

PLANNING (SITE VISITS) SUB COMMITTEE

6TH OCTOBER 2011

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – G. WHITE

PART 1 – Doc.Code: PSVS-061011-REP-EN-GW

SECTION A – MATTERS FOR DECISION

1. PLANNING APPLICATION RECOMMENDED FOR APPROVAL

<u>ITEM 1.1</u>	
<u>APPLICATION NO:</u> P/2011/524	<u>DATE:</u> 17/08/2011
PROPOSAL: Proposed change of use from residential dwelling (Class C3) to care home for up to 5 residents (Class C2)	
LOCATION: PENCYNOR HOUSE, PENCYNOR, CILFREW, NEATH NEATH PORT TALBOTS A10 8LF	
APPLICANT: Mr Tony Doyle	
TYPE: Change of Use	
WARD: Aberdulais	

BACKGROUND INFORMATION

Planning History

06/1720 – Land adj to Pencynor House – Dwelling (Outline) – Approved 4/2/08

Publicity and Responses if applicable:

Number of properties consulted: 11

The application was also advertised on site.

Number of replies received:12 (which includes one letter on behalf of 20 residents). The following objections are raised:

1. Is the development supported by Social Services and/or Local Health Board, and in particular would they be directly referring residents to the facility? Would their Officers be required to carry out inspections, at periodic / regular / out of hours intervals?
2. How long would a typical resident be receiving care at the facility? What is the typical turnover of the 5 resident places in a given calendar month?
3. Are there any other examples in the wider locality of such a care facility, comparable in size to that proposed at Cilfrew?
4. The Design & Access Statement that accompanies the application indicates that 20 full-time jobs will be formed to serve the development, however the application form indicates that the figure will be 5 full-time and 10 part-time employees. Which is correct? What activities will those staff be engaged in? Will they work on a shift basis, and will this be over a 24/7 rota? Will any staff members be resident overnight?
5. What type of visitors will be received, in addition to the staff? Will there be medical, nursing, counsellors & other health care professionals attending? How often - on a daily basis? evenings, weekends?
6. Will the residents be allowed visitors - family, friends etc..? when - evenings, weekends?
7. Will the residents have access to local facilities, such as the bus service, local shops, community hall etc.. Will they be unsupervised on such outings, or be accompanied, supervised?
8. The Design & Access Statement refers to "*two separate buildings*" on the site, "*which will not be used for the foreseeable future*". The outbuildings must have an established use? what is it?
9. On what basis is the claimed 10-15 cars per day made? Is that limited to just staff? what about other visitors as outlined in Questions 1, 5 & 6 above? 15 cars would equate to 30 vehicle movements per day, it is essential that all anticipated movements OF ALL GROUPS are calculated, to establish the total vehicular flow?
10. Could the applicant confirm that there will be no changes in the

boundary treatment with Nant-y-Glyn and Penscynor properties? If not, why not?

11. Lack of information on nature of individuals who will live at the property and future residents. Concerns regarding safety of existing residents including children.

12. Once permission is granted the authority will have no control over the number and type of residents who will occupy the premises

13. Increased traffic movements and impact on highway safety given the junction of the estate is opposite the school.

14. Impact on residential amenity through increased noise and disturbance.

15. Inappropriate location in the middle of a housing estate which contains many children. The residents should be housed in a rural area.

16. The residents will have challenging behaviour which according to the applicants website includes aggression to self or others, destructive behaviours towards things and property, self harming, disruptive behaviour, eating indelible objects, stereotypical behaviour and severe communication difficulties.

17. Loss of privacy

18. Inadequate parking facilities and an unacceptable increase in the volume of traffic.

19. Security of homes

20. Is there a possibility of paedophiles being held at this home ?

21. Who will be responsible for their actions ?

22. The proposal does not require a change of use as the existing C3 use can accommodate up to 6 residents living together as a single household(with or without care). Once it is changed to a C2 it can be run as a much larger establishment.

23. Accommodating 5 residents is not economically viable and only confirms that the applicant has longer term plans for the property.

24. The applicant has another property in Neath and has recently received permission to convert an outbuilding. Penscynor House has existing outbuildings which could provide room for more residents.

25. What vetting of residents will take place ?
26. Will qualified staff be employed ?
27. Residents with serious mental health issues may well have committed crimes
28. Can emergency services gain proper access.
29. Ratio of staff caring for the residents.
30. Overlooking
31. Congestion already exists with the operation of a taxi business at No5 Parc Penscynor.

One further letter on behalf of 25 residents has been received which raises the following concerns:

1. There is only one route to the site.
2. The application site shares boundaries with a number of properties and is enclosed by walls and vegetation. Views into neighbouring properties is available from first floor windows.
3. Confusion as to the numbers and level of traffic flows. The applicant indicates that the facility will be staffed over 3 daily shift patterns, over 7 days of the week. Six will attend during the morning shift, 6 afternoon shift with a further 2 during the night shift. The total volume of staff vehicles that could enter and leave the site in a 24 hour period equates to 28 vehicle movements per day , therefore equalling 196 movements per week. In addition, the applicant has confirmed that health professionals will visit the site, together with officials from the Commission of Social Service Inspectorate Wales who carry out sporadic inspections.
4. Attendance at health appointments will add to the total flows from the property
5. The visits by relatives could equate to potentially 30 weekly traffic movements
6. The home would be subject to regular deliveries, such as food and cleaning materials, gardening and refuse collection.

7. 250 additional vehicle movements per week could potentially be experienced along Parc Penscynor.
8. The estate carriageway suffers from being a parking area for parents attending Cilfrew School. Any significant additional vehicular flow as generated by the proposed development will compound the existing problem and lead not only to delays to residents seeking to access their homes but could lead to risks of highway safety.
9. The additional volume of traffic could affect the general welfare of the residents and result in a potential adverse effect upon the living conditions of residents. The proposal does not meet the requirements of Policy GC1 of the UDP.
- 10 The applicants other established facility at Nant Leiros differs from the application site in that it is situated on Penywern Road(A474) which is subject to daily traffic flows of several thousand vehicles and therefore is unlikely to pose any detriment to neighbours at this application.
- 11 No form of alternative boundary treatment could mitigate for the increased noise and general disturbance.
- 12 Due to the little habitable space between the rear windows of their properties and the first floor of the application site means that any increased activity within the House as a result of the turnover of cared residents could have the potential for disturbance and further loss of amenity

One letter has been received from the applicant which states:

“Our business is a residential care home for adults with learning disabilities. This is hopefully going to be our second care home in Neath. Currently, we care for 5-adults, employ 22 staff (most of them local) and spend over £3K/month in local shops, and hope to repeat this in the Aberdulais area. We not an irresponsible care home and go to considerable lengths to prove this. Recently we have been awarded IiP and a Welsh Assembly Government Silver Award for Health & Wellbeing of our staff and service users; all our staff team are trained to a higher than customary standard to ensure they all have higher than normal skills and abilities, which is shown in our business performance results that can be verified with ABM NHS Trust and Care Standards

Social Services inspectorate Wales.

Your support in granting planning permission is critical to this project getting off the ground, at this point we have a number of local families with their autistic siblings awaiting confirmation to move into the designated property, further delays in launching this project could well see these families having to place their family members out of county creating additional cost for the health authority and hardship to the family having to travel possibly considerable distances to visit.

We would very much appreciate if it were possible, to earn your support for our intended plans.”

The above comments are factual statements for members information.

Statutory Consultees:

Head of Engineering and Transport (Highways) – raises no objection subject to conditions

Blaenhonddan Community Council – No reply, therefore no observations to make.

Description of Site and its Surroundings:

The application site comprises a detached two storey dwellinghouse located within a large enclosed plot. The dwelling is set some 40 metres back from the highway, with a large detached outbuilding to the west of the dwelling and a smaller one to the north. Residential properties enclose the application site, Parc Penscynor stands elevated and adjacent to the north and eastern boundaries while the rear boundary of the properties in Nant y Glyn flank the southern boundary. This site is accessed through a gated entrance off Parc Penscynor. Mature trees separate the drive from the rear boundaries of the houses in Nant y Glyn. The site is enclosed by close boarded fencing and a large retaining wall.

Brief description of proposal:

The application seeks full planning permission to change the use of the existing dwelling house (Class C3) to a care home (Class C2) for up to 5 residents with disabilities aged between 18-64. The submitted plans indicate that the ground floor accommodation would comprise two sitting rooms, dining room, store, kitchen, utility room, staff room and shower room. Six bedrooms, one with an en suite, living room and bathroom are

proposed on the first floor. No external alterations to the building are proposed. Although the application site comprises two substantial outbuildings, the proposal does not include the conversion of these buildings. The proposal includes the provision of nine parking spaces located to the front, side and rear of the building.

The applicant has provided the following information in support of the application which states:

“Young adults are described as between the ages of 18-64 as laid down in care standards only. Ages below are classed as young persons and ages above are classed as older people. This is in the main to ensure that older people are not cared for with younger people and vice versa. The average that we care for are persons in their late thirties and forties. We mainly care for people with a learning disability and autism. It is an area in which I specialise in and I have been successful in improving the lives of all service users, that we as a company care for. The more recent referrals I have received are for women with autism, mainly in their twenties and thirties. Care without Compromise do not take any service users with a history of offending against people, especially children. We would not place a child at risk. The service will support five service users and at any one time will have five to seven staff per shift to support them. We will have wake in staff and support 24/7, 365 days a year. The term used ‘challenging behaviour’ is a term used by professionals to describe the people we care for. It’s a euphemism that refers to the challenge posed to the services that support them rather than the behaviours posed to individuals. None of the service users will have a history of attacking people or children that we support. Most physical aggression is unfortunately placed on themselves when some may self injure. Most behaviours that are displayed by people we care for has a meaning. It often means of expression or communication to get what they want because of their lack of ability to communicate or make sense of the world in cases of Autism. We are recognised as a specialised company that can help to transform peoples lives and we are more than willing for people to visit our present residential home and talk to service users we care for. In this way we will be transparent as we possibly can be and allay fears of local residents. There will be elements of security in the home, this is not to stop people escaping but to keep them safe from possible risk from the road and potentially from harm from some people in society who would possibly abuse or take advantage of them. There are people with some disabilities living in all communities and research would point to them potentially being better neighbours than some people who are deemed as ‘normal’. The service users will have a learning

disability and will not be seen as people with a mental health problem normally related to Psychotics, drug takers, offenders and sometimes paedophiles. It is unfortunate that people with a learning disability are often stigmatised because the public perception is that and often built on ignorance. Most of the people who are referred to us have lived at home with their families. The reason they require care is that often the parents are getting older and finding it difficult to cope and meet their needs. The development of Penscynor will not impact on their lives in the locality in anyway. We would hope that relationships could be developed with the local residents where this already devalued group could be seen as integrated into the community living normal lives as most people take for granted. “

Material Considerations

Policy Context:

a. Structure/Local Plan Policies

Neath Port Talbot Deposit Development Plan

GC1- New buildings/structures and change of use.

T1 - Location, layout and acceptability of new proposals.

T10 - Parking.

H6 – Conversions to and subdivision of dwellings and other premises

In terms of the principle of development, and in land use terms, the conversion of the premises for the purposes proposed would be acceptable as the site lies within an established residential area.

EIA Screening:

With regards to Environmental Impact Assessment the proposal is of a type that does not require a decision as to whether an Environmental Impact Assessment needs to accompany the application.

Visual Amenity:

In visual amenity terms, there are no changes proposed to the external fabric of the building maintaining its residential appearance. The property is also served by two long driveways and hardsurfaced areas to the front, side and rear of the existing house which can accommodate the 9 car parking spaces required to serve the development without having to alter the character of the existing grounds. It is therefore considered that the development would have no adverse impact on the building itself or the character and appearance of the surrounding area.

Residential Amenity:

Turning to matters of residential amenity, it is considered that the proposed change of use of the building to a care home would not have any adverse impact in terms of overlooking on neighbours over and above the existing situation as there are no new windows to be provided to facilitate the required changes to the internal layout.

It is acknowledged that there would be an increase in vehicular movements to and from the property along a relatively quiet residential cul de sac. However, the increase in traffic is so insignificant compared to the lawful use as a residential property it is considered that it would not result in an unacceptable impact on adjacent residents by virtue of noise and disturbance.

The use is considered to raise no additional impact on the residential amenities currently enjoyed by occupiers of neighbouring properties over and above that which could be experienced by any residential use of this building.

In view of the above, it is considered that the proposal is acceptable in residential amenity terms and that it would accord with Policies GC1 and H6 of the Neath Port Talbot Unitary Development Plan.

Highway Safety (Access, Parking and Traffic flows):

It is considered that there is sufficient parking available within the site to serve the development. Access will continue to be derived from Parc Penscynor. As such there are no highway safety issues arising in this regard.

The Head of Engineering and Transport (Highways) raises no objection to the proposal and the development is considered acceptable in terms of parking provision and highway safety. The proposal would therefore comply with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Landscaping:

There are no issues to consider.

Ecology (including trees & Protected Species):

Not applicable

Pollution: (air and ground)

There are no issues to consider.

Flooding:

There are no issues to consider.

Others (including objections)

The concerns raised by neighbours relating to matters of privacy, overlooking, highway safety, parking provision, vehicular movements, access, proposed use of outbuildings and type of service users have been addressed earlier in this report. In respect of the other issues raised the following additional comments are made:

- In respect of the referral of residents and inspections, the home would become registered once it has reached the required standards as laid down by the Commission of Social Services Inspectorate Wales, which determines the suitability of the property. This occurs after planning permission is granted. Then all Wales Commission of Social Services and individual social departments within respective Local authorities and Local Health Board can place the individual service users at the home. The industry is subject to routine checks at any time of day.
- The applicant has confirmed that the home is a home for life, normally disability placements can be long term or at least until a goal has been achieved then the state run programme will move on to the next or most appropriate placements, generally this is considered to be greater than 12 months or until the relationship ends, health needs determine a move, the person reaches the age of 65 or a contractual goal has been achieved.
- The applicant owns another facility in Nant Leiros, Bryncoch which has five service users.
- In terms of staffing levels, the applicant has confirmed that the home would provide care and support 24/7 on a full and part time basis between 17 and 20 would be the absolute maximum. Activities include personal care, home care and cleaning, education of service users, supporting/escorting residents to activities.
- The applicant has confirmed the type of visitors to the property include, social service professional, professional health care visitors, GP(emergency appointments).It is anticipated that this would be on a monthly if less frequently basis. Reviews are often carried out in other establishments. Family attend periodically.
- Family visits will be the same as any other person receives visits from members of their family and is a fundamental human right.

- Residents will have access to local facilities and will be accompanied with staff largely to ensure the residents safety when crossing the road or to provide support should they become frightened or confused.
- The applicant has confirmed that the existing boundary treatment will be retained.
- In terms of the use of the building, the change of use of the building and outbuildings within its curtilage in the future to either the proposed use or any other use falling within Class C2 can be controlled by the imposition of a suitably worded condition attached to any consent.
- It is considered from the supporting information provided that the nature of the use would not represent an unacceptable risk to the safety of neighbouring residents or their homes
- As it is considered that the residents and staff do not form a single household, the proposed use as a care home does not fall within Class C3 (Dwellinghouses) but Class C2(Residential Institutions) which means that planning permission is required for the proposed stated use.
- The issues raised in respect of whether the proposal is economically viable, vetting of residents and recruitment of staff are not material planning considerations in the determination of this application.
- No planning permission has been given for the operation of a taxi business from a nearby residential property. The matter has been referred to the Enforcement Officer.

In response to the further objections raised the following comments are made:

1. With regards to the impact on residential amenity in terms of overlooking, noise and disturbance these have been addressed in the report.
2. With regards to the concerns about increased vehicular movements , the reference to 250 equates to 36 vehicular movements per day or

over a 10 hour day 3.6 vehicular movements per hour (1.5 per hour over a full day) This is an insignificant figure equating to the traffic flow of around four dwellings on an estate of around 50 dwellings (including Penscynor house) Standard data would indicate that 50 dwellings would generate around 400 to 500 vehicular movements per day so 36 is less than 10% of the existing traffic likely to be generated by the existing Penscynor Housing development.

3. Whilst the applicant has made reference to the existing Nant Leiros facility, this application will determined on its own merits having regard to the relevant development plan policies.

Other Issues

At the previous meeting a query was raised as to whether en suite facilities are required to be provided. The applicant has confirmed that CSSIW standards require a shared bathroom for every 3 people. A bathroom must as a minimum include a bath, toilet and standard sink. There is no requirement for each bedroom to have an en suite. Compliance or otherwise with these standards is not a material planning consideration in the determination of this application.

Conclusion:

It is considered that the proposed use of the building as a care home is an acceptable use within a residential area as the development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact on highway and pedestrian safety. Hence the proposed development would be in accordance with Policies GC1, T1 and H6 of the Neath Port Talbot Unitary Development Plan.

Recommendation: Approval with Conditions.

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.

(2)The premises shall be used for a care home and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In order that other changes of use can be assessed in the interests of amenity.

(3)Prior to the commencement of use hereby permitted, the proposed car parking spaces as shown on Drawing PEN/01/1003 shall be laid out as shown on the drawing and thereafter retained unobstructed for such purpose.

Reason

In the interests of highway safety and to conform with the requirements of the local planning authority concerning off-street car parking (servicing).

(4) This consent relates only to the main dwellinghouse and does not include the change of use of any outbuildings within the curtilage of the property.

Reason

In the interests of clarity and to ensure that any intensification of the use can be assessed in the interests of amenity.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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.

It is considered that the proposed use of the building as a care home is an acceptable use within a residential area as the development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact on highway and pedestrian safety. Hence the proposed development would be in accordance with Policies GC1, T1 and H6 of the Neath Port Talbot Unitary Development Plan.

<u>ITEM 1.2</u>	
<u>APPLICATION NO:</u> P/2011/387	<u>DATE:</u> 11/05/2011
PROPOSAL: Construction of 16 No. Three bedroom dwellings, access road and associated landscaping (Details pursuant to outline planning permission 08/342 granted on 13/5/2008)	
LOCATION: Land at, 58 CARDONNEL ROAD, SKEWEN, NEATH NEATH PORT TALBOTS A10 6BS	
APPLICANT: Mr Alan Collins	
TYPE: Reserved Matters	
WARD: Coedffranc Cent	

BACKGROUND INFORMATION

Planning History

P2008/0342- Residential Development (Outline) - Approved- 13/5/08

Publicity and Responses if applicable:

The application was advertised on site and in the press and two individual properties were consulted by letter: 36 letters of objection and a petition of objection were received which are summarised below.

Coedffranc Community Council - Concerns raised over additional traffic, parking, impacts on wildlife, and the adjoining water course. Request that any rights of way are protected. Noise and dust nuisance to adjoining properties during construction. Request that an EIA and TIA are undertaken.

Environment Agency- No Reply, therefore no observations to make.

Head of Engineering and Transport (Highways)- No Objection, subject to conditions

Head of Engineering and Transport (Drainage)- No Objection, subject to conditions.

Dwr Cymru Welsh Water- No Objection, subject to conditions.

Pollution Control- No Objection.

The petition containing 33 names raises objection to the development but offers no reasons for the objections.

36 letters of objection have been received from 21 individual properties. The objections can be summarised as follows;

1. Number of houses proposed.
2. Negative impacts upon highway and pedestrian safety including increased volume of traffic, access and egress congestion, parking problems, and highway safety.
3. Detrimental to visual amenity and character of the area.
4. Lack of consultation from the applicant and Authority with the local residents.
5. Overprovision of housing in the Skewen area, and lack of supporting facilities.
6. Loss of a Listed building.
7. Impacts upon wildlife.
8. Issues with existing sewer and surface water system capacity.
9. Noise and pollution.
10. Property values, and loss of property value due to housing association involvement.
11. Anti social behaviour from providing affordable housing.
12. Clifton Place being a private road and not being adopted, and may be used as a short cut.
13. Concerns over level of information available at outline stage.
14. Impacts on privacy
15. Loss of views.
16. Subsidence to adjoining property.

Description of Site and its Surroundings

The application site lies on Cardonnel Road Skewen, and is currently occupied by a detached two storey dwelling known as 58 Cardonnel Road, and its garden area. The site measures 0.43ha in area. It has a frontage onto Cardonnel Road of approximately 26m, widening out to an average of 60m, and has a depth of approximately 82m. The site generally slopes gently from the site access down to the rear boundary.

Cardonnel Road lies to the west, an access lane serving Clifton Place and

further properties lie to the north. To the east lies a mineral railway line, and to the west and southwest lies an existing nursing home development. The site is bounded by a watercourse to the west and south and this boundary is lined with existing mature trees and in parts an overgrown bank. The main part of the site is lawned as private garden and the existing property, located in the northern part of the site, has access both to Cardonnel Road, and the access lane to the north.

The adjoining street of Cardonnel Road has a number of detached, and semi-detached two storey dwellings, and the area as a whole is predominantly residential in character and land use. The site lies within the defined settlement limits as set out within the Neath Port Talbot Unitary Development Plan.

Brief description of proposal

This application seeks reserved matters consent pursuant to the previously approved outline planning permission which was approved on the 13th May 2008. As part of the previously approved outline, the applicant submitted an indicative layout indicating 23 dwellings. At that time the outline planning application procedures required only a site location plan with the application site edged red. There were no requirements to provide parameters of development or the amount of development proposed.

The development includes the demolition of the existing dwelling on the site. The property has been surveyed for the likelihood of bats being present, and there is no evidence of this. However, bats were present in the area. This matter is considered in more detail later in this report.

The proposals include 16 two storey dwellings. These are arranged in 7 pairs of semi-detached properties and 2 detached properties. They incorporate a similar design, but offer three house types. Finished in facing brick and tiled roofs. Details of which are to be agreed.

Type A

Located on plots 1,7,8,9 and 10. Measuring 8.5m by 6.5m they have ridged rooflines to a height of 7.5m. Windows are predominantly provided to the front and rear, and simple canopies are provided over the front doors.

Type B

Located on plots 2 to 6, and 11 to 15. Measuring 5.7m by 9.6m they have

ridged rooflines to a height of 8.6m. Windows are provided to the front and rear, and simple canopies are provided over the front doors.

Type C.

Located on Plot 16, this property provides a dual aspect unit, fronting both Cardonnel Road and the proposed access road into the site. Measuring 9.2m by 6.1m, it has a ridged roof to a height of 8.6m. Windows are provided to three elevations, and a simple canopy is provided to the front door, facing Cardonnel Road.

The dwellings are located along a curved access road, measuring 5.5m in width with 2m wide footways to both side. A turning head is provided which has an alternate surface finish, off which a shared drive access serves plots 7 and 8.

All properties are provided with 2 off street car parking spaces, and private rear garden areas ranging between 8m and 15m in length.

The existing trees to the site boundary are to be retained, and a development free buffer retained along the western and southern boundary to protect the existing watercourse. This matter is considered in more detail later.

Material Considerations

The main issues for consideration with regard to this application relate to the acceptability of this development in terms of land use; the appropriateness of the design having regard to the character of the surrounding area; the impact upon the amenities of neighbouring residents; the impact upon Highway and pedestrian safety and lastly the impact upon biodiversity having regard to development plan policies.

Land use and development plan policy.

Technical Advice Note 5 – Nature Conservation and Planning

Neath Port Talbot Unitary Development Plan.

GC1- New Buildings/ structures and changes of use.

ENV5- Nature conservation.

ENV17- Design.

H2 – Housing density

H3- Infill and windfall development within settlement limits.

H4- Affordable housing.

T1- Location, layout and accessibility of new proposals.

The site is located within the defined settlement limits for the area as out within the Neath Port Talbot Unitary Development Plan. Policy H3 allows for infill and windfall residential development within these defined settlements, subject to criteria.

In addition the site has the benefit of outline planning permission for residential development, subject to conditions. As such in land use terms the development of this site for residential purposes is both supported by Policy H3 and by virtue of its existing outline planning permission.

Design and Visual Amenity.

The site provides 14 semi-detached and two detached properties. All of these properties are two storey with ridged rooflines, comparable to existing residential development in the area. The curved access road, and use of a dual aspect property and varied building line adds a sense of place and interest within the site, and provides an interaction with the existing linear pattern of development along Cardonnel Road. The density of development proposed within this development is in accordance with the densities which we are aiming to secure under policy H2 of the Neath Port Talbot Unitary Development Plan, which seeks to ensure developments make the best and most efficient use of land within sustainable locations.

Retaining the trees to the western and southern boundaries, retains an important feature of the site, and provides a dual benefit of retaining both the landscaping element but also biodiversity along this watercourse.

The site is relatively separate from adjoining development, and whilst the outlook will be altered, the overall character of the area is not considered to be significantly affected due to this area being presently a screened private garden, and not an area of open amenity space.

Amenity of adjoining property.

The proposal is for residential development within defined settlement limits, and in a residential area. As such it is not considered that the land use or development of the site for residential use would impact upon the amenity of any adjoining development through the principle of development at this site.

In detail the development is not within close proximity to any development which would result in any overlooking, overbearance, or overshadowing. There are also no impacts upon privacy. It is accepted that there will be an impact upon the outlook of properties fronting the site along Cardonnel Road, however, this is not a matter that raises any significant impact, due to the scale of the proposed dwellings, the land, sloping down off Cardonnel Road, and the properties opposite being located at a higher level.

Highway and Pedestrian safety.

The proposed development has been designed to accord with the conditions imposed upon the outline planning permission. These include the required visibility splays at the junction with Cardonnel Road, the width of the highway and the footways provided to either side.

It is noted that the highway section did not restrict the number of dwellings that could be developed at this site at outline stage. If it were considered that the existing highway network in the vicinity of the site could not accommodate a certain number of units, than a condition may have been necessary limiting the development potential of the site.

In addition the development provides the required off street car parking provision for the properties, and terminates in a turning head thus allowing vehicles to enter and leave the site in a forward gear.

The Head of Engineering and Transport, (Highways Section) offers no objection, subject to conditions. As such it is considered that the proposed development accords with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Affordable housing.

Policy H4 of the Neath Port Talbot Unitary Development Plan, together with the adopted Supplementary Planning Guidance requires that sites of 3 dwellings or more provide a percentage of affordable housing. At outline stage a condition was imposed which requires these matters to be addressed.

At this stage the applicant is not in a position to agree the details of this condition. As such this condition remains to be addressed prior to any development taking place, and will require the submission of a scheme.

Biodiversity.

The outline planning permission required a bat survey to be undertaken prior to any development which would require the demolition of the existing building on the site. A bat survey has been submitted, and whilst bats are in the area, no evidence of bats within the building was found. The standard note will be added to any permission issued outlining the need to stop work and notify CCW should bats be found.

Furthermore a buffer zone has been included within the development which adjoins the watercourse as required by the outline planning permission. No development is permitted within this buffer zone to ensure that access to the watercourse together with the habitat associated with the watercourse is protected. The retention of the overgrown bank adjoining the water course together with the existing trees along the length of the watercourse will also reinforce the objective of this habitat corridor in terms of biodiversity interest.

The future management of the buffer zone within the rear gardens of individual properties would be difficult to achieve, and is also likely to result in the degradation of this habitat over time. Nevertheless a condition requiring a scheme for landscaping which shall include a requirement for native species, and the provision of artificial nesting sites for birds and/or bats will be imposed. Furthermore an area of the buffer zone measuring between 2 to 3 metres in depth when measured from the edge of the watercourse will be permanently fenced off and separated from any individual garden area.

It is considered that subject to the imposition of conditions to secure the above, the proposed development would not have a significant impact upon the biodiversity or the area, and therefore accords with Policy ENV5 of the Neath Port Talbot UDP together with the objectives of TAN 5.

Objections.

In relation to the objections received it is considered that the scale of development, issues of highway and pedestrian safety, visual amenity, privacy and loss of views, together with impacts upon biodiversity, have been addressed within the report. It is not considered that the development would impact significantly on these issues to warrant refusal in this case. Where appropriate you will note that no objections to the development have been received from the Head of Engineering and

Highways (Highways section), nor the biodiversity unit, subject to conditions. The remaining objections are addressed as follows:

- The lack of consultation from the applicant with the local residents is not a matter that would result in an application being refused. Whilst consultation is encouraged to dispel rumour and issues arising during the application process that could be addressed at pre-application stage it is not an essential requirement. The Authority has advertised the application on site and in the press and we have also written to two neighbouring properties in accordance with the requirements of the Town and Country Planning (General Development Procedures) Order 1995.
- The scale of the proposal is such that it is not necessary to undertake an EIA nor a TIA for this development. Furthermore this site benefits from outline planning permission, and these details are submitted for reserved matters approval only.
- There is no evidence to support the claim that there is an overprovision of housing in the Skewen area, or a lack of supporting facilities. Contrary to this, there are vacant units within the district centre where provision for additional facilities could be provided.
- The dwelling on the site which is proposed to be demolished is not a Listed building.
- Issues with existing sewer and surface water system capacity are not evident in the consultation responses provided by Dwr Cymru Welsh Water who offer no objection to the application subject to conditions.
- Whilst it is accepted that any development, during its construction will raise some level of noise and disturbance, it is relatively short term and is an inevitable short term consequence of any form of construction project. Furthermore it is not considered that residential development within a residential area will introduce a bad neighbour use.
- Property values, and loss of property value due to housing association involvement cannot be considered as a material issue in this application, and no evidence to support this claim has been

provided. At this time no scheme for affordable housing has been submitted.

- Anti social behaviour from providing affordable housing is also not a matter that can be proven or considered material to the determination of this application.
- It is stated that Clifton Place being a private road and not being adopted may be used as a short cut. This is not a matter that this application can control or address and is therefore not a material issue in this case.
- The level of information provided at outline stage was applicable to the requirements at the time. Whilst changes in the legislation have now been implanted which require a more detailed level of information in support of outline planning applications, this was not the case at that time.
- Subsidence to the adjoining property is not a matter for consideration, or material to the decision on this application.

Conclusion:

It is considered that the details submitted are acceptable, and that the proposed development provides an appropriate windfall residential development within settlement limits without adversely affecting visual amenity, the amenities of neighbouring residents, highway safety and ecology. The proposal is therefore in accordance with the objectives of Policies H2, H3, H4, GC1, ENV5, ENV17 and T1 of the Neath Port Talbot Unitary Development Plan.

Recommendation:

Approval, subject to conditions.

CONDITIONS:

(1) No development shall take place, including any works of demolition until a Construction Method Statement has been 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:

- i.the parking of vehicles of site operatives and visitors
- ii.loading and unloading of plant and materials
- iii.storage of plant and materials used in constructing the development
- iv.the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v.wheel washing facilities
- vi.measures to control the emission of dust and dirt during construction
- vii.a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason

In the interests of Highway and Pedestrian safety.

(2) Prior to the commencement of the development, detailed plans showing the method of construction and surfacing of the proposed access road shall be submitted to the local planning authority for approval and the access junction and road shall be constructed and maintained in accordance with the details as approved by the Local Planning Authority.

Reason

In the interests of Highway and Pedestrian safety.

(3) Prior to work commencing on the construction of any dwelling a scheme for all internal roads scale 1:200 detailing :-

- a.Longitudinal and vertical carriageway alignment with a maximum gradient of 1 in 12 in a minimum gradient of 1 in 150
- b.Cross sections every 20 metres
- c.Surface water drainage proposals including gully and manhole positions, pipe sizes and gradients with discharge rates at Greenfield run off.
- d.Street lighting proposals

Shall be submitted to and approved in writing by the Local Planning Authority. This scheme as approved shall be implemented prior to the occupation of any dwelling.

Reason

In the interests of Highway and Pedestrian safety.

(4) Prior to the first occupation of any dwelling(s) vision splays of 2.4 metres by 2.4 metres shall be provided either side of each proposed drive access behind back of footway, these splays shall be retained as such thereafter with nothing erected or grown over 600 mm in height within the splays. Drives to be constructed as per drawing 1825-001 rev C and have a gradient not exceeding 1 in 9 and a minimum 1 in 150.

Reason

In the interests of Highway and Pedestrian safety.

(5) Prior to first occupation, the parking spaces shall be constructed to the dimensions shown on the approved drawing (1825-001 rev C) and a method of driveway construction and disposal of surface water run-off shall be submitted to and approved in writing by the Local Planning Authority, whereby the driveway shall be hard surfaced and be made of a porous material, or provisions must be made to direct the surface water run-off from the hard surface to permeable or porous area or surface within the curtilage of the dwelling and must be permanently maintained so that it continues to comply with above requirements.

Reason

In the interests of Highway and Pedestrian safety.

(6) The roads and footways must be constructed including drainage up to and including binder course level to the written approval of the Authority prior to the construction of any dwelling, the footways and lighting shall be installed and complete before occupation of the first dwelling and shall be made up to surface course level including drainage, lighting and road marking prior to the occupation of the last three dwellings or the completion of the development, whichever is the sooner and shall be kept open and free for public use thereafter.

Reason

In the interests of Highway and Pedestrian safety.

(7) 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.

(8) Prior to any development taking place including any ground works or demolition, the siting and design of a permanent means of enclosure to provide an acceptable buffer zone between the gardens of the proposed dwellings and the adjoining watercourse and riparian habitat shall be agreed shall be submitted to and agreed in writing with the Local Planning Authority. The means of enclosure shall be erected in accordance with an agreed programme of works and shall be retained as such thereafter, and the riparian habitat and watercourse excluded from the curtilage of any garden area.

Reason

In the interests of Biodiversity and ecology.

(9) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the building or the completion of the development whichever is the later.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3988 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. 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 excavation be made, without the written consent of the local planning authority.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990.

(10)The existing trees shown to be retained, and the canopies of any trees outside the application site where they overhang the application site shall be protected during construction by the erection of a 1.75 metre high fence located at the extremity of the trees' canopies. Full details of the proposed protective fencing shall be submitted to and approved in writing by the local planning authority prior to the commencement of work on site. The fence shall be constructed in accordance with the approved plans prior to the commencement of work on site and shall remain in place until all works of construction are completed. No storage of any materials or the parking of any plant, machinery or vehicles shall take place within the fenced area.

Reason

To accord with Section 197 of the Town and Country Planning Act 1990 and to ensure no damage is caused to the trees during construction.

(11) If any bats are discovered during construction works, the work should stop immediately and the applicant should contact The Countryside Council for Wales immediately, as a licence may be required to continue, as bats are a European protected species and afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

Reason

In the interest of protected species.

(12)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway, carriageway, shared driveway or footpath other than those identified on the plan hereby approved. .

Reason

In the interests of visual amenity as the estate is open plan in character.

(13) Unless otherwise agreed in writing, prior to occupation of any of the dwellings hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason

In the interest of Biodiversity.

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected (other than those expressly authorised by this permission).

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the estate.

(15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the

development hereby permitted (including the erection of a detached garage) without the prior grant of planning permission in that behalf.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the estate.

(16) A scheme for landscaping containing native shrub and tree planting, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

(17) Notwithstanding the submitted plans, prior to commencement of work on site, a scheme shall be submitted to and agreed in writing detailing the siting and design of means of enclosure associated with the front curtilages of each property. The means of enclosure shall be constructed in accordance with the agreed details prior to occupation of the associated dwelling.

Reason

To ensure that the front curtilages are enclosed in a consistent finish and design, in interests of the character and appearance of the streetscene.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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.

(1) The proposed development provides an appropriate windfall residential development within settlement limits, in accordance with Policy H3 and T1 of the Neath Port Talbot Unitary Development Plan.