

**PLANNING (SITE VISITS) SUB COMMITTEE**

**1<sup>ST</sup> MARCH 2012**

**ENVIRONMENT SERVICES**

**REPORT OF THE HEAD OF PLANNING – G. WHITE**

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

**SECTION A – MATTERS FOR DECISION**

**1. PLANNING APPLICATION RECOMMENDED FOR APPROVAL**

<b><u>ITEM 1.1</u></b>	
<b><u>APPLICATION NO:</u> P/2006/1659</b>	<b><u>DATE:</u> 16/11/2006</b>
<b>PROPOSAL: RESERVED MATTERS FOR 17 DWELLINGS (Land regrading statement)</b>	
<b>LOCATION: LAND OPPOSITE PISGAH CHAPEL, MAIN ROAD, CILFREW, NEATH NEATH PORT TALBOTS A10 8NE</b>	
<b>APPLICANT:</b>	<b>Robert Beynon</b>
<b>TYPE:</b>	<b>Reserved Matters</b>
<b>WARD:</b>	<b>Aberdulais</b>

**a. Structure/Local Plan**

Borough of Neath Local Plan:

Policy E67 New Development  
Policy H8 Extensions to Dwellings  
Policy T26 Highway Safety

Neath Port Talbot Deposit Draft Unitary Development Plan:

Policy GC1 New Buildings/Structures and Changes of Use  
Policy T1 Access and Parking

**b. Other Policies**

A Guide to Household Extensions

**c. Relevant Planning History**

None

**d. Responses to Consultations**

Number of properties consulted: 6

Number of replies received: 0

Statutory Consultees:

Glynneath Community Council: No reply, therefore no observations to make.

Head of Engineering and Transport (Highways): No reply, but it is thought the proposed extension will have a minimal affect on Highway safety.

Head of Engineering and Transport (Drainage): No reply, therefore no observations to make.

**APPRAISAL**

Full planning permission is sought for the construction of a first floor rear extension on a semi detached dwellinghouse at 91 High Street, Glynneath, Neath.

The proposed first floor extension will be sited above the existing single storey rear extension. The proposed extension will project a length of 2.7m, have a width of 3.4m to match the footprint of the ground floor extension, and a maximum height to ridge level of 6.7m.

Externally the materials will match the existing; the extension will also incorporate a window to the rear elevation to serve the bedroom.

The main issues to be considered relate to the impact on residential and visual amenity.

Turning to the issues in relation to amenity, the submitted plans indicate the proposal is in breach of the 45 degree rule outlined in the Councils Supplementary Planning Guidance. The guidance states:

*“To comply with the 45 degree code, first floor extensions shall be designed so as not to cross the 45 degree line from the adjoining neighbour’s nearest window which lights a habitable room or kitchen”.*

The proposed first floor extension incorporates a size and siting that crosses the 45 degree line from the nearest window on the adjoining property by a total of 3 degrees. As a result the final 0.3m of the proposed extension which projects off the existing rear elevation is in breach of the 45 degree rule. However it is considered that this small breach, together with the fact that the properties have long rear gardens with an open aspect dictates that the impact upon the light availability will be minimal and is insufficient reason to justify refusal of the application. It should also be noted that the habitable room window of the neighbouring property in question is not positioned immediately next to the applicant property, it is located nearer the side elevation which faces the opposite neighbouring property Number 95 and as such will not be directly impacted upon and therefore it is not considered that the extension will unacceptably overbear or overshadow the neighbouring property. With regard to the overlooking of private space, the window proposed on the rear elevation will directly overlook the rear garden of the application site with only oblique views of the adjacent garden. As a result it is not considered that the privacy of the neighbouring residents will be adversely affected.

Turning to visual amenity it is considered that the proposal has been designed to be in keeping with the design, proportions and finishes of the existing property, and will not have a significantly adverse effect on the character and appearance of the streetscene.

In conclusion, the proposed development will not have an adverse impact upon either visual or residential amenities. The proposal therefore complies with the prevailing planning policies and approval is recommended.

**RECOMMENDATION:**      **Approval with Conditions**

## **CONDITIONS;**

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

Reason

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

(2)The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

In the interests of visual amenity.

(3)Prior to first use of the extension commencing an additional parking space shall be provided within the curtilage of the property in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority and this additional space shall be retained for such use thereafter. This parking space shall be hard surfaced in concrete, tarmacadam or block paving prior to first use.

Reason

In the interests of highway safety.

<b><u>ITEM 1. 2</u></b>	
<b><u>APPLICATION NO:</u> P/2007/537</b>	<b><u>DATE:</u> 24/04/2007</b>
<b>PROPOSAL: CREATION OF SURFACE WATER MANHOLES, SEWER AND FOULWATER MANHOLES TO SERVE RESIDENTIAL DEVELOPMENT OF LAND OPPOSITE PISGAH CHAPEL, MAIN ROAD CILFREW AS GRANTED BY PREVIOUS CONSENT P2003/0333</b>	
<b>LOCATION: LAND EAST OF CILFREW HOTEL, MAIN ROAD, CILFREW, NEATH NEATH PORT TALBOT</b>	
<b>APPLICANT: Robert Beynon</b>	
<b>TYPE: Full Plans</b>	
<b>WARD: Aberdulaish</b>	

### **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.

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

06/1659 – Reserved matters for 17 dwelling – No yet determined.

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.

Dwr Cymru Welsh Water: No objection subject to conditions.

Blaenhoddan Community Council: The Council is concerned about the disposal of both foul and surface water from this site, which is above a children's playground and adjacent to a public footpath. The drainage of water from this 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 car park whenever it rains.

80 dwellings were also consulted including Cilfrew Residents Association and site notices were displayed around the site: No response.

#### **Description of Site and its Surroundings:**

The proposed development would serve a residential scheme (outline permission P2007/0953 and reserved matters 06/1659) that has been proposed on an area of land to the west of the current application site. The proposed application site would adjoin the residential development area in the bottom south eastern corner. The site then extends in a predominately easterly direction over third party land. It passes to the south of the community centre under a Public Right of Way, before passing beneath both New Road and Birch Lane. The application site then enters a field area before continuing easterly to cross beneath the minerals railway line. The application site then turns in a south easterly direction where it crosses more agricultural land before connecting with the river.

#### **Brief description of proposal:**

The proposed development seeks full planning permission for the construction of a sewer and surface water drain. The proposed foul sewer would follow the route of the application site from the bottom south eastern corner of the residential development site to where the site adjoins New Road. At this point the proposed foul sewer would connect into the existing public sewer that serves the dwellings in New Road. However the proposed surface water drain would follow a similar route from the south eastern corner of the proposed residential development site down to

New Road, before it would follow the rest of the route of the application site across the field, under the minerals railway line, across another field before discharging into the River Dulais.

The proposed surface water drainage system includes details of a proposed attenuation tank which would be sunk beneath the ground and located within a grassed verge area, to the south of the community centre. The proposed tank would measure 3m wide, 2m deep and 20m long. The piped areas of the proposal would have a 300mm diameter up to the railway line and would then continue on with a diameter of 450mm.

### **Material Considerations:**

The main issues for consideration in the determination of the application are the impact upon the character and appearance of the surrounding area; the impact upon the residential amenity of the occupiers of the adjacent dwellings, the impact upon the highway and pedestrian safety of the existing road and footpath network and the impact upon the drainage network within the surrounding area.

### **Policy Context:**

The application seeks permission for the construction of a foul sewer and a surface water drainage scheme to serve a residential development. The application site is located outside the settlement area as identified within the Neath Port Talbot Unitary Development Plan (UDP). Policy ENV1 – Development in the Countryside seeks to restrict development within the countryside but does state:

*A proposal for development in the countryside will not be permitted unless:*

*h) It is development necessary for ... and other forms of infrastructure provision ... and;*

*in all case the development would not create unacceptable impacts upon character or appearance of the countryside, biodiversity, the amenities of neighbouring residents, or other land users, traffic generation or highway safety.*



While policy ENV12 – Proposals Effecting Water Resources expands upon this by stating:

*Proposals that would be prejudicial to or would materially affect the quality or quantity of the controlled water, fresh water or seawater will not be permitted.*

While policy GC2 – Engineering works and operations states that:

*Any proposal for or including Engineering works and other operations will not be permitted if it would create an unacceptable impact in failing to:*

*d) Ensure that there are no adverse effects on water supply, water quality or quantity, land drainage or flooding;*

The appraisal below will assess whether the proposed development would comply with these policy criteria.

#### **Visual Amenity:**

The proposed development would be located largely below ground, with the exception of manhole covers and the proposed apron and head wall at the outfall point. As such subject to the imposition of a condition to ensure that all construction works are made good and that the site is returned to its former condition, there would be no lasting adverse impact upon the visual amenity of the application site or wider surrounding area.

#### **Residential Amenity:**

The closest adjacent dwelling to the proposed application site would be number 34 New Road. At its closest the application site would be located approximately 4m away from the closest point of this dwelling. However as the proposed development would be constructed below ground level, it is considered that there would be no overbearing or overshadowing impact and any disturbance caused by the construction works would be of a temporary nature. As such there would be no detrimental impact upon the residential amenity of the occupiers of the adjacent dwellings.

#### **Highway Safety (Access, Parking and Traffic flows):**

The proposed development would only connect with the public highway at the point of the proposed connection of the foul drain to the public sewer and where the proposed surface water drain would pass beneath New Road and Birch Lane. The developers would have to seek permission from the Highways Authority prior to carrying out the works.

The Head of Engineering and Transport (Highways) has raised no objection to the proposed development.

As such it is considered that the proposed development would have only a temporary impact upon the existing public highway and Public Right of Way and that there would be no detrimental impact upon highway or pedestrian safety.

#### **Landscaping:**

The proposed development may require the removal of existing trees from along the route of the proposed foul sewer and surface water drain. However as stated above a condition could be imposed to ensure that the land is returned to its former condition, including the planting of replacement trees to mitigate any adverse impacts caused to the existing landscape quality through the removal of any existing trees.

#### **Ecology (including trees & Protected Species):**

Due to the proposed nature of the works, it is considered that there would be no significant adverse impact upon the existing ecology of the wider surrounding area subject to the imposition of conditions to ensure that the works are carried out outside the normal bird breeding season and that should any protected species be discovered on site all works are stop and advice is sort from the Countryside Council for Wales.

#### **Drainage and Flooding:**

The site is not located within an identified flood zone. The Head of Engineering and Transport (Drainage) has stated that subject to the imposition of suitable conditions they would have no objection to the proposed development.

However the applicant would also be likely to require a Discharge Consent from the Environment Agency prior to the construction of the surface water drainage system.

**Pollution: (air and ground)**

No issues relating to air or ground pollution have been identified during the course of the determination of the application.

**Others (including objections)**

The issues raised by Blaenhoddan Community Council have been addressed within the above appraisal.

**Conclusion:**

The proposed development subject to the imposition of suitable conditions would have no detrimental impact upon the character and appearance of the surrounding area, the residential amenity of the occupiers of the adjacent dwellings or upon the landscape quality or water quality or quantity of the existing immediate environment. It is also considered that there would be no detrimental impact upon highway or pedestrian safety.

**Recommendation:**

To grant planning permission subject to conditions.

**CONDITIONS;**

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

**Reason**

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

(2) Notwithstanding the submitted details, prior to the commencement of works on site, full details of the drainage run shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- i Longitudinal Section for pipework from MH HD1-S1 to outfall inclusively, and including details of the inspection chambers;
- ii details for proposed hydro brake including head/flow graphs, hydro brake type, size of outlet and confirmation of design flow;
- iii calculations and the detailed designs of the proposed attenuation storage scheme which will include the critical storm which gives the maximum storage requirement;

iv details showing what provisions for access are to be made along the pipe work easement to the river;

vi details of an amended outfall to river.

The development shall be implemented on site in accordance with the approved details.

Reason

To ensure the provision of an adequate drainage system.

(3) On completion of installation of the hereby approved drainage works on site, the excavated land shall be returned to its former condition, including the use of appropriate matching surfacing materials and the laying of turf and replacement planting of all native trees that have been felled as part of the approved development.

Reason

In the interests of the visual amenity of the area and biodiversity habitat.

#### 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 proposed development subject to the imposition of suitable conditions would have no detrimental impact upon the character and appearance of the surrounding area, the residential amenity of the occupiers of the adjacent dwellings or upon the landscape quality or water quality or quantity of the existing immediate environment. It is also considered that there would be no detrimental impact upon highway or pedestrian safety.

<b><u>ITEM 1. 5</u></b>	
<b><u>APPLICATION NO:</u> P/2011/758</b>	<b><u>DATE:</u> 11/11/2011</b>
<b>PROPOSAL: Residential development comprising 57 dwellings and associated works.</b>	
<b>LOCATION: LAND AT, EDWARD STREET, ALLTWEN PONTARDAWE, SWANSEA NEATH PORT TALBOTS A8 3DD</b>	
<b>APPLICANT: Mr Peredur Jones</b>	
<b>TYPE: Full Plans</b>	
<b>WARD: Alltwen</b>	

**Planning History:**

L1972/8605 - Residential Development – Approved 12/12/72

L1974/0043 – Change of house types on Plot numbers 1 to 20, 58 to 59, 107 to 110 – Withdrawn

L1975/0357 – Change of dwelling types Plots 1 to 15, 19, 58-74 and 96-124 and extension of site Plots 6-16 – Approved 27/1/76

P2008/1505 – Certificate of lawfulness for the erection of proposed dwellings on Plots 33 and 98 granted under planning permission  
1972/8065 – Certificate issued 23/1/09

P2008/1508 – Certificate of lawfulness for the erection of proposed dwellings on Plots 12 & 100 granted under planning permission  
1975/0357 -Certificate issued 23/1/09

**Publicity and Responses (if applicable):**

34 neighbouring properties were consulted. The application was also advertised on site and in the press as a departure. 8 letters have been received and the comments are as follows:

- The entry point onto Lon Hir can not cope with the amount of

traffic it has at the moment and the increase in traffic will affect the community;

- Currently vehicle drivers access and exit Brynmorgrug at a very fast speed, both entering and departing the estate. The layout of the road and the increased volume of traffic produced by the proposed development could potentially turn this stretch of the road into an accident blackspot and dangerous;
- The junction at the end of Lon Hir is always very busy especially at the beginning and end of the school day;
- Craig Road would also see large volumes of traffic as new residents of the proposed development would need to travel to surrounding areas for school and work. This would have a significant impact on Craig Road which is already an extremely busy and dangerous highway. Although speed restrictions are in place these are rarely adhered to by drivers with dangerous overtaking. The development would increase both danger and pollution;
- There are large numbers of properties for sale in the area that have been on the market for some considerable time and remain unsold, particularly Brynmorgrug where there are properties for sale of a similar type;
- The proposed dwellings are out of character with the stone properties in the area;
- The proposal would encroach into green space and provides habitat for a vast variety of habitat;
- There is an issue with the WDA industrial estate and waste management site at Lon Hir which is rumoured to be sold for future development. This would further impact on the area.
- The proposal would have an impact on local services such as schools and health care provision;
- A public meeting needs to be arranged to ascertain the level of objection to this proposal;
- Part of the land adjacent to the site is not owned by Redrow;
- Due to the presence of horses in the adjacent field it is requested that the type of fencing proposed along the boundary is a minimum of 1.8 metres in height to prevent occupiers of the dwellings feeding garden clippings and plants which can be toxic to horses;
- The stone wall which borders our land is very old and should be preserved;
- The new development is very close to an existing stable block. On

and around bonfire night people tend to let fireworks off which frightens the horses. Request a restriction is placed on these houses that fireworks can not be used at these addresses;

- Noise pollution;
- There is no demand for new housing;
- This development should have not of been approved in the Development Plan
- Detrimental impact on the safety of children using the play area adjacent to the site

In addition one letter has been received from Gwenda Thomas AM which raises the following concerns:

- In order to access the main road occupants of the proposed houses would have to travel along the full length of Lon Hir or join the road at the junction with Edward Street. Given the relatively substantial size of the proposed development Lon Hir residents who have contacted the office are worried that the increased volume of traffic would cause significant congestion. This could particularly be a problem around rush hour at the junction of Edward Street and Lon Hir and at the access point to the busy roundabout at the junction with the A474.
- Whilst I understand as the proposed development is below a hundred houses it has not triggered a traffic assessment, I note that Policy T1 of the UDP reads “A proposal will only permitted if it would not create or unacceptably worsen highway safety or congestion on the highway network.”

Cilybebyll Community Council: No objection but expresses the following concerns:

- Access into the site is inadequate with a series of confined turns required and for this reason the Council would request consideration of a mini roundabout at the junction with Edward Street even if this involves the acquisition of land from a third party;
- Foul sewer problems have occurred on this site in the past, and an upgrade of the DCWW sewer should be required and be completed before completion and occupation of the dwellings;
- Brynmorgrug is subjected to significant flows of surface water emanating from rock crops and adequate provision needs to be



made to cope with this problem.
Head of Engineering & Transport (Drainage): No objection, subject to the imposition of conditions
Environment Agency: No objection, subject to the imposition of conditions.
Biodiversity Unit: No objection, subject to the imposition of conditions
Head of Engineering & Transport (Highways): No Objection, subject to conditions.
Welsh Water: No Objection, subject to conditions.
Head of Policy & Administration (Land Contamination): No Objection, subject to conditions.
Head of Street-care Services (Parks): advises that a contribution of £24,462 should be sought for enhancing play facilities in the Cilybebyll Ward in particular the play area adjacent to the development and owned by Cilybebyll Community Council.
Head of Property & Regeneration (Estates): Considers the site would not support affordable housing in the current economic climate.
Pollution Control (Noise): No objection, subject to the imposition of conditions.
Crime Prevention Design Advisor: Comments provided with regard to crime reduction and prevention.
Neath Port Talbot Disability Network Action Group: Illustrate some details that they would like to have been incorporated into the design of footway crossovers. Advises that they are unable to comment further as documents were not available on the website.
<b>Description of Site and its Surroundings:</b>
The application site is located on land off Brynmorgrug, Alltwen.

The site measures 2.6 hectares in area and comprises an irregular-shaped parcel of land. The northern boundary of the site is formed by mature trees and hedgerows beyond which is a mixture of agricultural, scrub and wooded areas. To the south is the established estate of Brynmorgrug which this site originally formed part of. Along this boundary and at the junction of Brynmorgrug and Edward Street stands a childrens play area. To the east the land is steeply sloping and forms a highway embankment to the A474. To the west and at a lower level to the application site is a small industrial estate which comprises 8 units many of which are currently unoccupied and a scrap yard.

The application site has an existing planning permission for residential development (L1972/8065 and L1975/0357). As the planning history above shows, subsequent certificates of lawfulness (P2008/0505 and P2008/1508) have been issued on this site acknowledging that extant planning permission exists for residential development comprising 60 dwellings.

**Brief description of proposal:**

This application seeks full planning permission for a residential development comprising 57 dwellings with associated highway and drainage works on land at Brynmorgrug, Alltwen.

Members should be aware that this is effectively an amended layout to that previously approved under planning permission 72/8605. This new application relates to a re-plan for a mixture of detached and semi detached residential units.

The layout indicates that the development would be served off Edward Street and Brynmorgrug forming a loop arrangement which splits into one cul de sac in the north west corner of the site. Each dwelling will provide off street car parking on driveways and/or garages.

The dwellings are two-storey in design with a mix of 5 different house-types.

These are detailed as follows:

- (a) Windsor (16 number). This is a four bedroom two-storey dwelling comprising a lounge, W/C, kitchen/diner and integral garage at ground-floor together with four bedrooms (one en-suite) and a bathroom at first-floor level.
- (b) Shrewsbury (13 number). This is a four bedroom two-storey detached dwelling comprising a lounge, kitchen/diner, utility room, W/C and integral garage at ground-floor level, together with four bedrooms (one en-suite) and a bathroom at first-floor level.
- (c) Stratford (6 number). This is a four bedroom two-storey detached dwelling and single garage. The dwelling comprises a lounge, kitchen/diner and W/C at ground-floor together with four bedrooms (one en-suite) and a bathroom at first-floor level.
- (d) Warwick (8 number). This is a three bedroom two-storey detached dwelling and single garage. The dwelling comprises a lounge, kitchen/diner, kitchen, utility and W/C at ground-floor together with three bedrooms (one en-suite) and a bathroom at first-floor level.
- (e) Letchworth (14 number). This is a three bedroom two-storey semi detached dwelling and single garage. The dwelling comprises a lounge, kitchen/diner, W/C at ground-floor together with three bedrooms (one en-suite) and a bathroom at first-floor level.

In terms of the external finishing materials, the applicant proposes to use a mixture of roughcast render (white and ivory) and facing brick Ibstock Marlborough Stock, Ibstock Weston Red and Ibstock Leicester Red while all roof tiles will be either Forticrete Gemini tile (colour mixed russet) or Forticrete Gemini tile (colour slate grey)

A number of the properties have detached garages with a pitched roof design and finished in materials to match the dwellings. Sufficient curtilage parking will also be provided to serve the properties.

Within the site, it is proposed to erect a combination of 1.8 metre high close boarded fencing along the rear boundaries and between the individual gardens of the proposed dwellings. Where side boundaries front onto highways or shared driveways, it is proposed to erect a 1.8

metre high brick wall finished in the same materials as the dwellings. The front gardens within the site are to remain open plan. However, it is acknowledged that future occupiers may wish to enclose their front garden which has often been the case on other residential developments. This has led to the indiscriminate erection of a variety of means of enclosure which has caused considerable issues in relation to visual amenity and enforcement of planning control. As such it is considered that a suitably worded condition is imposed to require the approval of front means of enclosure which will provide future residents the ability to enclose their front gardens to an approved scheme which will ensure that there will be no detrimental effect on visual amenity.

In addition, the scheme also proposes the provision of five car parking bays at the entrance of the estate opposite the junction with Brynmorgrug.

### **Material Considerations:**

The main issues to be considered in the determination of the proposed development are the principle of the proposed development in this location; as well as the impact upon the character and appearance of the surrounding area; the residential amenity of the occupiers of the adjacent properties; the highway and pedestrian safety of the existing road network; the effect upon biodiversity quality of the application site, drainage within the immediate area and the impact upon contaminated land together with other issues raised by consultees.

### **Policy Context:**

#### **a. Other Policies**

#### **Planning Policy Wales (2011)**

The main thrust of Planning Policy Wales is to promote sustainable development by ensuring the planning system can provide for an adequate and continuous supply of land, available and suitable for development to meet the needs of society that is consistent with the overall sustainability principles.

In particular it seeks to promote resource efficient settlement patterns that minimise land take and urban sprawl, locate developments so as to minimise the demand for travel, ensure that all communities have good

quality housing for their needs, promote access to shopping, education, employment, health, community, leisure and sports facilities and open space.

Paragraph 9.3.1 states:

“New housing developments should be well integrated with and connected to the existing patterns of settlements.

In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality of design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas. “

Technical Advice Note 5 : Nature Conservation and Planning

Technical Advice Note 12 : Design

Technical Advice Note 18 :Transport

## **b. Local Policies**

### **Neath Port Talbot Deposit Development Plan**

Policy 5- Enhancement and protection of the built environment.

Policy 13- Sustainable transport.

Policy 14- Resist unacceptable impacts upon traffic and Highways

GC1- New buildings/structures and change of use.

H2 Housing Density

H4- Affordable housing.

T1- Location, layout and acceptability of new proposals.

T10- Parking.

ENV1 Development in the countryside

ENV5 Nature Conservation

ENV16 Contaminated Land

ENV17 Design

ENV29 Environmental Quality

### R03 Provision of open space to serve new residential development

#### **Supplementary Planning Guidance**

Affordable Housing (Revised April 2010)

Developer Contributions (July 2008)

Open Space ( July 2008)

In respect of the planning policy relevant to this particular development, the site is located outside of the H3 settlement limits. Notwithstanding this, it should be noted that the principle of a residential development on this site has already been established following the grant of full planning permission in 1972. As this is an extant consent, it is considered that this proposal is essentially for a re-plan of the site.

With regards to the UDP specifically, Policy H2 refers to housing density within the UDP. This states that:

“Proposals will generally be expected to achieve a density of 30 dwellings per hectare, and higher where the proposal is sited at or immediately adjacent to locations with good public transport accessibility such as town, district, village and local centres or in public transport corridors. In the interests of sustainability and to avoid the unnecessary loss of land to development, the Authority aims to ensure that the land taken by development is minimised (while recognising that the range of sites will need to provide a mix of housing types and sizes). Generally, the Authority will expect residential development proposals whether on previously developed land or green field sites to achieve a density of 30 dwellings per hectare (having excluded major distributor roads, schools, open spaces serving a wider area and significant landscape corridors, but including access roads within the site, private garden space, car parking areas, incidental open space, landscaping and children’s play areas). Higher density development will be expected within and adjacent to areas which are well located in terms of good public transport accessibility and existing centres and this should be reflected with regard to on site parking provision.”

In this particular case, the site provides 57 dwellings on an area of 2.5 hectares, however, approximately 0.5 hectares of land included within the

application site and situated between the existing properties in Brynmorgrug and Craig Road is steeply sloping and heavily wooded and does not easily lend itself to development. The exclusion of this area means that the density equates to 28.5 dwellings per hectare. Whilst a density of 30 dwellings per hectare is a minimum specified in the UDP it is considered that the proposed layout will result in the development of a site, the density and design of which is in accord with the broad thrust of the criteria within Policy H2 in addition to national guidance, and is also consistent with the density of development within the surrounding area.

### **EIA and AA Screening:**

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

### **Visual Amenity:**

The site is undeveloped and overgrown, the creation of a housing development upon it will significantly alter its character. However, the principle of developing this site for residential purposes has previously been agreed following the grant of full planning permission in 1972. Whilst the proposal will result in the introduction of new house-types, they will retain a similar scale and height as those previously approved. In addition, whilst the previously approved scheme included semi-detached properties, the new scheme is a mixture of semi detached and detached two storey properties, it is considered that as the surrounding area is characterised by a mix of house-types the proposal would not

result in an incongruous form of development.

In addition to the above, the use of a mixture of finishing materials which complement those which currently exist in the locality will further improve the overall appearance of the site and thus ensure that it is in keeping with the character and appearance of the existing dwellings in Brymorgrug which adjoin the site and the traditional houses within the surrounding area.

The north eastern section of the site will retain a wooded belt together with an area which is proposed to be ecologically managed and an area of landscaping is proposed at the entrance to the site off Edward Street which will assist in softening the appearance of the development

For the above reasons it is considered that the proposed layout and use of materials will improve the layout and final appearance of the development site and will ensure that it is in accordance with the character and appearance of the surrounding area.

### **Residential Amenity:**

Turning to residential amenity, the layout of the proposed dwellings ensures a satisfactory level of privacy and private amenity space for future occupiers with a minimum distance of 10 metres being provided between proposed side and front elevations. Having regard to overbearance and overlooking, the proposed plans indicate a separation distance of a minimum of 20 metres and a maximum of 25 metres between the rear elevations of the proposed dwellings on Plots 5 -14 and existing dwellings in Brynmorgrug which are situated adjacent to the southern boundary. Whilst it is acknowledged that this distance falls short of the desired separation distance of 21 metres between existing and proposed habitable room windows it is considered that this separation distance, the finished levels, together with the proposed boundary treatment will ensure that the proposal will not unacceptably overlook or overbear neighbouring properties. As a result the amenities of both existing and future residents will be safeguarded.

In terms of the northern boundary of the site, the side elevation of the proposed dwelling sited on plot 48 is located a distance of between 15 metres from the nearest property known as Crud yr Awel. However, this



property has no first floor windows on the side elevation and therefore will not result in unacceptable overlooking. Due to the separation distance it is considered sufficient to ensure that it will not unacceptably overbear or overshadow the residents within this property, hence their amenities will be safeguarded.

A number of the proposed dwellings have windows at first floor level on the side elevations. However, as these windows do not serve habitable rooms the privacy of both existing residents adjoining the site and proposed residents within the site will not be compromised. Furthermore, a suitably worded condition can be imposed on the consent requiring planning permission for any additional windows to be installed once the dwellings have been constructed which will ensure privacy is maintained.

Access to the site lies off both Brynmorgrug and Edward Street and it is accepted that there will be additional traffic generated from the development as a result. In addition, it is also accepted that during construction there will be a level of noise and disturbance created, albeit transient in nature. However, it is not considered that the location of these accesses or the traffic generated from the development once completed would have a significant impact which would warrant refusal in this case, taking into account the extant planning permission which exists on this site.

**Highway Safety (Access, Parking and Traffic flows):**

The Head of Engineering and Transport (Highways Section) has considered the impact of the development on the existing highway network and traffic generation together with the acceptability of the proposed layout of the development and offers no objection to the proposal, subject to the imposition of conditions.

It is therefore considered that the proposed development would be acceptable in terms of highway and pedestrian safety.

**Landscaping:**

With regards to landscaping there are a number of existing trees within the site that need to be felled in order to accommodate the proposed development. Of particular importance due to their visual amenity value is the bank of trees along the eastern boundary, these are proposed to be retained. However, it should be noted that replacement planting across the

site both within the plots and in the street scene will assist in mitigating loss of trees required to facilitate development.

A planting schedule has been submitted together with a layout plan indicating the siting of proposed landscaping. The scheme has been assessed by the Biodiversity Officer who has confirmed its acceptability in terms of the type of species proposed, it also demonstrates that the siting and type of planting proposed will soften the appearance of individual street scenes, adding depth and character to the overall site. However, the Head of Highways and Engineering (Highways) has raised a concern that the location of some of the proposed tree planting may impact on the integrity of the drainage system and proposed footways. Therefore, in order to ensure that a planting scheme fully addresses these concerns it is suggested that a suitably worded condition is imposed on the consent requiring the submission of a revised scheme.

**Contaminated Land:**

The Council's records show that the application site is located within an area of potential ground contamination. As a consequence the applicants submitted a Geotech Report in support of the application. The Council's Contaminated Land Officer considered the findings of the report and stated that it highlighted elevated Arsenic levels for residential use and requested the submission of a suitable remediation scheme which will break pollutant leakages between the contamination in the topsoil/ made ground and the site end users. A supplementary report has been provided by the applicant, and the Land Contamination Officer has agreed with the assessment and report conclusions regarding the level of arsenic and the testing carried out. As such it is recommended that a set of conditions is imposed requiring the submission of a remediation scheme, together with a verification scheme to demonstrate the effectiveness of the remediation works and to deal with unexpected contamination on the site. Therefore, it is considered that subject to these conditions the proposed development would address issues associated with ground contamination.

**Biodiversity:**

An ecological assessment and a reptile method statement have been submitted with the application.

The Assessment includes an extended Phase 1 Habitat Survey which identifies that the habitats which are present on the site include re-

colonising ground bracken, rush pasture and a wooded belt in the main, with some trees and scattered scrub together with areas of standing scrub and standing water. Ecological Surveys showed that there was no badger activity recorded on site. The site was seen to be used by both common and widespread bat species and recommendations are made to increase the roosting opportunities and connectivity to ensure suitable off-site foraging habitats in the local area are maintained. No amphibians were recorded.

Although a reptile survey was undertaken and indicated that no species were recorded, the Biodiversity Officer considered that the survey was not robust enough to rule out the presence of reptiles on the site. As a consequence, the applicant has submitted a Reptile Method Statement which has identified a large spoil mound in the south west of the application site which may provide hibernation opportunities for common reptile species. The statement includes a method for site clearance works, a capture and release programme together with an on-site receptor site. The Biodiversity Officer has considered this statement and has confirmed it is acceptable.

The development is not considered to pose a significant threat or adverse impact on the local ecology of the area subject to conditions and therefore accords with the requirements of Policy ENV5 and the advice contained within TAN 5

#### **Flood Risk and Drainage:**

There are no issues of flooding.

The applicant has submitted a drainage strategy to accompany the application which has been assessed by the Environment Agency and The Head of Engineering and Transport (Drainage) who have raised no objection to the proposed development subject to the imposition of conditions.

Welsh Water identified that there was a trunk / distribution water main that was crossing through the site. As they have the right to access this apparatus at all times, they suggest that the developer give consideration to the diversion of the water main. The applicant has confirmed that they would be willing to do this. Welsh Water also identified that there are

public sewers crossing part of the site. The application includes details of the diverted lengths of sewer and their associated easements.

As such, subject to the imposition of suitably worded conditions, it is considered that the proposed development would have no detrimental impact upon flood risk or the drainage facilities within the immediate area.

#### **Secure by Design:**

The Crime Prevention Advisor is generally in agreement with the proposed layout with all car parking being overlooked. Whilst it is not possible to incorporate all the recommendations of the Advisor, it is considered that the scheme is generally acceptable in terms of the principles of Secure by Design.

#### **Affordable Housing:**

With regards to the issue of affordable housing specifically, the developer would normally be required to provide a 20% housing provision, unless it can be demonstrated that it would render the site economically unviable. The developer has provided a viability assessment in order to identify development costs, income and profit. This information has been verified by the Authority's Estates Officer, who has confirmed that due to the current market value of the site and the economic climate, the development could not sustain the provision of affordable housing. As the financial evidence provided by the applicant has demonstrated that the requirements of this Policy cannot be met, this particular application will not be required to provide affordable units on site. Nevertheless, the developers will be required to sign a Section 106 Legal Agreement stating that if after one year, only a proportion of the approved dwellings have been constructed, the developer will be required to submit a new viability assessment and every 12 months thereafter until the whole site has been completed. This is to ensure that if the market changes during the course of the development, and the site becomes economically viable to provide affordable housing, there is a mechanism in which a financial contribution or on-site provision of affordable housing can be sought.

#### **Others (including objections):**

Issues raised with regards to increased traffic generation, congestion,

highway and pedestrian safety, visibility and use of Lon Hir has been considered by The Head of Engineering (Highways Section). It has been concluded that the proposed development would not, subject to conditions have a significant impact upon highway and pedestrian safety. With regard to the concerns over increases in traffic, it is accepted that the development would increase traffic, however, it is not considered that this raises any significant issues on the highway network which is capable of accommodating the additional vehicles associated with the development.

Demand for this type of development is dictated by the housing market.

The issue of impact on the character and appearance of the area has been addressed earlier in this report.

Disruption to wildlife and trees is inevitable, however as stated earlier in this report this is not to an extent that would be unacceptable subject to the required mitigation and tree re-planting being undertaken.

No planning applications have been received in respect of the industrial estate and waste management site which stand adjacent to the site. Therefore, this application can only be considered in relation to existing land uses.

A request for a public meeting which was held in January 2012 and organised by the local ward member has been fulfilled.

With regard to land ownership, the applicant has been requested to confirm whether the correct certificate of ownership which accompanies the planning application had been completed. As a consequence, the boundaries of the application site were amended from that originally submitted to only include land in their ownership. Ultimately it is the responsibility of the applicant to ensure the correct certificate of ownership has been completed. Nevertheless land ownership is not a material planning consideration.

As stated earlier in this report, 1.8 metre high fences are proposed along the rear boundary of each property.

The restriction on the use of fireworks by future occupiers of the

dwelling is not a material planning consideration in the determination of this application but would be a legal matter for the applicant to consider through the use of restrictive covenants.

The issue of noise has been addressed earlier in the report. In terms of development plan policy the site falls outside the existing settlement boundaries as defined in the adopted UDP. The site has not been put forward as a candidate site for the LDP. Nevertheless it must be acknowledged that the principle of residential development on this site has been approved as it benefits from extant planning permission.

With regard to the comments raised by the Neath Port Talbot Disability Network Group, the provision of an appropriately designed footpath crossover can be secured through the imposition of a condition. Details of the application are available on the Council's website and the Group has been informed of this. No further comments have been received.

With regards to the comments raised by Gwenda Thomas AM it is considered that these have been satisfactorily addressed above.

With regards to the comments raised by Cilybebyll Community Council the issue of the adequacy of the existing highway network has been assessed by The Head of Engineering and Transport (Highways) who has concluded that the provision of a new mini roundabout is not required. However, he has suggested that in order to assist the flow of traffic in the surrounding area a No Entry Except for Access Order should be implemented at the junction of Edward Street which can be secured by condition. The applicant has submitted a proposed drainage strategy which outlines how both foul and surface water will be dealt with, this has been assessed by The Environment Agency Wales, Welsh Water and The Head of Engineering and Transport (Drainage) all of which raise no objection to the proposal subject to the imposition of conditions.

### **Conclusion:**

Whilst the application site falls outside the defined settlement limits identified within the UDP, the extant planning permission which exists on this site is a material consideration in the determination of this application. As a consequence the principle of residential development is established therefore this application is considered to be a re-plan of a

previous permission. Therefore, the proposed development provides a sustainable, accessible and visually acceptable form of development which will not significantly impact upon the amenities of residents in adjoining properties, nor upon the character and visual amenity of the area as a whole. Furthermore, the development would not have a significant impact upon highway and pedestrian safety, nor upon existing services including foul and surface water discharges or ecological issues. Hence the proposed development would be in accordance with Policies GC1, ENV16, ENV17, T1, T10, H2, H4, ENV5, ENV29 and R03 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

**Recommendation:**

Approval, subject to the signing of a Section 106 agreement with the following heads of terms:

1. A financial contribution of £24,462 towards enhancement and/or provision of leisure facilities in the Cilybebyll Ward.
2. Following the grant of planning permission, if after one year only a portion of the approved dwellings have been constructed on site, the developer will be required to submit a new viability assessment for the undeveloped remainder of the site. If the new viability assessment shows that the remainder of the site is still considered to be economically non-viable, then the developer will be required to submit a new viability assessment every 12 months until construction has been completed on the whole of the site. If a new viability assessment is required for either the whole or part of the site, the assessment must be approved in writing by the Local Planning Authority before occupation can take place of any development not completed before the viability assessment requirement date. If an assessment demonstrates that the site is economically viable and provides a profit level that the Local Planning Authority considers to be in excess of what is reasonable profit, then 20% (or a percentage agreed between the Local Planning Authority and the developer) of the assessed dwellings will be provided as affordable housing on site or an equivalent financial contribution will be paid to the Local Planning Authority for the provision of off site affordable housing in accordance with the requirements of the Supplementary Planning Guidance

document entitled Affordable Housing and in accordance with an agreed programme of works.
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### **CONDITIONS;**

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

Reason

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

(2) Each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve 6 credits under category Ene1 if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guidance November 2010.

Reason

In the interests of Sustainability.

(3) No development of any dwelling hereby approved shall commence until details of a Code for Sustainable Homes ‘Design Stage’ assessment and related certification certifying that Code Level 3 and 6 Credits under Ene1 are achieved if the site was registered with a Code Assessor prior to 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guide April 2009, or Level 3 and 1 credit under category Ene1 of the code if the site was registered on or after 11th December 2010 in accordance with the requirements of Code for Sustainable Homes: Technical Guidance November 2010 have been achieved 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 otherwise agreed in writing by the Local Planning Authority.



## Reason

In the interests of Sustainability.

(4) No dwelling hereby approved shall be occupied until a Code for Sustainable Homes 'Post Construction Stage' assessment has been carried out in relation to it, and a Final Code Certificate has been issued for it certifying that Code Level 3 and 6 Credits under Ene1 have been achieved under Technical Guide April 2009, if the site was registered with a code assessor prior to 11th December 2010, or Level 3 plus 1 credit under Ene 1 are achieved if the site was registered with a code assessor either on or after the 11th December 2010 under the requirements of Code for Sustainable Homes Technical Guidance November 2010. The certificate shall be submitted to and approved in writing by the Local Planning Authority.

## Reason

In the interests of Sustainability.

(5) Prior to the commencement of work on site a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

## Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(6) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 5 shall be submitted to and agreed in writing with the Local Planning Authority.

## Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(7) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance

with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

(8) If any springs or ground water seepage are encountered on site work on that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.

#### Reason

To ensure the water is disposed of without overloading the drainage system.

(9) Other than as shown on Drawing 3929-15-06-110 Rev F , there must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority.

#### Reason

To ensure the satisfactory drainage of the site and protect adjacent properties.

(10) Prior to commencement of any work to construct the combined drainage system, details of the proposed hydrobrake including head/flow graphs, hydrobrake type size of outlet and confirmation of design flow as well as construction details of all storage tanks and storage crates, manholes

and all drainage construction details shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure discharge rates do not exceed those agreed

(11) Prior to commencement of development, a detailed scheme of the works required to extend the culvert adjacent to No 89 Brynmorgrug including the proposed new headwall shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented as approved.

Reason:

In the interests of adequate drainage.

(12) Notwithstanding the details shown on the Proposed Engineering Drawing 3929-15-06-110 Rev F Aco drains shall be placed at back of footway along all drives which fall out onto the highway. These aco drains shall not be connected into the highway drainage system and shall be retained thereafter.

Reason:

To ensure no surface water from the drives flows onto the highway

(13) No development shall take place to construct the road or dwellings until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

- (i) The parking of vehicles of site operatives and visitors.
- (ii) Loading and unloading of plant and materials.
- (iii) Storage of plant and materials used in constructing the development.
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- (v) Wheel washing facilities
- (vi) Measures to control the emission of dust and dirt during construction.

- (vii) A scheme for recycling/disposing of waste resulting from the construction works.

The approved Statement shall be adhered to throughout the construction period.

Reason

In the interests of highway safety.

(14) Unless otherwise agreed in writing, prior to commencement of any work to construct any dwellings the proposed site road shall be constructed in accordance with the approved plans up to and including basecourse level including drainage in accordance with a phasing scheme which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure no mud/debris is tracked onto the highway, in the interests of highway safety.

(15) Unless otherwise agreed in writing, within three months of the occupation of the last dwelling the proposed site road shall be lit and surfaced to wearing course in accordance with the approved plans.

Reason

In the interests of highway safety.

(16) Prior to occupation of any dwelling the off-street parking spaces associated with the dwellings and shown on Drawing 3929-15-04-02 Rev G titled Planning Layout shall be constructed and retained as such thereafter. The parking spaces (and for Plots 20 and 21, 40 to 45 and 48 and 49 the shared drives), shall be hardsurfaced in concrete, bitumen bound material or block paving to the levels shown on Drawing 3929-15-06-110 Rev F titled Proposed Engineering Layout and shall be retained as such thereafter.

Reason

To ensure adequate off-street parking is provided and retained thereafter.

(17) Unless otherwise agreed in writing prior to commencing any works on site to construct the highway a street lighting scheme from the northern boundary of 78 Edward Street and along the site roads shall be submitted to and approved in writing by the Local Planning Authority. The approved street lighting scheme shall be implemented as approved in accordance with the site phasing scheme required by condition 14.

Reason

In the interests of highway safety.

(18) Unless otherwise agreed in writing, prior to occupation of any dwelling a surfaced and lit footway shall be provided fronting the associated property and linking onto the public highway and shall be retained as such thereafter.

## Reason

In the interests of highway safety.

(19) Prior to first use of each drive hardstanding pedestrian vision splays measured at 2.4m by 2.4m behind back of footway each side of each drive/hardstanding are to be set out and retained thereafter so that nothing over 600mm in height above back of footway level is erected or allowed to grow within these areas.

## Reason

In the interests of highway safety.

(20) Unless otherwise agreed in writing by the Local Planning Authority no trees shall be planted within 2m of the back of footway unless a suitable root barrier is placed along the back of footway or adjacent to the storage crates or any surface water drain.

## Reason

To safeguard the integrity of the drainage system and footway.

(21) Notwithstanding the details shown on the approved plans and unless otherwise agreed in writing the footway adjacent to Plot 57 shall be extended by 10 metres.

## Reason

To provide a more suitable crossing point for pedestrians

(22) Unless otherwise agreed in writing and prior to commencement of any works to construct any dwellings with the exception of Plots 33-36 the first 60m of the extension of Edward Street north from No 78 including the junction improvements into Bryn Morgrug and new signage as required shall be completed up to and including wearing course with drainage, lighting and signing. This scheme shall include new markings and signage at the junction adjacent to 78 Edward Street and into Bryn Morgrug which shall first be submitted to and approved in writing by the Local Planning Authority prior to implementation.

#### Reason

To improve safety at the existing junctions which will see an increase in traffic and change in priorities.

(23) Unless otherwise agreed in writing and prior to occupation of any of the proposed dwellings a No Entry Except for Access Order and all appropriate signage shall be implemented at the junction into Edward Street.

#### Reason

In the interests of highway safety.

(24) The development shall not commence until a Method Statement detailing all the necessary pollution prevention measures for the site preparation and construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. All construction activities on the site shall be undertaken in accordance with the approved statement, subject to any amendments agreed in writing by the Local Planning Authority.

#### Reason

To prevent pollution of controlled waters.

(25) No development approved by this permission shall be commenced until a Waste Management Plan for the control, management, storage and disposal of demolition waste / excavated material has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be implemented as approved

#### Reason

To ensure sustainability principles are adopted during development and to prevent pollution of controlled waters.

(26) No development approved by this permission shall be commenced until the surface water management scheme as proposed by Healer Associates (letter ref: 3670/RJ/RJ / drawing No's SK110 & 3670\_EA\_01, Jan 2012) has



been implemented as approved. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority.

#### Reason

To prevent the increased risk of flooding and to prevent pollution to controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

(27) Foul water and surface water discharges must be drained separately from the site.

#### Reason

To protect the integrity of the public sewerage system

(28) No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

#### Reason

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

(29) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway, carriageway, shared driveway or footpath unless expressly authorised by this permission, other than those approved by condition 54.

#### Reason

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

(30) No garage shall be converted to residential use unless a scheme for replacement car parking has been submitted to and approved in writing by

the local planning authority The scheme shall be implemented prior to the commencement of any conversion works and shall provide for one additional car parking space for each space lost by any conversion works.

Reason

To ensure that adequate car parking provision is maintained within the curtilage of the dwelling in the interest of highway safety.

(31) 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 doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

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 additional windows, having regard to the particular layout and design of the estate.

(32) The approved development shall be finished in materials as specified on Drg No 3929-15-04-03 Rev A unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity, and clarity.

(33) Unless otherwise agreed in writing by the Local Planning Authority the dwellings shall be constructed in accordance with the finished floor levels as specified on Drawing No 3929-15-06-110 Rev F.

Reason

In the interest of the amenities of the area and to ensure a satisfactory street picture.

(34) All means of enclosure as indicated on Dwg. 3929-15-04-03 shall be erected as approved prior to the occupation of the associated residential unit unless otherwise agreed in writing and shall be retained and maintained as such thereafter.

Reason

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

(35) Notwithstanding the details on Drawing Nos 861.01 Rev B (Planting Plan Sheet 1 of 2 ) and 861.01 (Planting Plan Sheet 2 of 2) a scheme for landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

Reason

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

(36) The use of the garage shall be restricted to the garaging of private motor vehicles and uses incidental to the use of the associated dwellinghouse only and for no industrial, commercial or business use.

Reason

In the interests of amenity and to clarify the extent of this consent.

(37) Unless otherwise agreed in writing no part of the hereby approved buildings shall be constructed within 3 metres of either side of the centre line of the public sewer that crosses the site.

## Reason

To safeguard the integrity of the sewer as well as access to the apparatus.

(38) Surface water run-off from the proposed development shall be maintained so as not to include the risk of flooding downstream. Accordingly, the guidance contained in Planning Guidance (Wales) TAN 15 – Development and Flood Risk should be incorporated, wherever possible, into the development proposals.

## Reason

To protect adjacent properties

(39) Prior to commencement of any work to construct the highway full construction details of carriageway, footway, highway drainage, gulley's, manholes and the storage chamber shall be submitted to and approved in writing by the Local Planning Authority.

## Reason

To ensure all works are carried out to the appropriate specification.

(40) The Reptile Method Statement ( 5320 ) dated 8-2-12 shall be implemented as approved.

## Reason

In the interests of biodiversity.

(41) Prior to the commencement of development an Ecological Management Plan which shall include, but is not limited to the following:

- Details of the protection and management of the woodland belt;
- Wetland areas;
- Wildflower meadow areas;
- Schedule of works and subsequent monitoring

- Details of seed mixes to be sown which should contain wild species of British origin;
- Details of at least 5 bat boxes to be located on trees.
- Details of wood resulting from any tree felling is retained on site as a dead wood resource;
- Details of artificial nesting sites for birds

shall be implemented as approved.

Reason

In the interests of biodiversity.

(42) If the Oak tree identified in Para 5.3.5 of the Ecological Assessment is to be felled, all branches should be section felled, lowered carefully and left on the ground for a minimum of 24 hours to allow any wildlife, such as bats, to escape if present. If bats are discovered during the work, work should stop immediately and CCW should be contacted as a WAG licence may be required to continue.

Reason:

In the interests of biodiversity.

(43) Unless otherwise agreed in writing by the Local Planning Authority and prior to the commencement of development on any of the dwellings on Plots 18-21 (inc) a 7 metre wide buffer zone which shall be fenced off during construction shall be provided between the woodland and the rear boundaries of these properties.

Reason

In the interests of biodiversity.

(44) Prior to the commencement of development 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.

(45) Unless otherwise agreed in writing by the local planning authority, all retained trees that may be directly affected by the proposed development shall be adequately protected as specified in BS5837:2005 'Trees in relation to Construction' by the provision of root zone protection prior to any development taking place including any site clearance or ground works. These protective fences shall be retained during the construction phase of the development hereby approved.

Reason

In order to protect the long term health of the trees to be retained and to prevent storage of construction materials within the fenced area

(46) Unless otherwise agreed in writing by the Local Planning Authority, the recommendations in the Tree Survey, Categorisation and Constraints Report dated October 2011 must be followed at all times.

Reason

In the interests of visual amenity, ecology, public safety and to protect the future health and safety of the retained trees

(47) If any of the open space, outside the curtilage of any dwelling, is not to be formally adopted, prior to the occupation of the 39th dwelling, a scheme shall be submitted to and approved in writing by the Local Planning Authority for its long term management and maintenance.

Reason:

In the interests of amenity.

(48) Prior to the commencement of development a scheme for bat bricks to be incorporated into any buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented.

## Reason

In the interests of biodiversity.

(49) Notwithstanding the details shown on Drawing 3929-15-04-03 and unless otherwise agreed in writing a 1.8m high wall finished in facing brickwork shall be erected along the east (rear) and south boundary (side) of plots 18-21 prior to the occupation of the associated residential unit and shall be retained and maintained as such thereafter.

## Reason

To ensure that the woodland and associated wildlife is protected from damage and encroachment.

(50) Notwithstanding the submitted details on Drawing No. 3929-15-06-110 Rev F and prior to commencement of development on site a scheme for the provision of on street parking on the south eastern access road shall be submitted to and approved in writing with the Local Planning Authority. The scheme as approved shall be implemented prior to the occupation of any dwelling unless otherwise agreed in writing.

## Reason

In the interests of highway safety.

(51) Unless otherwise agreed in writing with the Local Planning Authority the proposed car parking area adjacent to the western boundary shall be laid out prior to the occupation of the first dwelling and retained and maintained thereafter.

## Reason

In the interests of highway safety.

(52) Unless otherwise agreed in writing and prior to the occupation of the first dwelling a scheme shall be submitted to and agreed in writing by the Local Planning Authority detailing all means of enclosure to be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway, carriageway, shared driveway

or footpath. Any means of enclosure shall be erected in accordance with the approved scheme.

Reason

In the interests of visual amenity.

(53) Unless otherwise agreed in writing with the Local Planning Authority, there shall be no use of secondary breaking equipment such as 'peckers' between 18.00 hrs and 08.00hrs Monday to Friday and all day Saturday and Sunday.

Reason

In the interests of residential amenity

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

Whilst the application site falls outside the defined settlement limits identified within the UDP, the extant planning permission which exists on this site is a material consideration in the determination of this application. As a consequence the principle of residential development is established therefore this application is considered to be a re-plan of a previous permission. Therefore, the proposed development provides a sustainable, accessible and visually acceptable form of development which will not significantly impact upon the amenities of residents in adjoining properties, nor upon the character and visual amenity of the area as a whole. Furthermore, the development would not have a significant impact upon highway and pedestrian safety, nor upon existing services including foul and surface water discharges or ecological issues. Hence the proposed development would be in accordance with Policies GC1, ENV16, ENV17, T1, T10, H2, H4, ENV5, ENV29 and R03 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.