

PLANNING (SITE VISITS) SUB COMMITTEE

(Civic Centre, Neath)

Members Present:

17th November, 2011

Chairman: **Councillor S.J.Mason**

Councillors: S.K.Hunt, H.N.James, Mrs.D.Jones, F.H.Little,
C.Morgan, * W.E.Morgan and L.W.Willis

Officers in Attendance: G.White, K.Davies, D.Adlam and A.Borthwick

Invited Members: **Councillors** A.P.H.Davies, D.W.Davies and
Mrs.B.Richards

* Site Visits only

1. **PLANNING APPLICATION NO. P/2011/833**
VARIATION OF CONDITION NO. 1 OF PLANNING
PERMISSION P2006/220 (APPROVED ON THE 19TH
SEPTEMBER, 2006) TO ALLOW FOR THE EXTENSION OF
TIME TO COMMENCE DEVELOPMENT, LAND REAR OF
CEFN LODGE NURSING HOME, 16 CEFN PARC, SKEWEN,
NEATH

The Sub Committee visited the above mentioned location with the Local Ward Members in attendance. A copy of the original report was circulated for Members' consideration. Plans of the proposal were shown to all present on the site visit for clarification.

Members viewed the proposal from both the site in question, the garden of the adjoining property and also from the location of the proposed new site access onto Pen-yr-Heol Road .

The Sub Committee then discussed the application as detailed in the circulated report. The Sub Committee also took into account the views expressed by the Local Members.

The Planning Officer confirmed that following the site visit, and further information obtained from the site visit, the Officer's original recommendation of approval, subject to conditions, remained unchanged, but subject to one amended and two additional conditions, in response to the concerns raised by Members.

RECOMMENDED: that the above mentioned application be approved, subject to the conditions contained in the circulated report, and also subject to the one amended and two additional conditions shown below:-

Amended Condition:

- (6) Prior to commencement of work on site details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - (a) a plan showing the retention of all shrubs and hedges to be retained on the boundaries of the site with the neighbouring property Number 18 Cefn Parc and Pen yr Heol, the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained, taking into account potential growth, and the crown spread of each retained tree;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree

which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavations.
- (e) details describing the methods of foundation and construction design;
- (f) details of the specification and position of fencing for the protection of any shrubs, hedges or retained tree, and any tree overhanging the application site, from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above. No tree, shrub or hedge other than those approved under this condition shall be felled, grubbed up topped or lopped, and the details shall be implemented as approved.

Reason:

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

Additional Conditions:

- (19) Notwithstanding the details submitted and prior to the occupation of the proposed Care Home extension the following windows shall all be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type:

south elevation: sluice room 1 and the landing on the upper ground floor;

the water closet and laundry room on the lower ground floor;

sluice room 3 and the landing on the first floor;

north elevation: sluice room 4 and the landing on the first floor;

sluice room 2 and the landing on the upper ground floor.

Reason:

In the interest of the amenities of the adjoining properties and the safety of the occupiers of the applicant dwelling.

- (20) 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. route to be taken by delivery and Heavy Goods Vehicles to and from the site
- iv. storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. wheel washing facilities
- vii. measures to control the emission of dust and dirt during construction

Reason:

In the interest of highway safety.

2. **PLANNING APPLICATION NO. P/2009/1046**
RESIDENTIAL DEVELOPMENT FOR TWO DWELLINGS
(OUTLINE) AT LAND AT HEOL HERBERT, RESOLVEN,
NEATH

The Sub Committee visited the above mentioned location with the Local Ward Member in attendance. A copy of the original report was circulated for Members' consideration. A plan of the proposal was shown to all present on the site visit for clarification. Members viewed the proposal from the site and the adjacent railway footbridge.

The Sub Committee then discussed the application, as detailed in the circulated report. The Sub Committee also took into account the views expressed by the Local Member.

The Planning Officer confirmed that following the site visit and further information obtained from the site visit, the Officer's original recommendation of refusal remained unchanged.

RECOMMENDED: that notwithstanding the Officer's recommendation of refusal, the application be approved, subject to the undermentioned conditions:-

Reason:

following the site visit, it is considered that the proposed development would be in accord with UDP policies GC1, ENV17, T1, H3, H4 and ENV5.

Conditions:

- (1) Approval of the details of the appearance of the building(s) and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

The application was made for outline planning permission.

- (2) Plans and particulars of the reserved matters referred to in Condition No. 1 above, relating to the appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority, and shall be carried out as approved.

Reason:

The application was made for outline planning permission.

- (3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

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

- (4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

- (5) Notwithstanding the submitted plans and information, all buildings shall be situated a minimum of 2 metres from the railway boundary fence to the north of the site.

Reason:

To allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure.

- (6) 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, outbuildings, sheds or decking areas 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.

- (7) Unless otherwise agreed in writing with the Local Planning Authority, prior to occupation of the dwelling(s) 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.

- (8) Unless otherwise agreed in writing by the Local Planning Authority, all mature native trees should be retained as they may provide habitats for nesting birds and roosting bats. If it is necessary to fell any trees each tree should be replaced with at least one native tree of local provenance. Any replacement tree/s shall be planted on site within the next planting season following the felling of any trees. If within 5 years of the planting of the tree, it is damaged, diseased or dies, it shall be replaced with another tree of the same size and species.

Reason:

In the interests of clarity and the visual amenity of the surrounding area.

- (9) All mature native trees on the site shall be retained, unless otherwise agreed in writing by the Local Planning Authority. Any request for the removal of a tree shall be supported by a Bat Survey (following the Bat Conservation Trust (2007) Bat Survey - Good Practice Guidelines and by a licensed bat worker) and if bats are present shall contain details of mitigation measures. The report shall be submitted to and approved in writing by the Local Planning Authority prior to the removal of the tree(s).

Reason:

In the interests of visual amenity and ecology as the trees may provide habitats for nesting birds and roosting bats.

- (10) As part of the reserved matters required by Condition 1, a scheme shall be submitted to and approved in writing detailing the foul and surface water disposal from the site. The approved schemes shall be implemented prior to occupation of the dwelling, and retained as such thereafter.

Reason:

In the interest of satisfactory drainage of the site and to prevent pollution of the water environment.

- (11) Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site.

Reason:

To protect the integrity of the public sewerage system

- (12) Unless otherwise agreed in writing with the Local Planning Authority, no surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason:

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- (13) Unless otherwise agreed in writing with the Local Planning Authority no surface water or land drainage water shall be allowed to flow or connect into any highway drainage system.

Reason:

In the interest of highway safety.

- (14) As part of the first reserved matters consent a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). And shall be submitted as a written report which shall include:

- (i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.
- (ii) a survey of the extent, scale and nature of contamination;

- (iii) an assessment of the potential risks to:
 - human health,
 - ground waters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

- (15) 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.

- (16) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition No. 15 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.

- (17) 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.

- (18) Unless otherwise agreed in writing by the Local Planning Authority, any existing drainage pipe, highway drain or highway run-off entering, crossing or discharging onto the development site must be accommodated into the site development works, by the developer. No building shall be erected over or within the safety zone of any culvert or watercourse.

Reason:

To ensure the satisfactory drainage of the land

- (19) There shall be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and written agreement with the Local Authority.

Reason:

To ensure the satisfactory drainage of the land

- (20) Unless otherwise agreed in writing by the Local Planning Authority, prior to first beneficial occupation of each dwelling, each dwelling shall be provided with three off-street parking spaces with a total minimum width of 9 metres by 5 metres depth, which shall be hardsurfaced in concrete, bitumen bound material or block paving to a maximum gradient of 1 in 9 drained so that no surface water flows out onto the public highway or into the highway drainage system and shall be maintained as such thereafter.

Reason:

To comply with the requirements of the Local Authority concerning off-street car parking in the interest of amenity and highway safety.

- (21) Unless otherwise agreed in writing by the Local Planning Authority, the parking court centre aisle shall be a minimum of 6 metres in width and prior to first use of the dwellings shall be hardsurfaced in concrete, bitumen bound material or block paving to a maximum gradient of 1 in 9 drained so that no surface water flows out onto the public highway or into

the highway drainage system and shall be maintained as such thereafter.

Reason:

In the interest of pedestrian and highway safety

- (22) Prior to occupation of any dwelling the existing vehicular footway crossing shall be amended and the redundant parts of the crossing reinstated as footway.

Reason:

In the interest of pedestrian and highway safety

- (23) Unless otherwise agreed in writing by the Local Planning Authority, prior to first beneficial occupation of the dwellings the forecourt boundary shall be set back to a 2 metres by 90 metres visibility splay in either direction from the access point and the area in front of the forecourt boundary shall be made up as footway.

Reason:

In the interest of pedestrian and highway safety

- (24) No surface water from within the curtilage of the dwelling shall be allowed to flow out onto the public highway or be connected into the highway drainage system.

Reason:

To prevent overloading of existing highway drainage system.

- (25) Prior to commencement of development on site, a flood management plan for both properties shall be submitted to and agreed in writing by the Local Planning Authority. The flood management plan shall include an evacuation plan for both properties and details of flood warning notices (that shall be erected internally within the properties) as part of the flood management plan, including numbers of notices to be erected, their positions and wording. The agreed flood management plan (including the erection of flood warning notices) shall be implemented prior to occupation of the development hereby approved and the flood warning notices shall be kept legible and clear of obstruction thereafter.

Reason:

In order to best assist future occupiers of the properties what action to take should a flood occur as the main access/egress route to the site (namely Heol Herbert) is shown to be affected in both the 1% & 0.1% flood

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 proposal represents an appropriate form of in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies GC1, ENV17, T1, H3, H4 and ENV5 of the Neath Port Talbot Unitary Development Plan.

CHAIRMAN