

PLANNING (SITE VISITS) SUB COMMITTEE

1ST MARCH 2012

ENVIRONMENT SERVICES

AMENDED

REPORT OF THE HEAD OF PLANNING – G. WHITE

PART 1 – Doc.Code: PSVS-010312-REP-EN-GW-AMENDED

SECTION A – MATTERS FOR DECISION

1. PLANNING APPLICATION RECOMMENDED FOR APPROVAL

<u>ITEM 1. 1</u>	
<u>APPLICATION NO:</u> P/2006/1659	<u>DATE:</u> 16/11/2006
PROPOSAL: RESERVED MATTERS FOR 17 DWELLINGS (Land regrading statement)	
LOCATION: LAND OPPOSITE PISGAH CHAPEL, MAIN ROAD, CILFREW, NEATH NEATH PORT TALBOTS A10 8NE	
APPLICANT:	Robert Beynon
TYPE:	Reserved Matters
WARD:	Aberdulais

Planning History

07/0953 – Variation of conditions 6 and 8 of 06/1663 to reduce distance of area at junction to be constructed at a gradient of 1:20 and to amend the location of the junction and to reduce the visibility at the junction in a southerly direction. – conditional approval 18/10/11.

07/0537 – Creation of surface water manholes, sewer and foul water

manholes to served development. Not yet determined.

06/1663 – Variation of conditions 3 and 4 of 03/0333 to extend the period of time to submit reserved matters and to start works – Approved
13/03/07

03/0333 – Outline planning permission for residential development –
Approved 11/11/03.

Publicity and Responses if applicable:

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

Head of Engineering and Transport (Drainage): No objection subject to conditions.

Head of Property and Architectural Services (structures): The proposal would require approximately 19,00m³ of fill, allowing for a bulking factor of 10% this volume becomes 20,900m³, assuming ridged 8 wheelers are rated at 20 tonnes, and an estimation of fill being between 1.75-2.0 tonnes per m³ and the developer wish to import fill over 115 days, he has calculated the number of lorry loads required per day would be between 16 and 18, which would be the equivalent of 32 to 36 movements.

Environment Agency: No objection subject to conditions.

Biodiversity: Requested additional surveys and conditions.

Arboroculturist: The existing trees on site should be retained where possible.

Public Rights of Way: No registered public rights of way would be affected.

Wales and West Utilities: No objection subject to informatives.

Dwr Cymru Welsh Water: No objection subject to conditions.

Blaenhonddan Community Council: The Council is concerned about the disposal of both the foul and surface water from the site, which is above the children's' playground and adjacent to a public footpath. The drainage of water from the site is already inadequate, failing to cope with the constant stream of water which runs down the length of the public footpath and onto the Community Centre's car park whenever it rains. They are also concerned about the additional traffic along Main Road and any impact there may be onto the public footpath that runs along site this site.

80 neighbouring properties were consulted and site notices were displayed around the site and the application was advertised in the local press

6 letters of objection have been received from the Cilfrew Residents Association. These objections can be summarised as follows:

- 1) Their privacy would still be compromised. The height changes to the dwellings, which are already split level and many are three storey high would overshadow their homes and gardens.
- 2) Concern is raised regarding drainage and possible flooding of a residential property during and after construction, due to the low level of the house compared to the new properties which would be at a higher level. Some existing houses would be completed surrounded by the building works and concern is expressed about further subsidence of the private access lane to these houses as this is the only access and there are concerns if it is proposed to bring the drainage across their access lane. The proposed dwellings would be built over the water main.
- 3) There is no provision for social housing, the elderly or young people within this area. All the new housing within the area has been private and are out of the range of most people living in the area.
- 4) The access to the development would not be suitable as the corner opposite Pleasant Hill is very bad and with approximately 40 more cars travelling the Cilfrew Road entering and exiting within a few meters of an existing trouble spot would constitute an unacceptable danger to other cars and pedestrians. There is no crossing point along the road.

- 5) Cilfrew Primary School has no room to expand to take in additional children from the new development.
- 6) There is not an easy or available sewerage system to serve the development. Runoff water which is currently soaked into the land would have to be diverted beneath the children's play area then across the road to the brook which is unacceptable.
- 7) The loss of views from a public passing place, which is a village amenity, is not acceptable.
- 8) There would be an increase in noise pollution both during construction and after through the increase in the number of vehicles.
- 9) They object to the development of the site as it is outside the settlement limit and is green belt area.
- 10) They are concerned that the proposed building works will upset the foundations of their houses as they believe that the field is rock underneath and the walls of his house cracked when they built Derwen Fawr a few years ago.
- 11) The field has been used as a way to access the park below for generations.
- 12) The field is a home and food source for many species of wildlife. An environment statement should be done on the field.

Description of Site and its Surroundings:

The application site is irregular in shape with a road frontage onto Main Road, Cilfrew of approximately 66m. The site then drops away steeply to the east. The site widens to extend out in a northerly direction to adjoin the rear boundary of the building that is known as the Sunday School, where the site has a width of 92m. The site continues to widen in a northerly direction until it adjoins the rear boundary of the pair of semi detached dwellings known as Glanfrwd and Rockfields, with a site width at this point of 105m. The site then narrows to follow the side boundary of Rockfield which is only 82m wide, before then extending to the south along an area of land to the rear garden areas of the terraced row of dwellings known as Mount Pleasant, to have a width at its rear boundary with the public open space to the east of 109m. The site has a maximum depth of 110m and a minimum depth of 68m where the site narrows at the rear of Rockfields and Glanfrwd and the rear of the Sunday School building. The application site has an approximate site area of 1.3hectares.

The application site has a highest ground level of 100m AOD to the rear of the Sunday School building and drops to its lowest ground level of approximately 80m AOD along its Eastern boundary with the public open space to the rear of the site.

Brief description of proposal:

Outline planning permission with means of access was originally granted conditional approval for a maximum of 20 dwellings under application 2003/0333 in 2003. This application was considered under the Neath Local Plan where the application site was identified as being located within the settlement boundary. A subsequent application varied conditions 3 and 4 of this permission to allow an extension of time period for the submission of reserved matters and the start of works on site under application 2006/1663 which was granted on the 13/03/2007.

The current reserved matters application was originally submitted to the authority in November 2006 in compliance with condition 3 of the outline permission (06/1663). However the proposed scheme was unable to comply with conditions on the outline permission so the applicants submitted a further application to vary conditions 6 and 8 of application 06/1663 to allow the reduction in the area at the junction which would have to be constructed with a gradient of 1 in 20; the relocation of the access point and to reduce the required visibility splay in a southerly direction under application P2007/0953 which was granted permission by the Planning and Development Control Committee on the 18/10/11.

Lengthy discussions have occurred to amend the detailed design of the original scheme. The applicant has subsequently attempted to redesign the proposed layout and details of the development to achieve an acceptable form of development. The current revised plans were submitted for formal consideration on the 9th December 2010.

The current proposed development seeks reserved matters consent for the erection of 17 dwellings, made up of a mixture of detached and semi detached three and four bedroom dwellings. The site would be accessed via a road way that would adjoin Main Road via the approved access point and then extend back in an easterly direction into the site. The proposed access road is then shown to turn towards the north before continuing to provide access to the main body of the site. The proposed

dwelling many of the proposed houses have been individually designed in an attempt to address the specific constraints on each of the plots. The proposed dwellings shown to be located to the western side of the proposed access road would be traditional two storey dwellings, while the dwellings shown to be located to the eastern side of the access road have a split level design, with the dwellings appearing to be single storey on the road frontage but then extending down with the sloping site to be two storey to the rear, with additional third storey accommodation being provided within the roof slope.

Although the proposed development includes a split level design to some of the proposed dwellings, the required gradient for the proposed access road would still necessitate the ground levels to be increased across the majority of the site area. The applicants have submitted a proposed methodology that sets out how the fill operation part of the development could be carried out.

The applicants have also submitted proposed sections through the application site in both north/south and east/west directions.

Material Considerations:

The main considerations in the determination of the application are the principle of the residential redevelopment of the site; the impact upon the character and appearance of the surrounding area; the impact upon the amenity of the occupiers of the adjacent properties; the impact upon the highway safety of the existing road network; the impact upon the landscape and ecology of the site and impact upon the drainage and ground conditions of the site.

Policy Context:

As stated above the principle of the residential development of the site was accepted under outline planning permission 03/0333. This application was considered under the then adopted development plan - The Neath Local Plan, which showed the application site as being located within the identified settlement. The application (06/1663) to extend the period of time for submission of the reserved matters applications and the

start of works on site was also considered under this development plan.

Although the subsequently adopted (March 2008) Neath Port Talbot Unitary Development Plan amended the settlement boundary to exclude the application site, the current application seeks reserved matter consent for an extant outline permission. As such the principle of residential development on the site remains established by the existing amended outline permission 07/0953 and as such is not a matter for consideration as part of the determination of the current application. Therefore only issues related to the proposed siting (including the proposed ground level works), design, landscaping and external appearance of the buildings can be considered at this stage in the process.

The relevant planning policies which need to be taken into consideration in the determination of the current reserved matter applications are as follows:

- GC1 – New Buildings/structures and Change of Use.
- GC2 - Engineering Works and Operations.
- ENV3 - Impacts on the Landscape.
- ENV5 - Nature Conservation.
- ENV17 – Design.
- ENV29 - Environmental Quality and Amenity.
- H2 - Housing Density.
- T1 - Location, Layout and Accessibility of New Proposals.

EIA and Appropriate Assessment:

The application site is approximately 1.3hectares in size which exceeds the Schedule 2, Column 2 quantity over which developments must be screened as to whether they require an Environmental Impact Assessment. A screening opinion was undertaken by the authority and it was considered that an Environmental Impact Assessment was not required to inform the determination of the reserved matters application.

The application site is not considered to be located within a zone of influence for any SAC or Ramsar sites.

Visual Amenity:

The proposed layout plan shows two dwellings located to either side of the proposed access to the site. Both dwellings would be two storey in height and would flank onto Main Road. However due to the difference in the ground levels between the existing footpath that runs adjacent to the frontage of the site and the steeply sloping application site, the proposed dwellings on plots 1 and 17 would be set below the road level. In the case of the dwelling on plot 17 this would be only a maximum of 0.8m. However the proposed dwelling on plot 1 would have a ground level that would be approximately 2.2m below the level of Main Road. As such this dwelling would have the appearance of a single storey bungalow when viewed from the streetscene.

To help illustrate how this would appear, the applicant has submitted a streetscene section of the development when viewed from Main Road. The drawing shows that the closest of the existing dwellings, number 6 Pleasant Hill, is itself set slightly below the ground level of Main Road. This existing dwelling is shown to have a ridge height of 5.9m when viewed in relation to the Main Road ground level. The proposed dwelling on plot 17 is shown to be located approximately 12m from the closest point of number 6 Pleasant Hill and would have a proposed ridge height of 7.2m when viewed from the Main Road level. The proposed dwelling on plot 1 would have a ridge height of 6m when viewed from Main Road. However the dwelling's single storey appearance would be in keeping when viewed in relation to the dwelling's proposed single storey garage which would be sited at road level and located at the northern end of the plot between the proposed dwelling and the existing single storey Sunday School building. It is also noted that due to the changes in levels on the application site, only the ridges of the roofs of the proposed dwellings on plots 4-7 would be visible from Main Road and that the existing Sunday School building would screen much of this view.

It is therefore considered that the proposed development would have an acceptable appearance when viewed from Main Road and the difference in the proposed ridge heights of the dwellings would read as being in keeping with the existing pattern of development within this part of Main Road.

The dwellings located along the proposed access road would have ground levels that would step down in pace with the reducing gradient of the

roadway. The view down along the access road would be terminated by the proposed dwellings on plots 13-15. The proposed dwelling shown to be located along the eastern side of the development road would have a single storey appearance when viewed from within the development, but would be three storey (with the third storey being within the roof slope) when viewed from the public open space to the rear of the application site. The difference in ground level across the depth of the dwelling is caused in part by the natural slope of the site, but is exacerbated by the proposed level of fill material that would be required to achieve the necessary gradient along the development's access road. The required level of fill material would be at its greatest depth directly to the front of these split level dwellings at a maximum depth of 5.6m. As an example of the drop in ground levels that would occur through the design of these dwellings, plot 14 would have an upper ground level of 93.7m AOD and a lower ground level (at the rear patio area) of 88.3m AOD which is a difference of 5.4m. As such the house would have a height of 5.8m to the ridge when viewed from the front and 11.1m when viewed from the rear. It should be noted that even with this proposed drop in ground level through the split level design of these dwellings, the houses would still, even at their rear be constructed on land that would be approximately 2.2m above the original ground level.

The applicants have submitted plans and a proposed section drawing showing what the development would look like when viewed from the public open space to the rear of the application site. The submitted details show that the applicants are proposing to use a combination of sloping gardens and terracing to deal with the difference in the ground levels from the rear of the proposed dwellings, to the rear boundary of the site. This approach reduces the requirement for additional retaining walls, thereby helping to create a greener and more natural appearance to the rear of the development.

Therefore subject to the imposition of suitable conditions to control the use of retaining walls, to remove permitted development rights from the proposed dwellings and to ensure the implementation of an appropriate landscaping scheme, it is considered that the proposed development would have no detrimental impact upon the character and appearance of the immediate and wider surrounding area.

In regard to the extensive ground level operations that are proposed to

take place across much of the application site, there is concern that if a large amount of the required fill material were brought onto the site and the developer ceased trading or was unable for some other reason to complete this aspect of the development, that due to the prominent location and steep topography of the site that there would be a significant adverse impact upon the character and appearance of the wider area as well as potential issues regarding ground stability and surface water drainage issues. As such, it is recommended that the planning permission should only be issued following the signing of a Section 106 agreement, which would secure the provision of a bond. The bond would provide the necessary funds for the Council to use to complete the ground level works should the developer be unable to do so. (The bond would not cover the house construction phase of the development.)

Residential Amenity:

The closest existing dwelling to the front of the application site would be number 6 Pleasant Hill. This is an end of terrace dwelling which has a single storey flat roofed rear extension with a basement level. The dwelling has one ground floor side facing window within the main dwelling and three windows and a door in the side facing elevation of the extension. There is also a basement entrance doorway in the side elevation. The property's ground level drops away at the rear, which allowed the incorporation of a basement within the ground floor extension. There is no significant existing side boundary with the application site and the rear of the property has a fairly open appearance when viewed from the wider area.

The closest proposed dwelling to 6 Pleasant Hill is plot17. The proposed rear elevation of this dwelling would face the side boundary of 6 Pleasant Hill. The proposed dwelling itself would be located approximately 12m from the closest point of Pleasant Hill, with the rear elevation of the proposed attached garage being located 7.5m away. It is considered that the distances between the proposed and existing dwelling would be sufficient to ensure that there would be no overshadowing or overbearing. The applicants have shown the erection of a 1.8m high close board fence along this boundary, which would ensure that there would be no loss of privacy to 6 Pleasant Hill.

The proposed dwelling on plot 16 would flank onto the side boundary of

6 Pleasant Hill's rear garden area. However there are no proposed side facing windows within the south elevation of this dwelling, which would ensure that there would be no overlooking from the dwelling itself. However there would be significant changes in the ground levels around this proposed dwelling. The existing ground levels on the land to the front of the dwelling on plot 16 is 90m AOD which raises to 91m AOD at the rear. However the proposed dwelling would have a finished floor level of the 94.45m AOD and the garage of 93.55m AOD. However these proposed finished floor levels would be comparative to the proposed road levels which would be 94.54m AOD at the front of the dwelling and 95.6m AOD towards the rear of the dwelling. This would ensure that the proposed dwelling would have an appropriate relationship with the proposed roadway, but would be 3.45m higher than the ground level of the rear garden of 6 Pleasant Hill. The proposed dwelling would be located over 10m from the side boundary of the existing garden area and the proposed garage would be located 7m away. Due to the orientation of the proposed dwelling and the distance between the dwelling and the side boundary of 6 Pleasant Hill, it is considered that the proposed dwelling would not be unacceptably overshadowing or overbearing to this existing property.

The proposed dwelling on plot 15 is located at the point where the level of proposed fill material would be at its greatest. As such the upper ground level of this dwelling is stated to have an upper ground level of 93.45m AOD when the original ground level in this area would have been approximately 88m AOD. This is a change in levels of 5.45m at a distance of 7.4m from the boundary with 6 Pleasant Hill. However the proposed dwelling would be over 33m away from the closest point of the existing dwelling and the change in ground level would be comparative to the proposed dwelling having a ridge height of 9.4m (when considering the additional height caused by the fill material). It is therefore considered that due to the distance between the proposed and existing dwellings there would be no detrimental impact through overshadowing, overlooking or overbearing.

A number of the other dwellings within the Pleasant Hill terraced row have also constructed two storey rear extensions, however although the dwellings are sited so that their rear elevations are angled slightly towards the application site none appear to have first floor windows that have anything other than oblique distant views over the application site.

The closest adjacent dwellings to the rear of the site are the two storey, semi detached pair of dwellings known as Rockfields and Glanfrwd. These dwellings are located towards the north eastern corner of the application site. The closest proposed dwellings to these existing houses would be plots 8 and 9. These are two split level dwellings of house type B. The proposed dwellings would have an upper ground level of 89.75m AOD and a lower ground level of 84.35m AOD. House type B has only velux style windows within its rear roof slope and full length patio door style windows in the rear elevation. However due to the ground levels on which the proposed dwellings would be constructed, the lower ground floor windows would be constructed on a ground level which would be higher than the ridge height of the existing dwellings. The distance between the closest point of the proposed dwelling and the closest part of the existing house would be 26m. The proposed dwelling is also located so that it is off set from the rear elevation of the existing dwellings. As such due to the differences in the ground levels, the distances and angle at which the dwellings are sited to each other and the orientation of the development, it is considered that there would be no overlooking, overshadowing or overbearing to either Rockfields or Glanfrwd.

As such the proposed development by reason of its design, boundary treatment, and orientation would have no detrimental impact upon the residential amenity of the occupiers of the existing dwellings and that the proposed dwellings would have an acceptable level of amenity for the future potential occupiers.

Highway Safety (Access, Parking and Traffic flows):

The means of access to the application site has been agreed under application P2007/0953. The current application seeks permission for the construction details and layout of the development estate roadway. The proposed development would comply with the Council's car parking and garage standards for dwellings of these sizes.

The Head of Engineering and Transport has considered the estate road design, gradient and drainage, housing layout, car parking provision, garage sizes and turning head provisions. He has also considered the impact upon highway safety as a consequence of the estimated number of vehicle movements required to import the fill material required to achieve

the necessary highway gradient along the estate road and has raised no objection to the proposed development subject to the imposition of suitable conditions to ensure the provision of these facilities; measures to control the fill operation's delivery times, as well as traffic regulation orders to restrict parking along Main Road and the entrance to the site.

As such, it is considered that the proposed development would have no detrimental impact upon the highway safety of the existing road network.

Landscaping:

There are a number of existing trees located within the application site and around the site's boundary. The only existing tree that is shown to be removed appears to be located within the boundary of the Sunday School building. This tree is not covered by a Tree Preservation Order. All other trees are shown to be retained. However it should be noted that with the proposed ground level increases across the majority of the site, there is potential for non-intentional damage to be caused to these trees. A condition can be imposed to ensure that adequate protection is provided during the course of construction process and the replacement of any trees that become damaged or die within 5 years from the start of the development.

Ecology:

The application site is currently overgrown scrub and grassland. Condition 15 of the outlined permission P2007/0953 required the retention of the two mature oak trees that are located on the rear of the site, together with the retention of an area of scrub and grassland to be located in the south-eastern corner of the site as a wildlife haven for birds and reptiles. While condition 16 of the outline permission also required the submission of a reptile capture and release programme for the development site, with any reptiles captured being released on the wildlife mitigation area that is required under condition 15. Condition 17 also required the eradication of any Japanese Knotweed, Giant Knotweed or any Knotweed hybrids found on site.

In addition to this the applicant has submitted a drawing that shows that an area to the rear of plots 9-15 with a depth of between 19-26m will be separated off from the rear garden areas of these dwellings by a 1.8m

high close board fence. While the separate land ownerships of this land will remain with the corresponding property and will be marked on site by a 0.9m high post and wire fence, these will be landscaped with native species to create a wildlife corridor.

The Council's Biodiversity officer also recommended a badger survey be carried out. However this is an issue for consideration of the outline stage rather than at the reserved matters. However a condition can be imposed that will advise the developers to cease all works if any protected species are found on site.

As such it is considered that the proposed development would have no detrimental impact upon the ecology of the application site or wider surrounding area.

Affordable Housing:

The application seeks determination of the reserved matters on an outline application. Issues regarding affordable housing provision on the development site were considered at the outline stage. However due to the age of the applications, the required development thresholds at the time of the applications submission and the number of dwellings proposed, it was considered that the proposed development did not reach the required affordable housing threshold of 20 dwellings. As such no affordable housing provision was required on this development site.

Pollution: (air, noise and ground)

No issues relating to ground contamination or air pollution have been identified during the course of the appraisal of this application. It is acknowledged that a certain degree of noise and disturbance can be expected with any development proposal. However the works associated with the proposed ground level increases across the site would be likely to result in a longer construction period than would be expected on a normal development scheme for 17 dwellings on a level site and a significantly larger number of lorry movements to deliver the ground fill material to the site. In addition to the importation of fill, the material would have to be compacted to form a suitable building platform. As such, the likely levels of associated noise and disturbance experienced by adjacent properties are also likely to be significantly greater than those of

perhaps a more typical residential development of this size. However, the resultant scale of these impacts would be restricted through the implementation of an appropriately designed ground re-grading methodology, as well as conditions that would restrict the time period over which the fill operation could take place, the number of lorry movements to the site per day and the hours of delivery of materials.

It is therefore considered that these measures would mitigate the potential levels of noise and disturbance down to an acceptable level, and as such a reason for refusal could not be substantiated on this ground.

Ground conditions and Drainage.

It is acknowledged that there is an existing combined sewer crossing the application site. The applicants have marked the sewer's location on their submitted drawing and have ensured that there would be no significant ground level changes within this area and have shown a suitable easement area 3m to either side of the sewer's location. A condition would also be imposed to remove the permitted development rights of the properties to ensure that no permitted development is constructed over this area.

As explained above the proposed development would require an increase in ground levels across most of the application site. These works would necessitate the importation of a large amount of fill material which would be spread over much of the application site and compressed to create a suitable building platform. As previously stated these works would be carefully controlled through the imposition of a number of conditions that would control hours of delivery, the length of time that the works should be carried out over and the details of the proposed fill methodology. However conditions would also have to be imposed to ensure that prior to the start of works on site full details of a construction phase land/surface water drainage scheme are submitted to the authority for their approval and that the approved details are implemented on site and used throughout the construction phase of the development. This condition would ensure that the proposed development would not have an adverse impact upon the amenities of the adjacent property owners through surface water run off onto their properties and that any existing surface water drainage issues on the adjacent sites are not exacerbated. The condition would also ensure that any surface water that leaves the site has been appropriately treated first to ensure that there would be no potential

issues associated with contamination.

The applicants have also proposed a foul, surface water and land drainage scheme for the occupied phase of the development. The Head of Engineering and Transport (Drainage) has considered the proposed scheme and would have no objection subject to the imposition of suitable conditions.

However it should be noted that part of the proposed scheme involves the connection of the proposed on site drainage scheme to a proposed off site drainage proposal. These off site drainage works are the subject of a separate planning application P2007/0537 and can not be taken into consideration as part of the determination of this application. However to ensure that there is a suitable off site drainage mechanism in place for the development site to connect into, a Grampian style condition is recommended that will require that the developers provide proof that an agreement has been reached with all relevant third party land owners involved in the off-site drainage works prior to the start of works on this application site.

In addition to this provision as stated about, it is recommended that planning permission only be granted subject to the signing of a Section 106 agreement that would secure the provision of a bond that would cover the proposed ground level operation associated with the development. The bond would ensure that the ground level works could be completed to an acceptable level and ensure that the surface water run off from the site was appropriately treated in the long term, if the off site drainage works were not implemented.

Others (including objections)

A number of the issues raised by the local residents have been addressed within the above appraisal. However the following comments are made in response to those issues which remain outstanding:

- 1) The concerns regarding sewerage, drainage, and possible flooding of adjacent properties during and after construction have been addressed within the ground condition and drainage section of the report.
- 2) Issues regarding the point of access to the development site were

considered as part of the determination of application P 2007/0953 which agreed the means of access details. As such this issue is not for consideration as part of the determination of this application. However issues regarding car parking and highways safety within the site have been assessed within the Highways section of this report.

- 3) The issue of spare capacity within Cilfrew Primary School is a principle of development issue. The principle of the residential redevelopment of this site was established by the determination of the outlined planning permission P2007/0953.
- 4) With regards to the loss of view out over the application site, there is no right within the planning system to a view over a third party's land. The impact of the proposed development upon the character and appearance of the streetscene as well as upon the residential amenities of the occupiers of the adjacent properties have been considered as part of the above appraisal.
- 5) Regarding the local residents concerns over potential damage that may be caused to their properties during the course of the construction of the development; this is a civil matter between the owners of the property and the people who may potentially cause the damage.
- 6) With regards to public access over the application site to access the playing fields to the rear, there are no public rights of way over the application site and there are no outstanding applications to establish a public right of way across this private land.
- 7) The ecological issues regarding the proposed development have been addressed within the above appraisal, however the principle of the proposed development has been established by the earlier outline consent. However the area to the eastern part of the site has been set aside to form a wildlife area. A condition can be imposed to secure an Ecological Mitigation and Management Strategy for the area, including landscaping and habitat creation.

Conclusion:

The application seeks approval of the reserved matters for the proposed development. It is considered that subject to the imposition of appropriate conditions the proposed development would have no detrimental impact upon the character and appearance of the surrounding area, upon the residential amenity of the occupiers of the adjacent

dwelling, or upon the highway safety of the existing road network. It is also considered that subject to conditions that would secure the submission of an adequate Ecological Mitigation and Landscaping Strategy that the proposed development would have no adverse impact upon the landscape or ecology of the surrounding area. With regard to the proposed ground level works and drainage of the site, a bond to secure the provision of funds to complete any outstanding ground level works should the developer fail to complete this aspect of the development could be secured by a Section 106 agreement and conditions could be imposed to control the method of work and the provision of suitable drainage measures for both the construction and occupation phase of the development.

Recommendation:

To grant planning permission subject to the imposition of suitable conditions and the signing of a Section 106 agreement to secure fund to complete any outstanding ground level works on site.

CONDITIONS:

(1) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development including the retaining walls 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.

(2) Prior to the occupation of each dwelling, the associated car parking spaces as shown on the approved plans, including any spaces within any garage, shall be laid out in accordance with the approved details and retained as such thereafter.

Reason

In the interests of highway safety and visual amenity.

(3) The development shall be connected to the main sewerage system prior to the occupation of each associated dwelling.

(4)

Reason

In order to ensure the provision of adequate foul drainage.

(4) Unless otherwise agreed in writing, the hereby approved development shall be constructed with ground levels and floor levels as shown on approved drawing - Proposed Level 50011-07rev C.

Reason

In the interests of visual and residential amenity.

(5) Prior to occupation of each dwelling 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.

(6) Prior to the occupation of each dwelling the associated means of enclosure and retaining walls shall be constructed as shown on drawings external finishes 1006/FIN01 rev A and Proposed Levels 50011-07 rev c unless otherwise agreed in writing and shall be retained as such thereafter.

Reason

In the interests of visual and residential amenity.

(7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, Class A (or any order revoking and re-enacting that Order), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any

dwellinghouse (other than those shown on the approved plan or expressly required by conditions of this permission) without first receiving planning permission.

Reason

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

(8) 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 as well as details of a replacement tree for each tree that is to be removed, which shall be submitted to and approved in writing by the Local Planning Authority. The removal of the tree shall be carried out in accordance with the approved details. Should any existing or replacement tree which within five years of the completion of the development becomes damaged, is removed, becomes diseased or dies it shall be replaced in the next planting season with another of similar size, and of the same species, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

(9) Unless otherwise agreed in writing, the 0.9m high stone wall with cock and hen coping to be located along the site boundary with Main Road, as shown on drawing 1006/FIN01rev A and as detailed on sheet D1 shall be constructed on site prior to the occupation of the first dwelling on site.

Reason

In the interests of the visual amenity of the Main Road streetscene.

(10) Notwithstanding the submitted drawings and unless otherwise agreed in writing, prior to the occupation of either of the dwellings on plots 15 and 16 the 1.8m high close board fence that is shown to be located along the side and rear boundary of these dwellings shall be extended along the whole length of the southern side boundary of the application site with number 6 Pleasant Hill and shall be retained as such thereafter.

Reason

In the interests of the visual amenity of the development and the residential amenity of the adjacent dwellings.

(11) No part of any drive gradient shall exceed 1 in 9 and prior to the first beneficial use of each associated dwelling the driveway shall be hard surfaced in concrete, bitumen bound material or block paving to the levels shown on drawing 50011-01rev E titled Engineering layout and shall be retained as such thereafter.

Reason:

In the interests of safety.

(12) Unless otherwise agreed in writing the roads and footways shall be constructed in accordance with the approved scheme and gradients to binder course level and drained prior to the construction of any dwelling, and made up to surface course level and lit 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 safety.

(13) Prior to the first occupation of any dwelling vision splays of 2.4 metres by 2.4 metres shall be provided either side of each proposed drive access. 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), these splays shall be retained as such thereafter with nothing erected or grown over 600 mm in height within the splays.

Reason

In the interests of pedestrian and vehicular safety.

(14) Prior to the start of construction of any dwelling on site, full details of the ecological mitigation area shown to the rear of plots 9-15, including landscaping details and ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site in accordance with the approved plans,

unless otherwise agreed in writing, during the first planting season following the occupation of the first dwelling within the row of plots 9-15 and shall be maintained in accordance with the ecological management plan thereafter. Any trees or plants that become seriously damaged, diseased or die within 5 years shall be replaced in the next planting season with others of the same species and similar size, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of the biodiversity of the application site.

(15) Works related to the ground level works, site preparation and machinery servicing of the hereby approved development shall not take place other than between the hours of 7:30am and 7pm Mondays to Fridays and 8am and 1.30pm Saturdays and at no time on Sundays and Bank Holidays.

Reason

In the interests of the amenities of the area.

(16) 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 extensions, porches, external alterations, additional windows, dormer windows or other openings, alterations to roof planes, garages, balconies, outbuildings, retaining works, areas of raised decking or elevated patios as identified with Schedule 2, Part 1 shall be erected (other than those expressly authorised by this permission) 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 the proposed alterations having regard to the particular layout, ground levels and design of the estate and residential amenity of the neighbouring properties.

(17) Prior to the commencement of any works on site, including site clearance, a condition survey of Main Road from the A4230 Main Road/Cadoxton Road up to the junction with March Hywel road shall be carried out, and submitted to and approved in writing by the Local Planning Authority. Within one month of the completion of the importation of fill

material on to the site a further condition survey of the existing highway from the A4230 Main Road/Cadoxton Road up to the junction with March Hywel road shall be carried out, and submitted to and approved in writing by the Local Planning Authority. Any damage to the highway identified as a result of the increase in volume of construction vehicles shall be repaired within 6 months of the completion of the associated development in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety.

(18) Prior to commencement of any work on site a Construction Ground Works Operational Method Statement for the fill operation shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include.

- a. Engineering drawings showing the site clearance, topsoil on site storage and benching work;
- b. Details of the type of fill material which is to be imported onto site;
- c. details of the source of fill material to be imported onto site;
- d. material storage location details;
- e. laboratory testing methods and reporting results procedure to the Local Planning Authority;
- f. Compaction methods and procedures;
- g. construction phase drainage arrangements to prevent pollution, erosion and surface water from running onto third party land, with details of settlement lagoons and outfall arrangements, cut off drains and calculations;
- h. wheel washing and dust control measures;
- i. method of controlling deliveries and access route.

The approved details shall be fully implemented on site for the duration of the land fill and ground works operations on site, with the exception of the construction phase drainage scheme which shall be implemented throughout the whole of the ground work phase and the construction of the dwellings and shall only cease to be used on the developer's receipt of the Local Planning Authority's written agreement.

Reason

In the interests of ensuring that the fill operation is carried out without having an adverse impact upon the visual and residential amenity and to ensure the provision of adequate protection of the ground waters within the area.

(19) No works on the construction of the approved road, junction or dwellings shall take place prior to a Construction Method Statement for the approved development shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of:

- a. the parking of vehicles of site operatives and visitors to the site;
- b. the loading and unloading of plant and construction materials;
- c. the storage of plant and materials used in the construction of the development;
- d. the erection and maintenance of any security hoardings including decorative displays and facilities for public viewing which may be used;
- e. measures to control the emission of dust and dirt during construction;
- f. a scheme for recycling/disposing of waste resulting from the construction works;
- g. wheel washing and dust control measures;

The approved details shall be fully implemented on site for the duration of the construction operations on site.

Reason

In the interests of ensuring that the construction works are carried out without having an adverse impact upon the visual and residential amenity of the area.

(20) No deliveries of plant or materials (including fill materials) shall be made to or removed from the site between the hours of 8.00am to 9.00am or 3.00pm and 4.00pm during school term times on Mondays to Fridays and between 7.00pm and 7.30am on Mondays to Saturdays and not at all on Sundays and Bank Holidays.

Reason

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

(21) Prior to the commencement of any works elsewhere on site, the first 10m of the access road shall be completed up to and including binder course

and the visibility splay for the junction shall be created and kept clear of obstruction over a height of 600mm at all times.

Reason

To provide a secure access platform into the site and to prevent mud on the highway - in the interest of pedestrian and highway safety.

(22) Prior to the start of construction works on the hereby approved site roadway, full details of a street lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented on site prior to the occupation of the first dwelling.

Reason

In the interests of highway and pedestrian safety.

(23) Unless otherwise agreed in writing by the Local Planning Authority, the highway drainage and surface water drainage scheme as shown on Engineering Layout drawing 50011-01rev E shall be fully implemented on site in the case of the highway drainage scheme prior to the start of construction works on the first dwelling and in the case of the surface water drainage scheme prior to the occupation of each association dwelling and shall retained as such thereafter.

Reason

To ensure the provision of an adequate highway and surface water drainage system.

(24) If any springs or ground water seepage are encountered on site, works on that area of the site shall cease until a detailed scheme for the collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site prior to works continuing on that area of the site.

Reason

To ensure the provision of a suitable land drainage scheme.

(25) No land drainage waters from this site shall be discharged to the off site drainage scheme approved under P2007/0537, without the written agreement of the Local Planning Authority.

Reason

To ensure the provision of an adequate drainage scheme for the development.

(26) There shall be no interference, alteration or diversion of any ditch, watercourse, stream or culvert that crosses or borders the site, without a scheme being submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be implemented on site.

Reason

In ensure the satisfactory drainage of the site and the protection of adjacent properties.

(27) Unless otherwise agreed in writing by the Local Planning Authority, prior to work commencing on site, full details of a filter drain to be constructed along the eastern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site prior to the start of any site clearance works and shall be retained as such thereafter.

Reason

To protect downhill land from water logging due to the effect of surface water run off from the proposed development during and post construction.

(28) Unless otherwise agreed in writing by the Local Planning Authority, no works on site, including site clearance and ground works shall take place until evidence that the off site drainage works required to serve the development have been provided, completed and are in working order as approved under application P2007/0537.

Reason

To ensure the provision of an adequate surface water and foul sewerage system to serve the development.

(29) No buildings shall be constructed within 3m of either side of the central line of the mains sewer that crosses the application site.

Reason

To protect the integrity of the public sewer and avoid damage thereto.

(30) Prior to the start of works on the construction of any dwelling, full details of a landscaping scheme for the open area of land to the front and side of plots 15 and 16 identified on drawing 1006/PL01 rev C as 'area of enhanced structural planting' shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the approved landscaping scheme shall be fully implemented on site prior to the occupation of either dwelling on plots 15 and 16. Any trees or plants that become seriously damaged, diseased or die within 5 years shall be replaced in the next planting season with others of the same species and similar size, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of the residential amenity of the occupiers of dwelling at Pleasant Hill.

(31) Unless otherwise agreed in writing, prior to the commencement of the works on site the applicant shall ensure that traffic regulation orders preventing parking at any time are placed on Main Road both outside Pisgh Chapel and on the development side of the road and upon completion of the new junction up to base course level for a minimum of the first 20m into the site. These orders shall be maintained in good order thereafter.

Reason

In the interests of ensuring the provision of a new safe junction.

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.

The application seeks approval of the reserved matters for the proposed development. It is considered that subject to the imposition of appropriate conditions the proposed development would have no detrimental impact upon the character and appearance of the surrounding area, upon the

residential amenity of the occupiers of the adjacent dwellings, or upon the highway safety of the existing road network. It is also considered that subject to conditions that would secure the submission of an adequate Ecological Mitigation and Landscaping Strategy that the proposed development would have no adverse impact upon the landscape or ecology of the surrounding area. With regard to the proposed ground level works and drainage of the site, a bond to secure the provision of funds to complete any outstanding ground level works should the developer fail to complete this aspect of the development could be secured by a Section 106 agreement and conditions could be imposed to control the method of work and the provision of suitable drainage measures for both the construction and occupation phase of the development.