goes ahead local residents will leave;
- Existing dwellings will be overlooked;
- Negative impact upon the trees on site, wildlife, great crested newts, hedgerows, flora and fauna;
- Potential flooding issues.

SPECIAL CONSIDERATIONS

Background: The proposal is in outline but with access and layout to be considered at this stage. All other matters are reserved for further approval. An application for 10 dwellings was submitted in 2014 which was subsequently withdrawn. This is a resubmission with a reduction in housing numbers to 7 which increases the distance between the built development and the existing trees on site and provides for a newt mitigation area as shown on the site layout plan as shown below.

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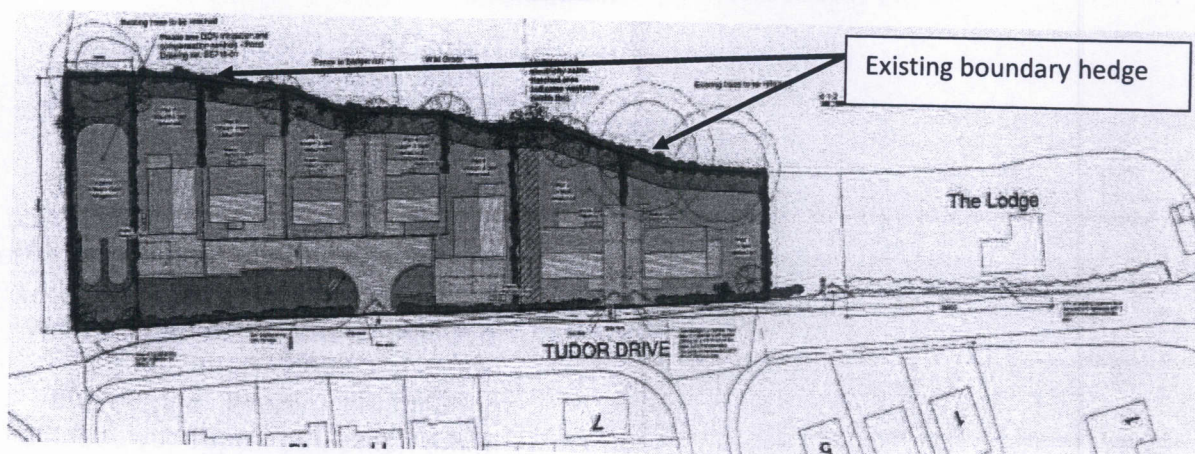


Figure 1. site layout plan

Policy: The proposals do not accord with any of the circumstances set out in policy H5 that permit small scale residential development on sites outside of settlement limits (rural exception site, infilling and agricultural workers dwellings). Additionally, the site would not accord with Policy PS3 which relates to the broad location of development which should utilise brownfield land before greenfield wherever possible. Ordinarily I would recommend that a planning application be refused for proposals that represent a departure from UDP policies. However the Council is only required to determine planning applications in accordance with an adopted development plan **unless material considerations indicate otherwise**. Applications should also be considered in relation to up to date policies.

Planning Policy Wales (PPW) at paragraph 9.2.3 requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing. Members will be aware that the most recently published Joint Housing Land Availability Study (JHLAS) (2014) found that Wrexham has a housing land supply of 3.1 years. Dwellings proposed on sites allocated for housing in the UDP and/or already benefitting from planning permission have already been taken into account by the most recent JHLAS.

The recently updated Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015) advises that the results of the JHLAS should be treated as a material consideration in determining planning applications for housing. However, it further states that where local planning authorities do not have an adopted Local Development Plan (LDP) or where their UDP is out of date, they will not be able to produce a JHLAS and they will have no 5 year housing land supply.

Where the JHLAS shows a land supply below the 5 year requirement, TAN1 (paragraph 6.2) advises that the need to increase supply should be **given considerable weight** when dealing with planning applications outside of the settlement limit, provided that the development would otherwise comply with national planning policies. The proposals conflict with UDP policies PS3 and

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H5, however as already discussed above, the lack of a 5 year land supply is a significant material consideration in favour of the site being developed.

For sites to contribute towards the 5 year housing land supply, sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development. The site is relatively level thus making it a comparatively straightforward site to develop. The entire site is within the ownership of the applicant therefore I am unaware of any ownership issues that would prevent the site from being developed and there are no reasons to believe that the development is unviable.

Planning Policy Wales includes a ***presumption in favour of sustainable development***. The development of the site would broadly accord with this presumption as it is in a sustainable location on the edge of the satellite settlement limit of Penley, and the development would accord with PPW para 4.7.8 which states that development in the countryside should be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, and habitat and landscape conservation.

Paragraph 9.2.9 of PPW (to be read in conjunction with paragraph 9.2.8), indicates that a search sequence should be followed by local planning authorities when identifying sites to be allocated for housing. Whilst this doesn't strictly apply to the consideration of planning applications, it nonetheless provides useful guidance. The proposal does not entirely comply with the guidance set out in paragraphs 9.2.8 and 9.2.9 since it is not within existing settlement limits and is not brownfield. However in terms of being located within a sustainable location with accessibility to employment, shops, church, schools etc. the site within easy access on foot and is as accessible as those within the adjoining settlement. There is also an hourly bus service to Wrexham, Whitchurch and Oswestry.

The land is also classed as grade 3 agricultural land on the provisional maps held by the Land Nature & Forestry Division of the Welsh Government (WG). The site though is near the boundary of a change in soil types and due to the low resolution of the mapping data in this area, WG cannot properly predict the likely grade. Welsh Government records show no detailed survey information for the site. Given that the site is already bounded by substantial hedging and separated naturally from the larger agricultural fields, I am of the view that the land would not be readily useable for agricultural purposes and the loss of this relatively small area of agricultural land will have only a minimal impact upon agricultural locally.

Despite the fact that the proposal does not fully comply with policies H5 and PS3, given the sustainable location of the development and its edge of settlement location, I accept that its small scale development for residential use in principle would not cause any detrimental harm to the countryside. This is particularly in comparison to the existing development to which this would represent a minor and logical extension which would follow the existing

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pattern of development on the opposite side of the access road in compliance with Policy PS1, PS2 and PS4 of the UDP.

Site Layout and Design: The site is bounded by high hedges which with the exception of that to be lost to create the new vehicular access points, will be retained. This is in the interests of preserving the character and appearance of the site and maintaining its semi-rural appearance, and eases the integration of the new development into its surroundings. The site layout plan demonstrates that the site can accommodate the 7 dwellings proposed whilst providing private gardens and off street parking. The houses have been carefully sited to ensure that the development does not turn its back on the highway fronting the site. The dwellings face the highways in order to provide active frontages in the interests of the visual amenities of the area and the development would accord with Policies PS2 and GDP1 of the UDP.

Residential Amenity: There would be no issues of overlooking or loss of light to the existing nearby dwellings arising from the proposed development. The site layout has been carefully designed to meet the separation distances recommended in LPGN No.21 to ensure that the occupiers of the proposed dwellings will enjoy private outdoor spaces and habitable rooms which will also have the benefit of a good level of natural daylight in the interests of the residential amenities of the occupiers. These matters will be further considered as part of the reserved matters application should outline permission be granted.

Highways, Access and Parking: The site is located on Tudor Road which is an unclassified road subject to a 30 mph speed limit. Average speed is considered to be 25mph due to the geometry of the road. The site plan demonstrates 2 access points to the development site which have the benefit of adequate visibility in both directions. Parking provision is in accordance with LPGN No.16. A 2 metre wide footway will be provided along the site frontage and a detailed scheme for these works should be submitted for approval prior to work commencing on site (to be secured by condition). The traffic generation associated with 7 new houses would not warrant the imposition of a traffic calming scheme on the access road or the nearby Ellesmere Lane, and it would not be fair and reasonable to make this a condition of any planning permission.

The developer has indicated that the road will remain private. Manual for Streets suggests that it is possible for streets to remain private as long as a properly constituted body with defined legal responsibilities is established to maintain the street to the common benefit of the residents in perpetuity. This will form part of the S106 agreement to be signed and sealed prior to the granting of planning permission, to be maintained in perpetuity by this company. The development therefore complies with Policies PS4, GDP1, T8 and T9 of the UDP.

Ecology: The site is in an area known to support a nationally high population of great crested newt. Proposed is the construction of a pond area to provide

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adequate mitigation in the interests of the favourable conservation of the protected species. As already mentioned, the existing boundary hedge surrounding the site will remain largely intact which will preserve the diversity of the mature hedge frontage which acts as terrestrial habitat and a corridor for movement, and the proposal accords with Policies PS11 and EC6 of the UDP.

Trees and landscaping: The final landscaping and lighting schemes will be secured for further approval by way of planning condition. An Arboricultural Impact Assessment has been submitted which demonstrates that the houses and their foundations will be located outside of the trees' root protection areas and the development will not impact upon the health and stability of the existing trees on site. Adequate garden space has been proposed and the development has been re-orientated since the original submission to ensure that the gardens areas and habitable room windows will not be overly shaded by the tree canopies which should eliminate any pressure to fell the trees in the future. The proposal therefore accords with Policies GDP1 and EC4 of the UDP.

Drainage: There are no objections to the scheme from either Welsh Water (WW) or Natural Resources Wales (NRW), or the Council's senior flood management officer. A comprehensive drainage scheme will be required by planning condition which provides for a scheme of SuDS including on-site soakaways. Should SuDS prove inappropriate for the site, WW have confirmed that there is no objection to the connection of the site to the existing public surface water drain which runs down the centre of Tudor Drive. I have no reason therefore to think that the surface water cannot be properly managed and the development would not give rise to flooding matters within the Zone A flood Risk area that cannot be mitigated against. The development would therefore comply with Policies GDP1, EC12 and EC13.

CONCLUSION

Whilst representing a departure from two of the policies of the adopted UDP (PS3 and H5), the development of the site is justified in this instance as contributing to the 5 year land supply whilst at the same time being in a sustainable location and providing an acceptable form of development. The current proposal would not be to the detriment of the visual or residential amenities of the area or have an adverse effect upon highway safety, and would comply with all other relevant planning policies and GDP1 (a), PS1, PS2 and PS4 which seek to ensure that development does not harm the appearance of area, that it positively contributes to the appearance of the nearby locality, and is located in a sustainable location which safeguards the amenity of settlement limits against large scale extensions.

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RECOMMENDATION A

That the Council enters into an obligation under Section 106 of the Town and Country Planning Act 1990 requiring:-

- Management Company for the future maintenance by the applicant of all communal areas including the driveway, parking areas, hard and soft landscaped areas, newt mitigation area and planted features.
- Payment of a financial contribution towards the provision of secondary education facilities in the amount of £24,304.

The final form and amount shall be determined by the Head of Community Wellbeing and Development.

RECOMMENDATION B

That if the Obligation pursuant to Section 106 of the Town and Country Planning Act 1990, as detailed above, is not completed within six months of the date of the Committee resolution, the Head of Community Wellbeing and Development be given delegated authority to **REFUSE** planning permission for the following reasons:-

- Lack of appropriate maintenance by the applicant of all communal areas including the parking areas, newt mitigation area hard and soft landscaped areas and planted features.
- Lack of adequate contribution to schools to offset the development.

That the Head of Community Wellbeing and Development is given delegated authority to determine the final form and content of reasons for refusal.

RECOMMENDATION C

Subject to the completion of the S106 obligation, planning permission be GRANTED subject to the following conditions:-

CONDITION(S)

1. Approval of the following details shall be obtained from the Local Planning Authority before any part of the development is commenced:
 - a. the scale of the building(s)
 - b. the appearance of the building(s)
 - c. the landscaping of the site
2. Plans and particulars of the reserved matters referred to in condition 1 (above) shall be submitted in writing to the Local Planning Authority before the expiry of three years from the date of this permission. The development shall only be carried out in strict conformity with such details as are approved.
3. The development hereby approved shall be commenced before the expiry of five years from the date of this permission or before the expiry of two years from the date of approval of the last of the reserved matters required to be approved, whichever is the later.

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4. All works in relation to the implementation of this permission, including deliveries to and / or leaving the site, shall be undertaken only between the hours of 7.30 and 18.00 Monday to Friday, and 08.00 to 14.00 on a Saturday, and at no time on a Sunday or a Bank Holiday.
5. No land drainage run-off or surface water shall be permitted to discharge or connect to the public sewerage system, either directly or indirectly, and foul and surface water shall be drained separately from the site.
6. No part of the development shall commence until a scheme for the comprehensive and integrated drainage of the site indicating provision for foul water, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of Sustainable urban Drainage Systems (SuDS) in accordance with the principles of sustainable drainage systems set out in Technical Advice Note 15: Development and Flood Risk, and the results of the assessment shall be submitted in writing to the Local Planning Authority. Where a SuDS scheme is to be implemented, the submitted details shall:
 - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of receiving ground water and/or surface waters;
 - ii) Specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and,
 - iii) Provide a timescale for implementation, management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
7. No part of the development shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with condition no. 06. The sustainable drainage scheme shall be managed and maintained thereafter in strict accordance with the agreed management and maintenance plan.
8. Details of all of the proposed boundary treatments in and around the site shall be submitted to and approved, in writing, by the Local Planning Authority as part of the reserved matters application. The boundary treatments as are approved shall be fully implemented in strict accordance with the details as are approved prior to first use of the development.
9. A scheme of long-term management and responsibility for the new mitigation area as shown on plan no 13-38 A100 Rev 1 shall be submitted to and approved, in writing, by the Local Planning Authority as part of the reserved matters application. The management plan shall be fully implemented in accordance with the details as are approved.
10. No part of the development shall commence until a further survey and method statement in relation to the presence of bats together with an appropriate scheme of mitigation has been submitted to and approved, in writing, by the Local Planning Authority. The measures as are approved shall be implemented in all respects.
11. Prior to first use of the development the site shall be laid out in strict accordance with layout plan(s) No. 13-38 A100 Rev 1.

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12. Prior to first use of the development hereby approved the vehicular access shall provide visibility splays of 2.4 metres x 33 metres in both directions measured to the nearside edge of the adjoining highway. Within these splays there shall be no obstruction in excess of 1 metre in height above the level of the nearside edge of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
13. Prior to first use of the development hereby approved a pedestrian visibility splay shall be established measured from the centreline of the vehicular access 2.4 metres back from the back edge of the footway to points 3.3 metres either side measured along the back edge of the footway. Within these splays there shall be no obstruction in excess of 0.6 metres in height above the level of the adjoining highway. The splays shall thereafter be permanently retained clear of any such obstruction to visibility.
14. There shall be no gates or other means of enclosure across the vehicular access point within 5 metres of the highway boundary.
15. No private surface water run off shall be permitted to flow from the development site onto the adjoining highway. An Aco drain or similar shall be provided across the approved access to intercept any such run off prior to first use of the development.
16. Prior to first use of the development a 2.0m wide footway shall be constructed along the entire site frontage in strict accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
17. No equipment, machinery, plant or materials of any kind in connection with the development shall be brought onto the site until tree protection fencing and ground protection measures have been implemented in strict accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details should include specification and location for the fencing. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.
18. The tree protection fencing and ground protection measures approved in connection with condition no. 17 shall be kept in place until all external site works have been completed and the removal of the fencing has been approved in writing by the Local Planning Authority.
19. No part of the development shall commence until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in strict accordance with the Method Statement as is approved. The Method Statement shall include the following:
 - 1) A specification for tree protection fencing and ground protection measures that comply with British Standard 5837:2012;
 - 2) A Tree Protection Plan showing the location of the trees to be removed and retained with their crown spreads, Root Protection Areas, Construction Exclusion Zones, and location of protective fencing and ground protection measures accurately plotted;
 - 3) A full specification for any access, driveway, path, underground services or wall foundations within retained tree Root Protection Areas or Construction

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Exclusion Zone, including any related sections and method for avoiding damage to retained trees;

4) Details of general arboricultural matters including proposed practices with regards to cement mixing, material storage and fires;

5) Details of the frequency of supervisory visits and procedures for notifying the findings of such visits to the Local Planning Authority;

6) Method for protecting retained trees during demolition works;

7) Details of all proposed tree works, including felling and pruning.

20. The following activities should not be carried out under any circumstances:

1) No fires should be lit within 10 metres of the nearest point of the canopy of any retained tree.

2) No works, including earth works and the bringing onto site of machinery or materials shall proceed until the approved tree protection measures are put in place, with the exception of the approved tree works.

3) No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.

4) No mixing of cement or use of other materials or substances shall take place within tree root protection areas or tree construction exclusion zones, or close enough to these that seepage or displacement of those materials or substances could cause them to enter tree root protection areas or tree construction exclusion zones.

5) No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

21. The existing trees, shrubs and hedges shown on drawing(s) No(s). 13-38 A100 Rev 1 to be permanently retained shall not be cut down, grubbed out, lopped or uprooted. Any trees, shrubs or hedges removed or being severely damaged or becoming diseased shall be replaced with trees, shrubs or hedging plants of the equivalent size and species.

REASON(S)

1. To comply with the provisions of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012

2. To comply with Section 92 of the Town and Country Planning Act, 1990.

3. To comply with Section 92 of the Town and Country Planning Act, 1990.

4. To protect the amenities of the occupiers of nearby properties.

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

6. To ensure satisfactory drainage of the site and to avoid flooding.

7. To ensure satisfactory drainage of the site and to avoid flooding.

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8. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect the amenities of the occupiers of nearby properties.
9. In order to protect wildlife interests, which are afforded special protection.
10. In order to protect wildlife interests, which are afforded special protection.
11. In the interests of highway safety.
12. To ensure that adequate visibility is provided at the proposed point of access to the highway.
13. To ensure that adequate visibility is provided at the proposed point of access to the highway.
14. In the interest of the free and safe movement of traffic on the adjacent highway and to ensure the formation of a safe and satisfactory access.
15. In the interests of highway safety.
16. In the interests of pedestrian safety.
17. To ensure that the retained trees are adequately protected during development in the interests of amenity.
18. To ensure that the retained trees are adequately protected during development in the interests of amenity.
19. To ensure the work is carried out to accepted arboricultural practices for the long term wellbeing of the tree(s).
20. To ensure that hard surfacing does not cause harm to retained trees in the interests of visual amenity.
21. To ensure the amenity afforded by the trees is continued into the future and to ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area and to protect the amenities of the occupiers of nearby properties.

NOTE(S) TO APPLICANT

The applicant is advised that compliance with condition no. 04 does not provide an exemption from the statutory noise nuisance provisions of the Environmental Protection Act 1990. Any complaints received relating to noise from the development during the permitted hours may still be investigated using the Council's Standardised Procedure for Dealing with Noise Nuisance Complaints and legal action may be taken where appropriate.

The applicant is advised that the Council has the option to control construction noise by serving a Control of Pollution Act 1974, Section 60, Notice where deemed necessary, and failure to comply with such a Notice can result in prosecution. For further information and advice regarding construction noise please contact the Council's Housing and Public Protection Department on 01978 315300.

Burning of waste generated from construction activities is not considered to be an appropriate method of disposal and action may be taken as follows:
- Under the Environmental Protection Act 1990 anyone found disposing of construction site waste by burning is likely to be in breach of their duty of care

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with regard to waste disposal;

- Under the same Act an abatement notice may be served where smoke is judged to be causing a nuisance to neighbouring properties. Failure to comply with the requirements of the notice can result in prosecution;
- Under the Clean Air Act 1993 it is an offence for a commercial activity to burn anything that gives rise to dark smoke.

To prevent offences under the above named Acts there should be no bonfires on the site, to include the prohibition of the burning of cleared vegetation. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

The Applicant is advised that under the Environmental Protection Act 1990, dust from construction and/or demolition activities can be judged to be causing a statutory nuisance to neighbouring properties. A legal notice can be served requiring that any dust nuisance is abated and failure to comply with the requirements of the notice can result in prosecution. The applicant should contact the Council's Housing and Public Protection Department on 01978 315300 for further advice and information.

If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 917 2652

The permission hereby granted does not authorise encroachment upon, or interference with, the adjoining property.

You are advised that building work which involves work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near a neighbouring building may require the separate consent of the neighbour under the provisions of the Party Wall Act. If you require further information or advice please contact the Building Control Section on 01978 292050.

The applicant is advised that the existing garage has some features which could potentially support roosting bats. Although the risk of disturbance is low, please be aware that it is a criminal offence to:

- a) Deliberately capture, injure or kill a bat.
- b) Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats.
- c) Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time).
- d) Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat.
- e) Intentionally or recklessly obstruct access to a bat roost.

All contractors should be made aware and if bats are disturbed during work, all work must stop and Natural Resources Wales contacted for further advice. The proposed footway should be constructed to a standard suitable for adoption by the Council for future maintenance at the public expense and the

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developer will need to enter into an agreement with the Council under s.38/278 of the Highways Act 1980.

You are advised that the Highway Authority will require such works to be completed to their satisfaction before they will formally adopt the relevant Highway works for public use and to be maintained at public expense. This will include the provision of a bond to cover the estimated value of such works. The appropriate fees will become due to the Council when the Highways Authority approve the proposed works to be carried out.
