

PLANNING (SITE VISITS) SUB COMMITTEE

17TH NOVEMBER 2011

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – G. WHITE

PART 1 – Doc.Code: PSVS-171111-REP-EN-GW

SECTION A – MATTERS FOR DECISION

1. PLANNING APPLICATION RECOMMENDED FOR APPROVAL

<u>ITEM 1.3</u>	
<u>APPLICATION NO:</u> P/2011/833	<u>DATE:</u> 19/09/2011
PROPOSAL: VARIATION OF CONDITION 1 OF PLANNING PERMISSION P2006/220 (APPROVED ON THE 19/9/06) TO ALLOW FOR AN EXTENSION OF TIME TO COMMENCE DEVELOPMENT.	
LOCATION: LAND REAR OF CEFN LODGE NURSING HOME, 16 CEFN PARC, SKEWEN, NEATH SA10 6YR	
APPLICANT:	Mrs Margaret Jenkins
TYPE:	Vary Condition
WARD:	Coedffranc Cent

BACKGROUND INFORMATION

Planning History:

06/0220 – Extension Cefn Lodge Nursing Home, Cefn Parc: Approved 19/09/2006

09/0447 – Construction of two storey link with additional parking: Approved 08/02/2010

Publicity and Responses (If applicable):

Coedffranc Community Council: Observations are as follows:

The proposal is approximately two metres away from a bank of tall trees, and it is a concern that the development would damage the roots of the trees.

The members are concerned that the access splay onto Pen Yr Heol is not wide enough.

The members are concerned whether the rooms for residents are compliant with the CCI Regulations.

Head of Engineering and Transport (Highways): No objections

Head of Engineering and Transport (Drainage): No objections

Aboricultural Officer: No objections

Number of properties consulted: 4

Number of replies received: 0

Description of Site and Surroundings

The Cefn Parc Nursing home is accessed off Cefn Parc, it is a converted building of traditional appearance and construction. Planning Permission was granted in September 2006 (P2006/0220) for the construction of a 32 bed Nursing Home on land to the rear of the existing home, a permission that has expired since the submission of this application. The site also benefits from a more recent planning permission granted in 2010 (P2009/0447). This permission relates to the creation of a two-storey link between the existing care home and the structure approved under the expired planning application P2006/0220. This will allow staff and residents to move between buildings without the need to walk externally. The link will also provide additional accommodation for 12 residents.

Application Proposals

The application site comprises a roughly rectangular parcel of land,

which has partially been cleared. The site has a frontage on to Pen-yr-Heol Road of some 82.0m and a maximum depth of 60.0m. The site slopes upwards from the highway, which it fronts and levels off to its rear boundary. A number of trees line the frontage (eastern boundary) and northern boundary of the site. The trees situated on the northern boundary are covered by a Tree Preservation Order. The existing two-storey nursing home, which fronts Cefn Parc is at a higher level than the application site. The remaining area is primarily residential with the nearest residential properties situated to the northern, southern and eastern boundaries of the site.

The application proposes to provide a 32 bedroom nursing home with a gross floor area of 1707 square metres, which due to the gradient of the site will be part two storey part three storey in height, fronting Pen-yr-Heol Road. The accommodation will include:

- Lower Ground Floor – Kitchen, 2 day rooms, laundry room, toilets, reception and plant room.
- Upper Ground Floor – 16 bedrooms, 2 lounges/dining rooms, quiet room, sluice and toilets.
- First floor - 16 bedrooms, 2 lounges/dining rooms, quiet room, sluice and toilets.

The proposal will be centrally located within the site and comprises two blocks linked by a central and rear gable feature. The block to the south of the site will be set back 24.8m from the frontage, while the northern block will be set back 18.8m. The overall proposal will measure 48.6m by 24.0m, set 12.6m off the southern boundary and 10.4m off the northern boundary. A hipped roof is proposed to a maximum height of 11.5m. Windows serving the bedrooms are retained to the front and rear elevations. The lounge areas are proposed in the central front and rear protecting gables where windows will be provided in all elevations.

Vehicular access is proposed close to the southern boundary, which will lead to a parking area for 21 cars, which includes 2 parking bays for disabled parking. The parking bays will be sited along the southern boundary and in front of the southern block. There are 13 car parking spaces currently serving the existing nursing home, and a further 4

parking bays are proposed for this home.

Externally, the proposal will be finished in a combination of facing brickwork and render, while the roof will be finished in grey reconstituted slate.

Neath Port Talbot Unitary Development Plan

Policy GC1 New structures/buildings and changes of use

Policy ENV17 Design

Policy T1 Location, layout and accessibility of new proposals

In terms of policy, the application is acceptable in principle, subject to detailed considerations in accord with the foregoing policies.

Detail of the condition to be varied

Condition 1 states:

“The development hereby permitted shall be begun before the expiration of five years from the date of this permission”.

It is proposed to vary the condition so that in now reads:

“The development hereby permitted shall be begun before the expiration of 12 months from that date of this permission”.

Reason

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

The purpose of this Section 73 application is to allow for the extension of time to commence work on the development. There has been no change in the design of the proposal or its use. All elements of the application remain as per the permission granted in 2006. There has however, been some change in legislation since the original permission was granted. The building is now required to meet environmental sustainability requirements set out by BREEAM. In reference to this, the applicant has stated in the Design and Access Statement that the

building will be constructed to meet the very good standard in accordance with MIPS 01/2009.

Residential amenity

As previously stated above, this is a Section 73 Application for a previous planning application relating to the commencement of work on site only. The scheme itself remains identical to the previous submission.

The proposed nursing home will incorporate habitable room windows on the front elevation, which will be located a minimum of 40.0m off the front elevations of the dwellings Nos.18 to 23 Pen-yr-Heol. There are no habitable room windows proposed in the immediate southern and northern elevations. Nevertheless, windows serving habitable room areas are proposed in either side elevation of the central front and rear gables. In respect of the windows on the southern elevation, these will be located at a minimum of 32.5m off the southern boundary, while windows in the northern elevation will be located 28.0m off the northern boundary. Turning to the windows on the rear elevation these are located at a minimum of 18.7m off the rear of the existing nursing home. It is considered that due to the distances outlined above there will be no conflict between habitable room windows of neighbouring properties or any issues with regard to the overlooking of private amenity space.

In terms of the issue of overbearance, the proposal will have a maximum height of 11.5m with the ridge height being some 2.2m below that of the existing nursing home. It is considered that due to its height and position in relation to neighbouring properties, the proposal will not have an unacceptable overbearing impact. It is also considered that increases in movements to the site are unlikely to result in an unacceptable increase in noise generation to neighbouring residents. The proposal is therefore considered to be acceptable in terms of residential amenity.

Visual amenity

The area is characterised by an existing nursing home and residential properties. It is considered that with a significant proportion of the proposal being two-storey on to Pen-yr-Heol Road and due to the gradient of the site, the remainder being three-storey, the design

approach adopted in this case provides a development that is well proportioned and will successfully integrate into the existing street scene. Along with the retention of trees covered by a TPO along the northern boundary and the retention of ten out of seventeen trees along the frontage of the site, it is considered that the proposal would not unduly impact on the visual amenity of the area.

The submitted plans indicate that the design of the proposed building remains the same as that of the structure proposed in the expired planning permission. Furthermore there has been no change in design legislation and guidance within the five years since the original submission which may have required the alteration of the scheme (other than the BREAM requirements which the applicant submits the existing scheme can achieve).

Highways and Drainage

The proposal provides access on to Pen-yr-Heol Road from a point where visibility is adequate in both directions, as well as providing sufficient levels of off-street parking for employees, deliveries and visitors. The Head of Engineering and Transport (Highways) raises no highway objection subject to conditions. The proposal is therefore considered to be satisfactory on highway safety.

The Drainage Section offer no objections and the reiteration of the conditions from the original permission (P2006/0220) as there has been no material change in circumstances since that application was approved.

Landscaping

With regards to the trees on site it is considered that they make a positive contribution to the overall character of the area. The plans indicate that a total of eighteen trees are to be felled within the application site to include five trees at the southern boundary to make way for the access to the site. A further two trees at approximately the mid-point of the frontage are also proposed to be felled. The remaining eleven trees that are proposed to be felled are located within the central part of the site. The Head of Street Care Services (Aboriginal Officer) has no objections subject to a full tree survey. This survey will identify the trees worthy of retention and will allow the evaluation of the impact of the proposed development on the retained trees with all

necessary tree protection.

Objections

Observations were provided by the Coedffranc Community Council. They were concerned with the proximity of the new development in relation to the existing trees. The proposed access will require vision splays which will affect the existing verge and bank. However, as previously considered, this can be achieved without the loss of trees along this frontage other than those required to form the access itself.

The second concern was whether the rooms incorporated ensuite bathrooms compliant with the CCI Regulations. In reference to this, the submitted plans indicate that every room will be provided with an ensuite bathroom. Nevertheless, this is not material planning consideration.

The final issue was concerned with the access splay on Pen Yr Heol Road. As mentioned earlier on in the appraisal, the Head of Engineering and Transport (Highways) were consulted and offered no adverse comments and concluded that the conditions requested on the expired submission will suffice with regard to any new permission granted. There is, therefore no adverse affect on highway and pedestrian safety.

Conclusion:

The proposed development is considered acceptable in terms of design, amenity and highway safety and therefore the variation of the condition for when development shall begin is considered acceptable. The proposal therefore complies with Policies GC1, ENV17 and T1 of the Neath Port Talbot Unitary Development Plan.

Recommendation: Approval subject to conditions

CONDITIONS;

(1)The development hereby permitted shall be begun before the expiration of 12 months from the date of this permission.

Reason

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

(2) Unless otherwise agreed in writing with the Local Planning Authority, the materials used in the construction of the retaining walls, plinth and lintels to the main building shall be Hanson Rossendale Red Smooth brick. The roof shall utilise Marley Rivendale fibre/cement slate. The fascia, barge and soffit boards shall be made from stained softwood. Windows and rain water goods shall incorporate white uPVC. External Walls shall be white self coloured render.

Reason

In the interest of the visual amenity of the area.

(3) Unless otherwise agreed in writing with the Local Planning Authority the development shall be connected to the main sewerage system prior to the occupation of the development.

Reason

In order to ensure the provision of adequate foul drainage.

(4) Adequate provision, in accordance with a scheme to be first submitted to, and approved in writing by, the Local Planning Authority, shall be made for the drainage of the land. Such scheme shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected. The scheme shall be implemented prior to the occupation of the development.

Reason

To ensure satisfactory drainage.

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

Reason

To prevent hydraulic overload of the public sewerage system.

(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 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 of the specification and position of fencing for the protection of any 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.

Reason

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

(7) The access road into the site shall have a rear level gradient of 1 in 20 for the first 15 metres from the edge of carriageway and 1 in 12 thereafter.

Reason

In the interests of highway and pedestrian safety

(8) The kerbi radii at the entrance of the proposed access shall be increased to a minimum of 6 metres.

Reason

In the interests of highway and pedestrian safety

(9) The access road and car parking area shall be hardsurfaced in either tarmacadam, concrete or block paving and marked out in accordance with plan 76/03 prior to the first use of the building.

Reason

In the interests of highway and pedestrian safety

(10) Prior to first occupation pedestrian tactile crossings at the junction of the proposed access shall be provided.

Reason

In the interests of highway and pedestrian safety

(11) Within twelve months from first occupation of the building a traffic management scheme detailing parking restrictions and residents parking bays on Cefn Parc and Pen Yr Heol Road shall be submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the agreed details, and the costs of such works shall be borne by the developer.

Reason

In the interests of highway and pedestrian safety

(12) No building or structure above 600mm in height shall be constructed within the visibility splays which will measure 4.5metres by 90 metres.

Reason

In the interests of highway and pedestrian safety

(13) Prior to commencement of work on site a scheme detailing the drainage of the access road to prevent any surface water run off flowing onto the public highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway and pedestrian safety

(14) The development hereby permitted shall be provided with means of enclosure to all property boundaries. Prior to the commencement of work on site details of all means of enclosure and screen walling or fencing shall be submitted to and approved in writing by the local planning authority. These means of enclosure shall be implemented as may be approved prior to the occupation of any associated dwelling.

Reason

In the interests of the visual amenity of the area and the amenities of the occupiers of proposed and existing dwellings.

(15) Each non-residential building hereby permitted shall be constructed to achieve a minimum Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' and achieve 6 credits under category Ene1 in accordance with the requirements of BREEAM 2008.

Reason:

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22

(16) No development shall begin until details of a 'Design Stage' assessment and related certification have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out entirely in accordance with the approved assessment and certification unless the Local Planning Authority shall otherwise consent in writing.

Reason:

To ensure that the development is sustainably constructed in accordance with the requirements of TAN 22

(17) Following practical completion of the final building in each defined phase, no building unit shall be occupied until a 'Post Construction Stage' assessment has been carried out in relation to it, a Final Certificate has been issued for it certifying that 'Very Good' and 6 Credits under Ene1 has been achieved.

Reason:

To ensure that the development is sustainably constructed in accordance with the approved plans and in accordance with the design stage assessment required by TAN 22

(18) Prior to any building works commencing, the Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Environment Agency Knotweed Code of Practice.

Reason

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

<u>ITEM 2.1</u>	
<u>APPLICATION NO:</u> P/2009/1046	<u>DATE:</u> 14/07/2011
PROPOSAL:RESIDENTIAL DEVELOPMENT FOR TWO DWELLINGS (OUTLINE)	
LOCATION:LAND AT, HEOL HERBERT, RESOLVEN, NEATH	
APPLICANT:	Mr Andrew Rees
TYPE:	Outline
WARD:	Resolven

BACKGROUND INFORMATION

Planning History:			
06/0913	Outline application for 3 houses (one detached and a semi) including means of access and siting	Refused	10/10/06
97/0355	Outline one detached and one pair of semi's including siting and means of access	Approved	5/6/97
76/186	Relaxation of Condition 3 of 76/47	Approved	25/5/76
76/47	Detached building for army cadet use	Approved	23/3/76
75/301	Single storey building for army cadet use	Approved	23/9/75

Publicity and Responses (if applicable):

2 neighbouring properties were consulted and a site notice was displayed on site: 0 letters of response received.

Resolven Community Council: No response therefore no comment to

make

Head of Engineering & Transport (Highways): No Objection subject to conditions

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

Biodiversity: No objection subject to conditions

Environment Agency: No objection subject to conditions

Network Rail: Objection, proximity of the building to the railway boundary

Contaminated Land: No objection, subject to conditions

Environmental Health (Noise): No objections raised, but noise assessment required

Description of Site and its Surroundings:

The application site is land at Heol Herbert, Resolven, Neath. The site is a linear plot which runs along the southern side of an active mineral railway. It is bounded to the south by Heol Herbert, to the north by the mineral railway, east and west by open land. The site has an overall area of approximately 0.12 hectares.

The topography of the site is essentially level and at a grade with the highway fronting the site. Access to the site is off an adopted highway to the south of the site. The area to the south of the site is predominantly a well established residential area.

The site is roughly rectangular in shape and has a maximum width of approximately 59.0m and a maximum depth of approximately 13.0m. The land does not appear to be maintained with fencing/gates in disrepair and is overgrown in places with Japanese Knotweed.

Brief description of proposal:

The proposed development seeks outline planning permission for the erection of two detached dwellings including access, layout and scale. All matters of appearance and landscaping are reserved for subsequent approval.

The submitted plans indicate that it is proposed to construct two detached properties sited to face each other within the plot with off street parking provided to the front of each plot.

The submitted details indicate that each of the two dwellings will have the following scale parameters:

Minimum height: 7.0m
Maximum height: 9.0m

Minimum width: 6.0m
Maximum width: 7.0m

Minimum depth: 7.0m
Maximum depth: 8.0m

Vehicular access to the proposed site is shown directly off Heol Herbert via a shared driveway.

Material Considerations:

The material issues in relation to this planning application are the principle of residential development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety.

Policy Context:

Neath Port Talbot Unitary Development Plan:

GC1	New Buildings/Structures and Changes of Use.
T1	Location, Layout and Accessibility of New Proposals.
ENV17	Design.
H3	Infill and Windfall Development within Settlements.
H4	Affordable Housing.

ENV4 Proposals affecting species protected by European or UK legislation

ENV5 Nature conservation

The site is located within settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP) and therefore the principle of development at this site is generally acceptable subject to meeting certain criteria.

With regards to the issue of affordable housing, as this application relates to outline permission for two dwellings only the developer would not be required to provide affordable housing.

It should be noted that the application site is located within the flood zone C2 on the Development Advice Map referred to by Welsh Government guidance, TAN15 (July 2004). However, based on the Environment Agency's latest flood outlines, the site is currently shown to be outside of both the 1% & 0.1% flood. On this basis, the Environment Agency do not require a flood consequences assessment to be undertaken and would offer no objection to the proposed development based on flood risk. They do however, recommend various conditions including the requirement for a flood management plan to be submitted to the authority for approval and also informatives.

It should also be noted that there is a previous planning permission for development of three dwellings on this site in 1997, and that the refusal for the same development in 2006 was solely because of the lack of a flood consequences assessment that was required at that time. However, there have been changes to planning policy since 2006 including the adoption of the Neath Port Talbot Unitary Development Plan in March 2008 and the updated Technical Advice Note – Design in June 2009. As such this application must be considered in relation to the current prevailing planning policy.

Visual Amenity:

As previously stated above, the proposed development seeks outline planning permission for the erection of two detached dwellings including access, layout and scale. All matters of appearance and landscaping are reserved for subsequent approval.

The submitted plans therefore indicate the proposed access, layout and scale of the proposed development. The submitted details state that it is proposed to construct two detached properties directly to face each other within the plot. Off Street parking will be provided within the plot via a shared driveway that leads from Heol Herbert. The two detached dwellings are shown to have a maximum footprint of 8.0m by 7.0m and maximum height of 9.0m.

The application site has an approximate width of 59.0m and a maximum depth of 13.0m that could be built on. The dimensions of the site dictate that it is linear in nature which somewhat constrains the way in which it can be developed.

Therefore given the limited plot size and the uncharacteristically wide and shallow shaped plot it is considered that the proposed development would result in an unduly contrived form of cramped development. This would detract from the main pattern of development in the existing area which predominantly consists of terraced properties fronting onto side-streets. The submitted plans show the footprint of the two dwellings with the flank walls 2.5 metres from the boundary with Heol Herbert. However, given the comments from Network Rail (see below) the dwellings would need to be closer to that road by 1 metre and 0.5 metres respectively which will increase the cramped effect of locating dwellings on this site.

In addition to the above, the proposed development is located on an area of undeveloped open land. It is considered that this area acts as a landscape buffer/green corridor and is also a valuable visual break that separates the mineral railway from the adjacent road and housing. The replacement of this area of land with the development proposed would compromise its amenity value and would fail to maintain or enhance the character and appearance of the surrounding area and street scene.

As such, it is considered that the proposed development would have an unduly unacceptable impact on the existing street scene and also the character and appearance of the surrounding area. The proposed development would therefore be considered as unacceptable in terms of visual amenity and also Technical Advice Note 12 (Design).

Residential Amenity:

With regards to overlooking, the layout plan indicates that the proposed dwellings will be sited with front elevations directly facing each other and pine ends facing out to the road. Therefore, subject to no clear glazed windows being inserted into the side elevations of the two dwellings facing Heol Herbert, it is considered that there will be no overlooking issues in this respect. While there are residential properties located to the north of the site these properties are located in excess of 40.0m away from the side elevations of the proposed dwellings, with an intervening railway line. As such it is considered that there would be no unacceptable overlooking issues as a result of the proposed development relating to these existing dwellings.

It is considered that the site is sufficient in size to accommodate two detached dwellings sited as shown on the submitted plans that will not have an unacceptable overbearing or overshadowing impact to the detriment of the amenities of the occupiers of existing neighbouring residential dwellings.

It is noted that the front elevations of the proposed dwellings are only located approximately 20.0m away from each other. However, within new developments it is not uncommon for levels of overlooking to be reduced below the normal required levels.

Despite the above, there is concern in relation to the siting of one of the proposed dwellings, specifically the plot sited towards the east boundary, in relation to the existing railway bridge. Given the siting of the railway bridge in relation to the proposed dwelling it is considered that members of the public using the bridge will have direct views to this plot and its rear amenity area. As a result it is considered that the level of overlooking associated with this proposal from the railway footbridge to one of the proposed dwellings would be unacceptable.

Highway Safety (Access, Parking and Traffic flows):

The Head of Engineering and Transport (Highways Section) has no objection to the proposed development, subject to conditions.

Landscaping:

A small landscaped area can be provided to the rear and front of the proposed properties. However, this issue will be dealt with in more detail as part of the reserved matters application.

Ecology (including trees & Protected Species):

The proposed development will not adversely affect interests of ecology and as such the Biodiversity section raises no objection subject to conditions.

Flooding:

The Environment Agency were consulted as part of this application and make the following comments:

“As you are aware, the application site is located within C2 on the Development Advice Map referred to by Welsh Government guidance, TAN15 (July 2004). However, based on our latest flood outlines, the site is currently shown to be outside of both the 1% & 0.1% flood. On this basis, we do not require a flood consequences assessment to be undertaken and would offer no objection based on flood risk.

*We would like to highlight that although the site is shown to be flood free, the main access/egress route to the site (namely Heol Herbert) is shown to be affected in both the 1% & 0.1% flood. Therefore, should your Authority be minded to approve this application, we would recommend that a **flood management plan** be put in place for both properties. This evacuation plan is recommended in order to best assist future occupiers of the properties what action to take should a flood occur.*

*This plan should be submitted to and agreed in writing by your Authority in liaison with other appropriate professional bodies and could form a **condition** of any permission granted.*

Soakaways have been put forward for surface water disposal, which is acceptable subject to suitable ground conditions and building control approval. Ideally, whether the ground is suitable should be established prior to determination. This is to help avoid hydraulic overloading of the main sewerage system if it found the ground is not suitable.

We would also encourage the applicant to investigate and implement additional forms of sustainable drainage (SUDS) at the site.

The Environment Agency has established that a Flood Consequences Assessment is not required in support of this development. Therefore subject to conditions/informatives the Environment Agency has no objection to the proposed development.

Pollution (air and ground):

The Authority's land contamination section state that their records show the land was historically once a railway and therefore there is the potential for the land to be contaminated. Given this, were this application to be approved, standard conditions are recommended to deal with this issue. A guidance document (WLGAEAW Guide for Developers) will also be enclosed with the planning application decision notice should this application be approved.

Noise:

The application site is sited immediately adjacent to a railway line and therefore there is the potential for there to be an amenity issue to future occupants of the proposed dwellings through noise and vibration disturbance. An acoustic report has not been submitted to support the application, however, the consultation response from Environmental Health advises that an acoustic report dealing with detailed measures to deal with potential noise is required.

TAN 11 (noise) advises that consideration should be given to whether new noise sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application. The railway line is a minerals line with a low frequency of freight traffic. This is an outline application and it is considered that measures would be possible in the design to adequately deal with noise and therefore the issue is considered to be capable of being dealt with through the imposition of a condition.

Network Rail:

Given the proximity of the proposed development to the railway line, Network Rail were consulted, who object to the application in its current form stating the following:

After studying the proposals detailed in the application, Network Rail object to the application in its current form, the primary concern is the proximity of the building to the railway boundary which gives us serious concern for the safety of the railway and the stability of the embankment. When developing adjacent to the railway boundary, Network Rail suggests that all structures are located at least 2 metres from the boundary fence to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure and also the maintenance of the adjacent site.

Network Rail is likely to withdraw any objection if an acceptable solution can be found on the issues outlined above to this proposed development i.e. the development is located 2 metres away from the rail boundary to allow for future works and maintenance.

It is considered that a suitably worded condition requiring that the development is located at least 2.0m from the railways boundary fence could overcome their concerns. Furthermore, permitted development rights for extensions and outbuildings can be removed via condition, thereby ensuring the authority has control over location of this type future development at the application site.

Others (including objections):

None

Conclusion:

It is considered that the proposed development would not have a detrimental impact upon highway and pedestrian safety. However, the proposed development by reason of its siting adjacent to an elevated railway footbridge would result in unacceptable overlooking from the footbridge to one of the proposed residential properties and its associated amenity space. This would result in the loss of amenity to the future

occupiers of that proposed dwelling.

Furthermore, the proposed development by reason of the location of the application site would result in the loss of a valuable landscape buffer / green corridor that separates the mineral railway from the adjacent road and housing to the detriment of the character and appearance of the surrounding area. The proposed development, by reason of the restricted size and uncharacteristically wide and shallow shape of the application site, is incapable of providing dwellings in character with the pattern of development in the existing area which predominantly consists of terraced properties fronting onto side-streets. In addition the restricted size of the plot would result in the formation of an unduly contrived form of cramped overdevelopment that would erode the pattern of development to the detriment of the character and appearance of the surrounding area, exacerbated by the requirements to locate the dwellings at least 2 m. from the boundary with the railway..

As such the proposed development would be contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note 12 (Design).

Recommendation: Refusal

REASONS FOR REFUSAL

(1) The proposed development, by reason of the restricted size and uncharacteristically wide and shallow shape of the application site, is incapable of providing two dwellings in character with the pattern of development in the existing area which predominantly consists of terraced properties fronting onto side-streets. In addition the restricted size of the plot would result in the formation of an unduly contrived form of cramped overdevelopment that would erode the pattern of development to the detriment of the character and appearance of the surrounding area. As such the proposed development would be contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note 12 (Design).

(2) The proposed development by reason of the location of the application site would result in the loss of a valuable landscape buffer / green corridor that separates the mineral railway from the adjacent road and housing to the detriment of the character and appearance of the surrounding area. As such the proposed development would be contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note 12 (Design).

(3) The proposed development by reason of its siting adjacent to an elevated railway footbridge would result in unacceptable overlooking from the footbridge to one of the proposed residential properties and its associated amenity space. This would result in the loss of amenity to the future occupiers of that proposed dwelling which is contrary to Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note 12 (Design).

