

# PLANNING AND DEVELOPMENT CONTROL COMMITTEE

22<sup>ND</sup> APRIL 2014

## ENVIRONMENT SERVICES

### REPORT OF THE HEAD OF PLANNING – N. PEARCE

#### INDEX OF REPORT ITEMS

#### PART 1 – Doc.Code: PLANDEV-220414-REP-EN-NP

#### SECTION A – MATTERS FOR DECISION

#### 1. PLANNING APPLICATIONS RECOMMENDED FOR APPROVAL

1.1	APP NO: P/2012/1116	TYPE: Full Plans	Page Nos: 3-45	Wards Affected: Alltwen
PROPOSAL:	Application for demolition of existing scrap metal yard/buildings and adjacent dwelling/ancillary outbuildings, and construction of 56 dwellings including access, drainage and associated works (amended layout and house types received 02.04.14)			
LOCATION:	Graig Yr Awel and Industrial Unit, Lane From Lon Hir to Glyndole Farm, Gellinudd, Pontardawe, SA8 3DE			

#### 2. APPLICATION DEFERRED TO PLANNING (SITE VISITS) SUB COMMITTEE

(NOTE: to be read in conjunction with the minutes of the sub committee meeting)

2.1	APP NO: P/2014/104	TYPE: Full Plans	Page Nos: 46-71	Wards Affected: Briton Ferry East
PROPOSAL:	Residential development of 18 units comprising 8 x two-bed dwellings, 4 x three-bed dwellings and 2 blocks of three flats, plus associated engineering works.			
LOCATION:	Former Briton Ferry School, Heol Ynysmaerdy, Llansawel, Castell Nedd, SA11 2TL			

### 3. OTHER MAJOR ITEM: MYNYDD MARCHYWEL APPEAL

3.1	APP NO: P/2012/999	TYPE: Full Plans	Page Nos: 72-82	Wards Affected: Bryncoch North
PROPOSAL:	Erection of 5 wind turbines with a max blade tip height of 126.5m, control building, electricity sub station, transformers crane hard standings, 82m anemometry mast, improvements to access off A474, new bridge, upgrading of existing on site tracks and construction of new on site access tracks, underground electricity cables. Temporary construction compounds and two temporary 82m anemometry masts. Additional Information in respect of highways, hydrogeology, landscape, visual and ecological impacts Received 13-09-13			
LOCATION:	Mynydd Marchywel, Between Rhos & Cilfrew, Neath			

### SECTION B – MATTERS FOR INFORMATION

<b>4. APPEALS RECEIVED</b>	Page Nos: 83	Wards Affected: Glynneath Aberdulais
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<b>5. DELEGATED APPLICATIONS DETERMINED BETWEEN 25<sup>TH</sup> MARCH AND 11<sup>TH</sup> APRIL 2014</b>	Page Nos: 84-92	Wards Affected: All
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#### Human Rights Act

The Human Rights Act 1998 came into force on 2<sup>nd</sup> October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. Reports and recommendations to the Sub-Committee have been prepared in the light of the Council's obligations under the Act and with regard to the need for decisions to be informed by the principles of fair balance and non-discrimination.

#### Background Papers

The relevant background papers for each of the planning applications listed in sections 1 to 3 above are contained in the specific planning applications files and documents listed in Background Information in each individual report. The contact officer for the above applications is Nicola Pearce.

## SECTION A – MATTERS FOR DECISION

### 1. PLANNING APPLICATIONS RECOMMENDED FOR APPROVAL

<b><u>ITEM 1.1</u></b>	
<b><u>APPLICATION NO:</u> P/2012/1116</b>	<b><u>DATE:</u> 02/04/2014</b>
<b>PROPOSAL: Application for demolition of existing scrap metal yard/ buildings and adjacent dwelling/ancillary outbuildings, and construction of 56 dwellings including access, drainage and associated works (amended layout and house types received 02.04.14)</b>	
<b>LOCATION: GRAIG YR AWEL AND INDUSTRIAL UNIT, LANE FROM LON HIR TO GLYNDOLE FARM, GELLINUDD PONTARDAWE, SA8 3DE</b>	
<b>APPLICANT:</b>	<b>Redrow Homes</b>
<b>TYPE:</b>	<b>Full Plans</b>
<b>WARD:</b>	<b>Alltwen</b>

#### **Planning History:**

P2014/0321- Drainage infrastructure and sewerage pumping station- Application not determined.

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

25 neighbouring properties were consulted. The application was also advertised on site and in the press as a departure, major development and as affecting a public right of way.

To date 47 letters of objection (currently on file), a petition signed by 42 residents and a letter of support have been received. The main issues raised within the letters of objection and petition are summarised below:

1. There are existing problems with the sewerage and water drainage systems system, particularly sewer manhole on Lon Hi,. The sewer system needs upgrading or replacing before any further development is allowed. Sewerage would need a pumping station and join on to Lon Hir that already has overflow problem. Despite it being understood phase 1 of the Redrow development was to have a new sewage system, it is believed to be connected to the

existing drainage system which will cause problems.

2. Extra housing and reduced woodland will create added issues of water run off and contribute to flooding and add to pressure on the ageing drainage and sewerage systems in the area.
3. Design and access statement is inaccurate regarding access – Redrow believe the site is accessed from Edward street
4. None of the promised changes to the road infrastructure relating to phase 1 have taken place, the road from Lon Hir across towards Edward Street is now more dangerous than ever. When will the promised safety measures be addressed.
5. Urge planning officers to view this area for themselves to view the continuing infrastructure issues
6. Is there a section 106?
7. How will culvert behind plot 42 (Phase 1) be maintained. It is currently open, and on plans covered with turf and a drain entrance on the one side. Does this mean it will be filled in or made a concrete tunnel.
8. When will building work start
9. (Traffic along Lon Hir has increased, traffic survey carried out for report not accurate reflection of the situation as it was carried out for one day only and was not for the whole day, survey did not take into account already 57 houses being build (phase 1) which will add to the traffic problem. The content of this report is misleading and its findings inaccurate.
10. Not enough access points (only one) serving the site including the Brynmorgrug estate. If for any reason (such as a gas leak) there was a need to close off the entrance to Lon Hir it poses a real danger if there was an emergency anywhere in the area, i.e. for emergency services. When the 1972/4 consent was granted for the original 100+ houses of Brynmorgrug there were two roads in and out of this part of Alltwen (Dan y Graig). Now there is one.
11. Entrance into Lon Hir is dangerous, substandard, and inadequate to service 300+ houses with approximately 2 cars per dwelling, given the poor public transport availability, this could amount to around 600 vehicles entering and leaving the vicinity in the mornings and

- evenings for school or work. There is evidence upon the small pedestrian traffic island where the lorries have clipped, mounted and damaged the corner.
12. With just the existing traffic there are occasions mainly around school opening hours when traffic has to queue down Lon Hir to exit the area due to congestion caused by the school crossing on Graig Road.
  13. Lon Hir already has a high volume of traffic, problems with parking along it and there is no room for the big plant carrying lorries to turn at the end of the road near the industrial estate so they block traffic whilst unloading on Lon Hir. More houses mean more cars and more traffic. Proposal will lead to significant increase in both residents traffic and the many forms of service traffic (mail, goods deliveries, utility companies, refuse collection etc.) using already busy Lon Hir this will affect highway safety
  14. Several requests have been made regarding appropriate traffic alleviation measures to be taken (eg from Brynmorgrug to Graig Road and / or from the Southern end of Edward Street to Graig Road). The proposed development will only make traffic matters worse if no such measures are taken.
  15. Roads surrounding the site, including Lon Hir and from the end of Lon Hir to Brynmorgrug are already dangerous and are unfit to accommodate additional and the overall level of transport, due to its restrictive width, lack of passing provision and restricted visibility. At school times ( and peak times including people coming and going to work), owing to the lack of parking spaces on both sides of the street, it is even worse allowing only single traffic through and a tail back of vehicles onto the busy roundabout. There are three sharp bends (blind corners) from Lon Hir to Brynmorgrug creating a dangerous pedestrian crossing area (especially for children and the elderly) , lorries have to take the whole road to manoeuvre around, sometimes mounting the kerbs and grass verges and with the added traffic using the roads it is likely to cause accidents. Condition of roads has deteriorated since construction began on the current phase and with the current wet and cold weather the road surface will only deteriorate further and will therefore not be fit to safely cope with a substantial increase in traffic volume.
  16. Cumulative car increase from this and other developments in the area could be 300 cars plus service vehicles etc.
  17. Since widening of the road (Lon Hir) in the 1990's traffic flow increased tenfold

18. Currently, vehicles travel along Lon Hir on the wrong side of the road to avoid the 'speed bumps' as much as possible. This is dangerous and this situation will only deteriorate with additional traffic.
19. Edwards Street is one way for more than half of its length so all traffic going to and from the new estate must use Lon Hir unless Edwards Street becomes 2 way again which is doubtful.
20. Children attend Alltwen Primary School, and their road safety is going to be compromised further with additional traffic. Parking around Alltwen School is a major concern at the moment.
21. Houses will be in a cul-de-sac with single access exceeding the 300 dwellings that is advised.
22. Increased traffic due to the Redrow development is very dangerous for the children of the area as the additional traffic begins at 7am and continues throughout the day. As a consequence the road has eroded and also now suffers from several large potholes.
23. Illegal parking by contractors at the bottom of the hill forces pedestrians into the road and drivers to take to the wrong side of the road. The roads of this estate are not capable of sustaining this level of industrial traffic.
24. It is requested that NPTCBC enforce the agreement made with Redrow that they use the bottom entrance to their site only. Also that the roads are brought up to a respectable standard and vehicles immediately stop parking on or near bends, making renowned sharp corners even more dangerous.
25. Development would lead to added strain on an already overused residential road which balances on a bank. Road built on a bank and was not designed for increase in the volume of traffic that has been caused by the new development and would be put under further significant strain with any new proposed development.
26. Increased traffic in area already experienced and this (proposed development) has resulted in increased speed of traffic also. Current traffic calming measures are inadequate and has little impact in slowing traffic. I would support additional traffic calming. Lack of consideration and thought for the Safety of families living on Lon Hir, Edward Street, and Brynmorgrug
27. Lon Hir is a residential area and not conducive to access for construction site transport and plant with delays, disruption, nuisance, and mess being encountered by Lon Hir residents during the recent Redrow development in Brynmorgrug. Threat of rubble and waste falling off vehicles is not to be underestimated. This is already happening and is a major threat to cars parked on Lon Hir.

28. The small park at the bottom of Brynmorgrug, only suitable for pre-school children, would have to contend with more traffic and would be considered dangerous with the children in and out of the park. Area has a dearth of community facilities and current development does nothing to add to this. Development will lead to need for children of school age (probably 100-200) to have a healthy outdoor exercise / play area locally – area should be provided by the council, preferably at the southern end of the above area, relevant play equipment could be added in the future. This would help current lack of community facilities and reduce traffic problems as children would not need to be transported by car back and fore to play facilities outside the area.
29. New play area would enhance house prices in both the new and existing areas
30. Alltwen primary school is over populated with increasing class sizes, and further properties will only exaggerate this problem further. Concerns over general availability of places in local schools as a result of proposed development.
31. Council should request a comprehensive planning brief for whole the area which must include a new and separate access either off Graig Road or the A4067 below. Future proposals for development at end of Lon Hir should be considered in conjunction with this proposal, and the combined impacts, including highways impacts, considered together.
32. This and approved development may lead to Alltwen no longer being a village. Alltwen and Gellinudd will lose their community feeling, closeness and identity
33. 2/3 of the site outside settlement as set out in the UDP so on policy grounds should be refused. Allowing such development will set a dangerous precedent for future development proposals
34. Moving all the ground soil around could affect the water table and water courses.
35. Developments in Brynmorgrug have resulted in increased noise.
36. Hassle from phase Redrow Phase 1 sewerage in the playground, over drives etc. cars, vans and lorries parked along Brynmorgrug. Lorries up and down a residential street from early morning like a motorway. The road has been damaged. Children forced to walk on the road because of parking. Early morning working on Sundays on a number of occasions.
37. Trees and hedges will be taken down which have been in place for more than 30 years. Wildlife including badgers will be affected
38. Trees to be felled not growing on land owned by the applicant
39. Consultation not sufficient and decision should not be delegated

and go before committee and site visit.

40. Concern that access via track to Glyndole Farm is maintained
41. Only 1/3 of site is brownfield and in settlement (support development of this area). Another 1/3 may be allocated in settlement boundary, this is wrong as it is in countryside. Remaining 1/3 is in open countryside, dangerous precedent for future development in countryside. Developers' assertions this land should be development as it provides access incorrect as the brownfield area already has vehicle access to it and there is further brownfield land (adjacent industrial park) which is likely to become available for development. The land for access should only be used for access not dwellings.
42. Do not accept developers' assertions land not agricultural because the current occupier has parked a few scrap cars on it (which is currently illegal if done on a commercial basis)
43. Site is a long walk to local facilities, encourages use of private cars and public transport not available on Sundays
44. Number of new trees and hedges represents a big loss in terms of what is currently located on the site, this does not confirm to policy

In addition to the above objections one further representation was received from the occupants of Pen-y-Graig Fach, 81 Graig Road, Gellinudd who it is understood previously owned part of the land subject to this application. The occupants of this dwelling support the application and make a number of observations which are noted and summarised below:

1. Welsh Assembly has set out a requirement for additional houses in the area over and above what is included in the LDP
2. Area of land adjacent to the end of Lon Hir, which encompasses the Aladdin Factory, the metal recycling factory, the land included in the referenced planning application and also my land form an appropriate site for a development to suit the additional housing needs and is well above the flood plain of the Tawe River. I also understand that this site is the only one for quite some distance in both directions up and down the valley that is well above the flood plain.
3. Site is close to the local facilities in Pontardawe such as Tesco's, Lidl, Argos etc, the swimming pool, the leisure centre and other parks and walks
4. Aladdin Factory owners have submitted a planning application, which along with the above referenced one for Redrow Homes, would see the removal of both factories from the area. This would



be a major / scenic, environmental and noise benefit to those people living around the area. I support both applications.

5. I would also put forward my own land as a logical completion to the development, which would effectively fill in the corner of what would be a very positive development for Pontardawe.
6. Concerns raised by local residents relating to additional cars using Lon Hir and the constriction caused at the Graig Road end by people parking their cars on the road, could easily be eliminated by prudent use of double yellow lines to prevent cars parking on the road (restricting them to the parking bays provided).
7. I understand Lon Hir is indeed of a suitable size to support the development, however do appreciate the residents' concerns regarding the access along Lon Hir and that this is the only vehicular route in or out. I would therefore suggest an alternative route for a second access, which would be my driveway leading directly off the layby on Graig Road (though this would require the developer to purchase my entire property, not just the land at the bottom of the hill – next to the phase 2 development). My driveway already appears in part on the road maps (ordnance survey maps) as a road and the steepness of the road could be controlled by following the contours,

**Cilybebyll Community Council:** Objection and expresses the following concerns:

- Application site outside the area allocated within the Unitary Development Plan for development – should be refused as extension into rural area beyond current settlement limits
- Already traffic issues along Edward Street and Lon Hir, and particularly at the junction of Lon Hir with the Alltwen Roundabout, where a school is located. This proposal is bound to exacerbate those problems.
- No alternative emergency access available or deliverable
- No further development until a second access / egress can be identified and delivered
- Ecology not sufficiently addressed
- Concerns about surface water drainage, particularly given the topography and geology of the area, and the apparent need for attenuation

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

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

**Natural Resources Wales:** No objection, subject to the imposition of conditions.

**Biodiversity Unit:** No objection, subject to the imposition of conditions but raise concerns with regards to loss of woodland

**Welsh Water:** No Objection, subject to conditions.

**Contaminated Land:** 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):** Comments received in respect of affordable housing viability

**Crime Prevention Design Advisor:** Comments provided with regard to crime reduction and prevention.

**Neath Port Talbot Disability Network Action Group:** Comments provided on the accessibility of the scheme for persons of all abilities.

**Public rights of way (footpaths):** No objection subject to condition

**Forward planning (Planning Policy):** No formal response

**Building Regulations (Demolition):** Notified

**Trees (Arboricultural Officer):** No Objection

**Description of Site and its Surroundings:**

This application relates to land located to the north of Brynmorgrug, Alltwen. Alltwen is located approximately 0.5 miles north-east of Pontardawe Town Centre. The site has an overall area of 03.14 hectares and comprises a waste transfer facility (scrap metal yard), former paddock area and one existing dwelling (Graig Yr Awel). The existing dwelling and industrial area/ scrap yard will be demolished in order to accommodate the proposed development.

The application site is located to the north-east of Alltwn Gardens currently being developed by Redrow Homes for 57 dwellings. Alltwn Gardens is located to the north of Edward Street, Brynmorgrug Road and Alltwn Industrial Estate and was approved under planning application reference number P2011/0758.

The site topography is varied and undulating, but generally the site as a whole falls from south to the north. A significant level change is located between the residential property within the centre of the site and the lower industrial area to the east.

The northern boundary of the site is bound by the Nant Gell-Nedd River and an area of woodland. The site is also bound to the west by woodland, beyond which lies the A4067 at a lower level. The east of the site is bound by open countryside. The southern boundary of the site is defined by the existing Alltwn Industrial Estate and the Alltwn Gardens development currently under construction. A watercourse enclosed by woodland is located to the north forming a physical boundary to the proposed development.

Vehicular access to the site is proposed from the southern boundary via a link road leading from the Alltwn Gardens development, via Edward Street.

The site is only partly located within the settlement limit for the purpose of the Neath Port Talbot Unitary Development Plan (NPT UDP). The area of the proposed site located within settlement is the existing scrap metal yard including its associated buildings and hard surfaces.

Within the emerging LDP (deposit) the site as a whole is proposed to be allocated for residential development under policy H1/24, and located within the Pontardawe Spatial Area. As part of the LDP process the site has been fully assessed for sustainability and deliverability, and this is set out with the LDP Strategic Housing Site Assessment Report, August 2013.

**Brief description of proposal:**

This application seeks full planning permission for a residential development comprising 56 dwellings on land to the north of Brynmorgrug, Alltwn.

The application site generally 'horseshoe' in shape between Lon Hir, Edward Street, the Phase 1 development, and woodland areas following the embankment to the east of the A4067 highway. The proposed layout indicates that the development would be served off the existing Alltwen Gardens Phase 1 development with an estate road running through the site. A number of cul-de-sacs / shared drives are located off the main estate road and each dwelling will provide off street car parking on driveways and / or garages.

The proposed dwellings are two-storey in design and include link, detached and semi-detached house types with a mix of 4 different house-types.

These are detailed as follows:

- (a) Windsor - 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) Warwick - 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.
- (c) Oxford - This is a 4 bedroom, two storey detached dwelling with single integral garage. The dwelling comprises a lounge, kitchen / dining area and utility room at ground floor together with four bedrooms (1 en-suite) and a bathroom at first floor level.
- (d) Evesham – This is 2 bedroom link house. The dwelling has downstairs cloaks and laundry room, lounge dining room and bathroom.

In terms of the external materials, the applicant proposes the following:

**Brick finishes**

Main Brick – Ibstock Capital Brown Multi Stock and Ibstock Thakeham Red Multi

Detail Brick – Ibstock Parham Red Stock

**Render Finishes**

Rough Cast Render – Colour White and Ivory

**Roof Finishes**

Forticrete “Gemini” tile - Colour Mixed Russett

Forticrete “Gemini” tile - Colour Slat Grey

**Screen Wall Finishes**

Main Brick – Ibstock Capital Brown Multi Stock and Ibstock Thakeham Red Multi

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.

The site includes areas of landscaping where existing trees are to be retained on site, these areas are to be maintained by the developer, through a management company. In addition landscaping is provided throughout the site, and trees are to be planted within the front garden areas within the site provide character and soft landscaping to the public realm.

**Material Considerations:**

The main issues to be considered in the determination of the proposed development are the principle and suitability of the proposed development in this location in policy terms given that only a small section of the site is located within the recognised settlement limit; 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:**

National Policy

## **Planning Policy Wales (6<sup>th</sup> Edition 2014)**

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 Advise Note 5 : Nature Conservation and Planning

Technical Advice Note 12 : Design

Technical Advice Note 18 :Transport

### **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)

With regards to the NPT UDP specifically, Policy H2 refers to housing density. 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 56 dwellings on an area of 03.14 hectares equating to a density of 17.83 dwellings per hectare. However, approximately 0.5 hectares of land included within the application site is constrained by the presence of existing mature woodland, a stream and

existing drainage provision. This land does not therefore easily lend itself to development and its exclusion means that the density of the proposed development equates to 21.2 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 accordance with the broad thrust of the criteria within Policy H2 of the NPT UDP in addition to national guidance. It is also considered that the density achieved is consistent with that of development within the surrounding area, particularly at the Alltwen Gardens phase 1 site.

In respect of the prevailing planning policy and specifically in relation to the issue of settlement limits Members should be aware of the status of the site.

Only approximately one third of the site is located within the existing settlement boundary as defined in the UDP. This area is located to the west of the site and consists of an existing scrap yard and its associated buildings and hard standings. This part of the site is therefore in a location where the policy presumption is generally in favour of residential development subject to meeting certain criteria as set out in the UDP. The remaining two thirds (approximately) of the site are located outside the settlement limits for the purpose of the UDP where a policy presumption against residential development applies

The applicant has highlighted and members are advised that the emerging Local Development Plan (LDP) allocates a different status to the land when compared to the UDP. Whereas the UDP identifies only one third of the site (scrap yard) located within settlements, the Local Development Plan identifies that the whole site should be located within settlement limits, and under Policy H1/24 specifically allocates the site for residential development. However, it should be strongly emphasised that the LDP is an emerging document, is not yet adopted and has limited weight in terms of applicable planning policy.

In summary therefore, only approximately one third of the application site is located within the recognised settlement limit based on current adopted planning policy (UDP). Therefore given that approximately two thirds of the site is outside the defined settlement limit the scheme is contrary to the adopted Unitary Development Plan. Accordingly it is necessary to consider whether there are any material considerations which outweigh the presumption against granting permission.



The Strategic Housing Land Availability Assessment (SHLAA), undertaken by the Authority as part of the evidence base to be used in formulating its Local Development Plan (LDP) identifies and assesses potential sites for new housing development and the time frames for delivery of potential development. This is also the formalised means of assessing the five year housing land supply.

The Joint Housing land Availability Study 2014 presents the housing land supply for the area at the base date of 1<sup>st</sup> April 2013, with the appointed Inspector having concluded that the land supply figure for Neath Port Talbot stands at 2.6 years. Accordingly there is currently a shortfall of available housing land to deliver at least a rolling five year housing land supply.

Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies provides an agreed statement of residential land availability for development planning and development management purposes. Furthermore TAN 1 states “The results of the Joint Housing Land Availability Studies should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply **below the 5 year requirement**, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.”

The TAN also sets out the action to be taken in situations where an insufficient supply is identified. As stated above, the Council recognises that the land supply is below five years. In such instances, paragraph 5.1 of TAN 1 states that the LPA "must include a statement in the JHLA study outlining the measures it is taking to address the shortfall in housing land supply".

Having regard to the above, and specifically the absence of a 5-year supply of housing land, this development seeks to bring forward a site which is proposed for housing within the emerging LDP in advance of its adoption. Such ‘LDP sites’ have already been assessed in relation to their sustainability and deliverability, as part of a strategic site assessment, together with an extensive viability assessment to support the emerging LDP. These assessments demonstrate that the sites currently proposed to be allocated can deliver affordable housing and other contributions at the rates identified .

Notwithstanding the above, the Council's current housing land supply is not considered to override all other policy considerations including the sustainability, deliverability and viability of sites to provide for and address appropriate mitigation and contributions identified within these areas. Therefore to use TAN 1 housing supply as justification for advancement of this application, there would have to be a full consideration of the NPT CBC's LDP Strategic Housing Site Assessment Report, August 2013. Issues such as the need for affordable housing and other mitigating contributions are therefore relevant and valid considerations to consider in the determination of this type any application brought forward premature to the formal adoption of the LDP.

However, in this instance the applicant has demonstrated that the site is deliverable, can contribute to affordable housing (see following section of this report) and that there would be no demonstrable harm caused to any other material issues.

Accordingly, in this specific case it is considered that the development of this site would provide a deliverable and sustainable extension to the existing settlement, and that the development addresses not just the need for housing units, but also provides for those overarching issues set out within the emerging LDP to provide for and sustain existing communities. The provision of pedestrian linkages into the existing community, and the provision of a contribution to affordable housing addresses key issues identified for this site. As such it is considered that the Authority can support the delivery of this site prior to the adoption of the LDP, and as a departure to the existing development Plan.

#### **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:**

With regards to visual amenity, the proposed layout of the development is heavily influenced by the irregular shape of the application site and also the layout of phase one Alltwen Gardens that is currently under construction adjacent to the site.

The proposed layout has evolved through consultation with the applicant to include horizontal changes in the alignment of the principal roads that run from east to west, to ensure that traffic speeds are naturally calmed without the need for raised plateaus, apart from that located at the entrance of the site. These issues are compliant with the principles set out within Manual for streets, to ensure that car speeds in residential areas of this type are generally reduced to 20mph. Four shared driveways also spur out from the principal road. There would be one vehicular access to the site located towards the south boundary. This access point would be formed and lead directly from the phase 1 development. There would also be a footway link towards the west boundary of the application site, leading from the shared driveway serving plots 33 and 34 and adjoining a public right of way that runs towards Lon Hir. This ensures that the site provides an integrated extension of this settlement, that provides pedestrian links to the existing facilities within the wider community, therefore enabling the use of sustainable transport routes for walking and cycling.

The curved access road, sensitive siting of dwellings and varied building lines adds a sense of place and interest within the site, and provides a form of development that is consistent with that of the surrounding area. The retention of existing areas of trees within the site provide areas of mature landscaping, that will retain green corridors through the development, until the proposed planting matures. This will provide both visual amenity, and biodiversity value. Furthermore, within the context of the site and the surrounding area, the density of development is also considered appropriate and in accordance with policy H2 of the Neath Port Talbot Unitary Development Plan, which seeks to ensure developments make the best and most efficient use of land within sustainable locations. The site provides for 56 dwellings, and this exceeds that suggested within the LDP allocation.

There are 4 different variations of house type proposed which provides a variety and choice of housing types and also a varied street scene. All of these properties are two storey and generally have pitched roofs with a simple gable or hipped form. With a mix of building heights proposed there will be variety of eaves and ridge heights throughout the site which will add visual interest. It should be noted that the design of the proposed dwellings reflects and follows the general vernacular of the immediate area and particularly those dwellings currently under construction at phase 1. For example, it is noted that some of the house types approved under the phase 1 application are also replicated in this application.

The applicant has provided details of the proposed elevational treatments which are similar to other houses in the vicinity and are in keeping with existing built form in the area – and will particularly relate well to the adjoining Phase 1 site. It is therefore considered that the palette of materials proposed provides variety and interest at key plots on the site and is acceptable.

As such, it is considered that the size, design, siting and architectural detail of the proposed dwellings within the context of the application site and wider surrounding area would be appropriate.

Therefore, having considered the submitted layout, mix of house types, and the overall design of the scheme, it is considered that the proposed development would create an attractive place to live and provide an acceptable and sustainable extension to this existing settlement.

### **Residential Amenity:**

In respect of the impact upon the amenity of the occupiers of the proposed dwellings, together with the impact upon the amenities of existing residents, the main issues to consider are privacy and overlooking, together with any potentially unacceptable overbearing and overshadowing impact.

With respect to privacy and overlooking, the proposed development while offering good levels of natural surveillance of roads, generally maintains adequate distances between habitable room windows directly facing each other to ensure that there will be no unacceptable overlooking issues experienced by future occupiers of the proposed dwellings. Turning to the residential amenity of properties within the application site, the dwellings and plots vary in size and orientation and as is often the case in modern estate developments, there are varying degrees of mutual overlooking.

However, this is not unusual and in this case it is considered that there are no issues of direct intrusive overlooking

The site is bounded to the south by existing residential development (phase 1) which backs on to the application site. It is therefore also important to ensure that the amenities of the occupiers of these properties are not unacceptably impacted upon. In respect of the amenity of these established properties adjoining the site and specifically the issue of privacy and overlooking resulting from the proposed dwellings. Those properties most likely to be affected by the proposed development would be existing dwellings that back on to the site located to the rear of proposed plots 1-4, 37 – 46 and 47 – 53.

In respect of plots 1-4 adequate separation distances are achieved with a minimum distance of 21m maintained between the rear elevations of the proposed dwellings and existing properties constructed at phase 1.

Turning to plots 47 – 53, the majority (plots 49 – 52) of these plots also maintain a distance in excess of 21m between habitable room windows directly facing each other. However, the rear elevations of plots 47 and 48 are set approximately 12.5m away from existing properties constructed at phase 1. However, in this instance given that the windows look towards the side elevation of the existing properties only, it is considered that in this instance the separation distance is acceptable. Similarly, the side elevation of plot 53 faces the side elevation of an existing dwelling constructed under phase 1. However, as no side facing window is proposed to plot 53 it is considered that there will be no unacceptable overlooking issues resulting from a dwelling constructed at this plot.

In respect of proposed plots 37 to 46 a distance of in excess of 30m is maintained between the rear elevation of these properties and the existing properties constructed at phase 1. An existing wooded area is also present to the rear of plots 37 – 46 and provides screening from the rear windows of these plots.

It is therefore considered that the proposed development would not have an unacceptable impact upon the privacy and amenity of the adjacent residential properties and future occupiers of the proposed development. As a result the amenities of both existing and future residents will be safeguarded.

Turning to any potential overbearing and overshadowing impact it is not considered that the proposed development would have an unacceptable impact on the amenities of nearby residents. Proposed dwellings have been arranged and designed to minimise their impact on neighbouring properties and particularly those constructed at phase 1. Given the location of the existing residential properties in relation to the proposed development adequate separation distances are achieved and as such unacceptable overbearing or overshadowing impact avoided.

Traffic generated by the proposed development would pass through the approved new housing scheme at phase 1 and could result in some loss of amenity due to disturbance. However, it is considered that the comings and goings associated with the development, either during its development phase or subsequently would not lead to an unacceptable loss of amenity for existing residents. However, if consent were to be granted a condition could be imposed limiting the time when construction could take place, which would be necessary to adequately safeguard amenity during the construction phase.

It is therefore considered that the amenities of both existing and proposed residents would be safeguarded as a result of this development, and that the development would result in the loss of an existing industrial use that will further improve the amenity of residents within the area, through the loss of the associated traffic and amenity issues raised by this use.

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

As previously stated, vehicular access will be taken from Phase 1 of Alltwen Gardens, which connects to Alltwen via Brynmorgrug, Access has been provided at this location as this is the only access point available to the site. 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.

These include the retention of off street parking to serve the proposed dwelling, and the requirement for a construction management plan to ensure that the potential impacts during construction are minimised.

Having regard to the significant local representations on matters relating to access and highway safety, it should especially be noted that in terms of existing land use, part of the existing site currently comprises an

existing lawful commercial use in the form of a waste transfer facility (scrap yard). While it is understood that this development has now ceased operating, its lawful use could recommence at any time. This lawful use therefore has the potential to generate significant traffic and vehicular movements including HGV being drawn to a predominately residential area. The lawful use of the site therefore clearly has the potential to not only create nuisance to neighbouring dwellings arising from noise, smell and safety, but also significant and disruptive traffic generation, that could be at antisocial hours, in the late evening or early morning.

Although it is accepted that redevelopment of the wider site for 56 dwellings would still result in additional vehicle movements, and activity, this would be predominantly domestic in nature, in private cars that would be far less harmful to the amenity of neighbours than the existing lawful usage. The traffic would also be predominantly during social hours, and is unlikely to raise any significant issues over and above what can be normally associated with other residential properties.

As such removing this unsuitable industrial business from this predominately residential area would in the Authority's view result in betterment to the existing situation, removing a use that would normally be located in an area that is allocated for such uses, away from residential development.

It is acknowledged that highway safety concerns have been raised by a number of local objectors, including the adequacy of the traffic survey and an inaccurate reference to access being from Edward Street contained within the submitted Design and Access statement. Nevertheless, the Head of Engineering and Transport (Highways Section) has 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 and associated highway and pedestrian safety implications, 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.

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

**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. The Authority's Biodiversity Section has raised concerns in respect of this element of the proposed development. However, many of these trees are of low and medium quality as identified within the submitted tree survey. Despite the loss of these trees, the banks of trees to the rear of plots 37-46 are proposed to be retained. These trees are of particular importance due to their visual amenity value within the site and surrounding area. Furthermore, hedgebanks located to the north near the watercourse would be retained. The proposed development will also provide an opportunity to provide new street trees, shrub planting and open space. A condition can also be imposed requiring a management plan to be submitted for the woodland area adjacent to the site. The improvements to this woodland area will mitigate the loss of any trees as a result of the proposed development.

This 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, and by ensuring that the landscaping provide for native and wildlife friendly species, would promote biodiversity links into the wider open countryside beyond.

As such, subject to a condition requiring the submission of a landscaping scheme and planting schedule it is considered that the proposed development would be acceptable in terms of landscaping. It should also be noted that the authority's arboricultural officer has no objection to the proposed development and is satisfied with the content and recommendations of the submitted tree survey.

**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 Ground Conditions Desk Study report. The authority's contaminated land section reviewed this report and note that it recommends a Site Intrusive Investigation is required due to the potential likelihood of made ground to be present in the northern section of the development. As such, and as a Desk Study has already been provided the authority's land contamination section recommend a number of conditions to deal with the issue of land contamination.



Therefore, it is considered that subject to these conditions the proposed development would address issues associated with ground contamination.

**Biodiversity:**

An ecological assessment, dormouse mitigation and enhancement plan and bat survey has been submitted with the application.

The ecological report assesses the ecological interest of the site and wider study area as a whole. The importance of the habitats within the site is evaluated and the report identifies habitats of relative ecological importance with the site. The report identifies that only an inactive badger sett was present on site. In respect of bats, only limited activity was recorded within the site and wider study area during the bat activity survey comprising of common and widespread species. However, recommendations have been made to increase roosting opportunities within the site through the erection of bat boxes within the new development.

In respect of dormice, evidence from a nut search survey indicated Dormice presence at the site. As such, dormouse mitigation and enhancement plan was submitted and its findings and recommendations agreed by Natural Resources Wales. The report identifies that appropriate mitigation has been proposed to safeguard this species including sensitive vegetation clearance and management and enhancement of retained woodland.

Subject to the implementation of the mitigation measures which can be secured by planning condition it is considered that proposed development would not pose a significant threat or adverse impact on the local ecology and therefore accords with the requirements of Policy ENV5 and the advise contained within TAN 5.

**Flood Risk and Drainage:**

NRW offer no objection to the development, and the site is not located in an area of flood risk.

In respect of the wider drainage of this site, initially a drainage strategy was provided as a supporting document to the planning application. However, the applicant has had to re-visit the issue of drainage having

identified engineering difficulties, and associated costs issues, in accommodating the previously proposed sub-highway structures within the residential application site. As a result of these issues, the applicant has submitted a separate planning application (P2014/0321) to deal exclusively with foul and surface water drainage which is to be considered, and linked to this existing planning application for residential development. This application will therefore provide the surface water drainage provision for the proposed residential scheme on land directly adjacent to the residential development site.

The separate drainage application seeks permission for the development of a surface water attenuation feature, in the form of a drainage pond and related surface water drainage works.

In terms of foul sewage proposals, foul water is to be managed via a gravity system through the site, then to a new Type 3 Foul Pumping Station to the north west of the site. This will then be pumped back up through the site to an adopted foul sewer located near to the entrance that crosses the previous Phase 1 development.

The details within the associated application are yet to be formally approved by the Council, although in principle there are no objections to the approach being taken. The acceptability of this scheme, however, is dependent on such works (which fall within the 'blue line' for this application) being approved and implemented.

Accordingly, to secure the implementation of such works (in addition to other conditions) a Grampian condition is recommended requiring that the development shall not commence until a drainage scheme, and associated implementation plan (to cover what works are required at what stage of the development to mitigate any impacts) has been submitted to and agreed in writing by the Local Planning Authority. Subject to such condition, it is considered that the proposed development would have no detrimental impact upon flood risk or the drainage facilities within the immediate area.

### **Developer contributions / Affordable Housing**

Policy H4 of the Neath Port Talbot Unitary Development Plan refers to the requirement, where there is a proven need, to provide an element of affordable housing on sites. The Supplementary Planning Guidance entitled "Affordable Housing" requires the provision of affordable housing where residential development is proposed on sites of 3 or more.

As such, the developer would normally be required to provide 20% of units on site as affordable housing, unless it can be demonstrated that it would render the site economically unviable through the submission of a viability assessment, a procedure set out in the supplementary planning guidance referred to above.

The applicant submitted a viability assessment which has been assessed by the authority which shows that the site can not support the provision of affordable housing at a rate of 20%. As part of the evidence supporting the emerging Local Development Plan the authority has undertaken a strategic viability assessment which identifies the level of affordable housing provision that can be supported within defined spatial areas. This site is located in an area that can generally support affordable housing contribution of 5% of the Gross Development Value (GDV) of the development.

Based on the submitted viability assessment this figure amounts to £276,120, and the applicant has confirmed in writing that they are willing to enter into a Unilateral Undertaking to pay this to the Authority for the provision of affordable housing to be spent within this spatial area.

Whilst it is noted that requests have also been provided for monies towards open space / play facilities in the area the viability assessment has identified that the applicant can not provide any additional money over and above that provided for affordable housing. While this is regrettable, it is also noted that the LDP Strategic Housing Site Assessment Report (August 2013) undertaken as part of the LDP for this allocation does not identify any need to provide a contribution for open space and play, only that connections are provided into the existing community to allow access to existing facilities. The applicant has addressed this through the provision of a footpath link.

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

The Crime Prevention Advisor is generally in agreement with the proposed layout and it should be noted where possible car parking is overlooked. It is stated that preferably the footpath proposed in front of plots 32 and 33 would not be included. However, if the path is included it is stated that it should be at least 3 metres wide, straight, with no hiding places and lit. The path is overlooked by adjoining properties and is of a similar width to the existing footpaths within the site and allows for

improved linkages into the existing footpath in the area and as such is considered an important pedestrian route that will link this development into the wider area and nearby facilities. A need for this was identified as part of the LDP site selection process thereby, making the scheme more sustainable. 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.

**Others (including objections):**

As stated earlier in this report a number of objections and a petition were received following the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

In respect of the issues relating to local ecology and landscaping. 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.

In respect of trees to be felled not growing on land owned by the applicant, land ownership is not a material planning consideration and as such this is a private matter between the two interested parties.

Concerning noise impacts from developments in Brynmorgrug, while it could be anticipated that there will be some noise and disturbance during the construction phase of the development, it is considered that this is temporary in nature and would not be to an extent that would be unacceptable.

In respect of the issues raised concerning community facilities and play areas. In this instance, and having regard to the viability issues raised in the report, it is considered that the area benefits from sufficient amenity space including an existing play area adjacent to the site. Furthermore, the neighbouring town of Pontardawe has a wide range of community facilities which would be available for use by future residents of the proposed development.

Turning to the issues raised that suggest that indicates there may not be available places in local schools, it is advised that the Education Department have confirmed that there are surplus places in all schools in Alltwen and are not oversubscribed. Accordingly no payments are required in respect of Education provision.

In response to the issues raised concerning foul and surface water drainage, including the culvert behind plot 42 of the phase 1 development. This matter has been dealt with in detail earlier in this report. It should be noted that some of the issues raised are pre-existing which the proposed development will not necessarily exacerbate. Furthermore, Welsh Water has no objection to the proposed development subject to conditions. Conditions will be imposed requiring further details if the drainage regime to be agreed.

In respect of the concern that access via track to Glyndole Farm is maintained. Given that this is a private access track this matter is a private matter between interested parties. However, it is understood that the applicant has provided re-assurances to the owner of the access track that it will be maintained.

In respect of the issues raised in relation to the publicity of the application and particularly its timing and extent. The publicity of the application was carried out in accordance with the Town & Country Planning (Development Management Procedure) (Wales) Order 2012. It should be noted that letters were sent to adjoining properties, site notices were displayed within the vicinity of the site and the application advertised in the press. Accordingly, the statutory publicity requirements have been met.

With regard to the issue of whether the application will be put before planning committee. It should be noted that the application has been called to planning committee and as such will not be determined under delegated arrangements. Furthermore, the issues of whether the application will be deferred for a site visit is a matter for the planning committee to determine.

In respect of the statement that the proposed development may result in Alltwen losing its status as being a village and loss of community feeling, closeness and identity. No evidence has been provided to support this statement. However, it is considered that given the limited size of the proposed development there will be no significant impact in this respect.

In respect of the issues raised concerning disruption caused by the development, Whilst there may be some noise and pollution associated with the construction phase, it is not considered that the disruption and disturbance to the local residents would be to an unacceptable level or over and above that would be normally expected from a development of this type. It should be noted that disruption would be for a temporary

period only during construction.

In respect of the statement indicating that comprehensive planning brief for the whole area should be considered with a new and separate access either off Graig Road or the A4067 below. The local authority can only consider the planning application before them and as such are not in a position to consider the possibility and implications of such a proposal.

Turning to the issues raised stating that the promised road infrastructure changes relating to phase 1 have not taken place. This issue relates to a previous planning application and as such can not be considered in the determination of this current application. It should however be noted that there will be a legal agreement for the in respect of issues relating to affordable housing and management of open space area and drainage infrastructure.

In respect of the request for planning officers to visit the application site. It is confirmed that officers have visited the site and made detailed assessments.

In respect of the issue of when building works will commence. The applicant has 5 years to commence the development, however it is not possible for the LPA to confirm when the actual start date for construction may be.

In respect of the stability of roads built on banks that the proposed development would utilise. The LPA are not aware of any issues in this respect and it should be noted that The Head of Engineering and Transport (Highways Section) have no objection to the proposed development.

With regard to the comments raised by the Neath Port Talbot Disability Network Group, these comments are noted and will be provided to the applicant. It is considered that many of these matters can be addressed as part of the detailed Building Regulations approvals for the site, which are outside of planning control.

With regards to the comments raised by Cilybebyll Community Council the issues raised predominately concern planning policy, highway and pedestrian safety, ecology implications and drainage. All of these issues have been addressed previously in the report when it was considered that there would be no unacceptable impact subject to the imposition of suitable conditions.

**Conclusion:**

Whilst it is accepted that this development is a departure to the current development plan (UDP), due to the current housing land supply situation (TAN1) as set out in the forgoing report together with its current allocation within the Deposit LDP, it is considered that the delivery of this site can be supported premature to the adoption of the LDP. In particular, it is considered that the site is sustainable and provides a suitable extension to the existing settlement boundaries which also provides for necessary affordable housing provision within the area. In addition, the scheme secures the removal of an existing 'bad neighbour' use within this residential area that has in the past resulted in highway and pedestrian safety concerns and amenity issues.

Having regard to the above, it is thus concluded that the proposed development would represent an acceptable and appropriate development, which, while being contrary to the Unitary Development Plan, would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and would have no adverse impact upon highway and pedestrian safety over.

**Recommendation:**

That subject to the signing of a legal agreement to secure the provision of £276,120 for the provision of affordable housing within the Pontardawe spatial area and a management company for dealing with open space, landscaping, drainage infrastructure and associated infrastructure that lie outside the curtilage of any individual property the application is APPROVED subject to the following 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 development hereby approved shall be finished in materials as specified within the submitted design and access statement (update 2, dated April 2014) and drawing number PON2-15-04-03 unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and clarity.

(3) Unless otherwise agreed in writing by the Local Planning Authority, prior to the commencement of the construction of any dwellings, details of the finished floor levels of all dwellings shall be submitted to, and approved in writing by the local planning authority. The development shall be completed in accordance with these agreed levels unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

(4) Unless authorised by any condition of this permission, all means of enclosure as indicated on drawing number PON2-15-04-03 shall be erected as approved prior to the occupation of the associated residential unit unless otherwise agreed in writing by the local planning authority 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.

(5) Unless otherwise agreed in writing by the local planning authority, prior to occupation of the dwelling(s) hereby permitted, an artificial nesting site for birds shall be erected on the dwellings 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) Unless otherwise agreed in writing by the local planning authority, where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site [or other identified part] in respect of which this permission is hereby granted, no



works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority.

Reason

In the interest of Biodiversity

(7) Unless otherwise agreed in writing by the local planning authority, the recommendations in the 'Treescene' tree survey dated 5th November 2012 shall 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

(8) The mitigation measures including all planting proposals set out in the detailed drawing 'Dormouse Mitigation and Enhancement Plan' and the revised Method Statement entitled 'Phase 2 Alltwn Gardens, Pontardawe Bat Report', both dated June 2013 and conducted by Ecology Solutions shall be implemented and completed prior to occupation of any dwelling and retained and maintained as such thereafter.

Reason

In the interests of the ecology of the area and to protect dormouse and bat habitat

(9) Unless otherwise agreed in writing by the local planning authority, all retained trees that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

In order to protect the long term health of the trees to be retained.

(10) All works must be carried out in accordance with British Standards 5837:2012 "Trees In Relation to design, demolition and construction-Recommendations".

Reason

To protect the existing trees present on the site

(11) Unless otherwise agreed in writing by the Local Planning Authority, with the exception of plots 1-13, no development shall commence until a management plan (including schemes of protection and enhancement) for the woodland within the area of land outlined in blue on drawing number PON2-15-04-02 has been submitted to and approved in writing by the local planning authority. The plan shall be implemented as approved.

Reason

To enhance the existing woodland and in order to offset the loss of trees at the development site

(12) Unless otherwise agreed in writing with the Local Planning Authority, prior to clearance of any reptile suitable habitat a method statement for dealing with any reptiles on site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include details of the method and timing of the removal of the materials on the site and specify the intended site for relocation of any reptiles found. The measures proposed within the method statement shall be implemented in accordance with an agreed programme of works.

Reason

In the interest of Biodiversity (Reptiles are afforded protection by the Wildlife and Countryside Act (as amended 1981)).

(13) The Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Natural Resources Wales 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.

(14) Any invasive non-native plant species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) shall be eradicated in accordance with the relevant Natural Resources Wales Code of Practice.

Reason

In the interests of amenity and biodiversity

(15) Prior to first beneficial occupation of any of the dwellings hereby approved, a scheme for landscaping 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.

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

Reason

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

(17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (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.

(18) The use of garages 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.

(19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or

any order revoking and re-enacting that Order with or without modification) 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 authorised by any condition of this permission, and detailed on the approved plans.

Reason

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

(20) Unless otherwise agreed in writing by the local planning authority and notwithstanding the submitted plans / information, prior to the commencement of the construction of any retaining wall, full details including calculations, specifications, materials and landscaping scheme for any retaining structures that may be required and a detailed method statement detailing how the works are to be carried out shall be submitted to and approved in writing by the Local Planning Authority. Any retaining wall shall be constructed in accordance with the agreed details.

Reason:

In the interests of public safety.

(21) Unless otherwise agreed in writing by the Local Planning Authority, no construction activity or any delivery related to implementation of the development hereby approved shall take place outside the hours of 07:00 and 19:00 from Monday to Friday inclusive, 08:00 to midday on Saturdays, and at any time on a Sunday or a public holiday.

Reason

In the interest of residential amenity

(22) Foul water and surface water discharges shall be drained separately from the site.

Reason

To protect the integrity of the public sewerage system.

(23) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(24) Unless otherwise agreed in writing by the Local Planning Authority, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason

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

(25) No development shall commence until such time as a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, together with an implementation plan identifying the phasing of such works, has been approved in writing by the local planning authority and such works have been implemented in accordance with the agreed phasing/implementation plan.

Reason

Given that the proposed drainage solution on land outside of the application site boundary is yet to be formally approved (and requires separate planning permission), and to reduce the risk of pollution to controlled waters and prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal for the development.

(26) The public right of way FP8 shall be protected at all times and any damage caused to the right of way shall be rectified to the satisfaction of this authority.

Reason

To protect the public right of way and in the interest of clarity

(27) Unless otherwise agreed in writing by the Local Planning Authority, 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.

(28) Unless otherwise agreed in writing by the Local Planning Authority, 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.

(29) Unless otherwise agreed in writing, 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.

(30) Unless otherwise agreed in writing by the Local Planning authority, a minimum buffer strip of 3 metres shall remain undisturbed between any development activity and the top of the bank of any watercourse on site. The buffer zone shall be without structures, hard standings, footpaths, fences or overhanging development such as balconies and should not include domestic gardens or formal landscaping.

Reason

Development that encroaches on a watercourse has a potentially severe impact on its ecological value.

(31) Unless otherwise agreed in writing by the Local Planning Authority, no development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority. The pollution prevention measures shall be implemented and carried out as approved by this condition.

Reason

Prevention of pollution

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

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

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land,

neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(33) Unless otherwise agreed in writing by the Local Planning Authority, no development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

#### Reason

Contamination is strongly suspected at the site due to its previous use as a waste recycling facility and previous industrial use of the site.

(34) Unless otherwise agreed in writing by the Local Planning Authority, no occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and



maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

#### Reason

To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

(35) Unless otherwise agreed in writing by the Local Planning Authority, no development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

(36) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

#### Reason

It is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated

(37) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### Reason

There is the potential for the land to be contaminated, from its previous industrial uses and infiltration of surface water may mobilise contaminants and pose a risk to the Nant Gelli Nedd.

(38) Unless otherwise agreed in writing by The Local Planning Authority, prior to work commencing on the construction of any dwelling a scheme for all internal roads and the proposed access road from Edward Street scale 1:200 detailing:-

- a. Longitudinal and vertical carriageway alignment.
- b. Cross section every 20 metres.
- c. Surface water drainage proposals including gully and manhole positions, pipe sizes and gradients and discharge rates at green field run-off.
- d. Street lighting proposals.

Shall be submitted to and approved in writing by the local planning authority. This scheme as approved shall be implemented prior to the occupation of any dwelling.

#### Reason

In the interests of highway and pedestrian safety

(39) Prior to occupation of any dwelling the roads and footways servicing the associated dwelling along the frontage of the property and linking into the existing public highway at Edward Street, shall be hard surfaced to binder course level and provided with surface water drainage and lit.

#### Reason

In the interests of highway and pedestrian safety

(40) No development shall take place to construct the road of dwellings until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved

statement shall be adhered to throughout the construction period. The statement shall provide for:-

- a. The parking of vehicles of site operatives and visitors.
- b. Loading and unloading of plant materials.
- c. Storage of plant and machinery used in constructing the development.
- d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e. Wheel washing facilities.
- f. Measures to control the emission of dust and dirt during construction.
- g. A scheme for recycling/disposing of waste resulting from the construction works.

Reason

In the interests of highway and pedestrian safety

(41) Prior to commencement of work on any highway retaining walls, construction details of these walls along with structural calculations for any highway retaining walls over 1.5 metres in height shall be submitted to and approved in writing to the local planning authority. The retaining walls shall be constructed as agreed.

Reason

In the interest of highway and pedestrian safety

(42) Prior to occupation each associated dwellings the off street parking spaces as shown on drawing number PON2-15-04-02 shall be provided on site and shall be retained open and free for such use thereafter.

Reason

In the interest of highway and pedestrian safety

(43) Prior to occupation, each drive way shall be surfaced in porous material, or provision must be made to direct run-off water from the hard surface to a permeable porous area or surface within the curtilage of the dwelling and must be permanently maintained so that it continues to comply with the above requirements.

Reason

In the interest of highway and pedestrian safety

(44) Prior to occupation of the last dwelling all estate roads and footways shall be completed with surface course, drainage, lighting and road markings.

Reason

In the interest of highway and pedestrian safety

(45) No garage shall be converted to residential use unless a scheme for replacement car parking has been submitted and approved in writing by the local planning authority. The scheme shall be implemented prior to commencement of any conversion works and shall provide for one additional car parking space for each space lost by any garage conversion.

Reason

In the interest of highway and pedestrian safety

(46) Unless otherwise agreed in writing with the local planning authority, notwithstanding the details shown on the landscaping proposals no trees shall be planted within the footway or within 2 metres of the back of footway and unless a suitable root barrier is placed along the back of footway and maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety

(47) Notwithstanding the submitted plan all drives (including shared drives) shall have a gradient not exceeding 1 in 9, each drive must have an unobstructed pedestrian vision splay of 2.4m by 2.4m (behind footway) which must be under the control of the drive owner with nothing over 600 mm in height above back of footway level erected or allowed to grow within these area.

Reason

In the interest of highway and pedestrian safety

(48) Any gates fronting onto the highway shall be of a type which open inwards only, can be seen through and maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety

(49) Unless otherwise agreed in writing by the local planning authority, and notwithstanding the submitted details, all single garages shall have a minimum internal dimension of 3 metres width by 6 metres length or 6 metres width by 6 metre length for a double garage.

Reason

In the interest of highway and pedestrian safety

(50) Prior to occupation of any of the dwellings hereby approved, a full lighting scheme to mitigate any impacts on protected species, for the development shall be submitted to and approved in writing by the local

planning authority. The development shall be carried out in accordance with the approved scheme.

Reason

In the interests of the ecology of the area

(51) During the construction of the development the developer shall be responsible to monitor and make good any damage which may occur to the carriageway of Edward Street.

Reason

In the interest of highways and pedestrian safety

## 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 it is accepted that this development is a departure to the current development plan (1), due to the current housing land supply situation (TAN1) as set out in the forgoing report together with its current allocation within the Deposit LDP, it is considered that the delivery of this site can be supported premature to the adoption of the LDP. In particular, it is considered that the site is sustainable and provides a suitable extension to the existing settlement boundaries which also provides for necessary affordable housing provision within the area. In addition, the scheme secures the removal of an existing 'bad neighbour' use within this residential area that has in the past resulted in highway and pedestrian safety concerns and amenity issues.

Having regard to the above, it is thus concluded that the proposed development would represent an acceptable and appropriate development, which, while being contrary to the Unitary development Plan, would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and would have no adverse impact upon highway and pedestrian safety.

**2. APPLICATION DEFERRED TO PLANNING (SITE VISITS)  
SUB COMMITTEE**

**(NOTE: to be read in conjunction with the minutes of the sub committee meeting)**

<b><u>ITEM 2.1</u></b>	
<b><u>APPLICATION NO:</u> P/2014/104</b>	<b><u>DATE:</u> 25/02/2014</b>
<b>PROPOSAL: Residential development of 18 units comprising 8 x two-bed dwellings, 4 x three-bed dwellings and 2 blocks of three flats, plus associated engineering works.</b>	
<b>LOCATION: Former Briton Ferry School, Heol Ynysymaerdy, Llansawel, Castell Nedd, SA11 2TL</b>	
<b>APPLICANT:</b>	<b>Mr Jonathan Hale</b>
<b>TYPE:</b>	<b>Full Plans</b>
<b>WARD:</b>	<b>Briton Ferry East</b>

**Background Information:**

Cllr C Morgan requested on 14/03/14 that the application be determined via Development Control Planning Committee, due to the potential impact on highway safety and the drainage network.

Following the Development Control Planning Committee, the application was **DEFERRED FOR A SITE VISIT**, to allow Members to assess the impact of the development upon highway safety and the drainage network.

**Planning History:**

78/0189	Toilet Block	Approved	25/05/78
05/1119	New demountable classroom building	Approved	11/08/05
08/0966	Outline application for residential development	Approved	23/12/08
10/0111	Demolition of school buildings and erection of a 35 bedroom nursing home (Class C2) and six dwellings	Undetermined	-
13/0831	Prior notification for the demolition of the former swimming pool and classroom.	Prior Approval Not Required	14/10/13

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

1 neighbouring property was consulted and site notices were displayed on site. The application was also advertised in the Local Press. 17 letters of objection were received, which are summarised as follows:

- (1) The size of the development is too large, and will create major traffic problems on Ynysmaerdy Road. The number of units means that an extra 30-40 vehicles will be using this site, more if there are over 2 cars per house, plus visitors. The majority of these vehicles will be turning right onto an already heavily congested and fast road.
- (2) Jersey Park is opposite the site and is well used by young and old people. If this development goes ahead, there will be three ways to look when crossing the road, which is an accident waiting to happen.
- (3) There is no provision on the application site for visitors parking, so if they park on the entry road it could deny access for emergency vehicles.
- (4) Ynysmaerdy Road is the main artery into the park, cemetery, bowls, cricket and rugby club. It is often overflowing with parked cars on both sides and utilised by driving schools. As such, visibility for traffic exiting the development is going to be significantly impeded.
- (5) The area is a nightmare for parking at the moment, as the parking signs were taken away when the lamp posts were replaced.
- (6) It is understood that planning was refused a few years ago for other housing in the vicinity because of traffic volume.
- (7) Has anyone from the Planning Office visited the site at 8.15/8.30am? Traffic is high due to people from Cimla trying to beat the Lodge traffic lights.
- (8) Traffic. Justification for the original development was on the basis that provided parking would reduce the amount of roadside parking on Heol Ynysmaerdy. This appeared a valid justification given that the school only operated in the daytime. However, the change in the development means that there is likely to be a population of working age, which means there would be high traffic volumes during peak times such as before and after work.
- (9) The planning application states that “in an attempt to reduce car usage the dwellings will be provided with an area where a home office could be set up”. There is nothing on the floor plans to suggest this. A YouGov poll found that only 12.83% of UK employees work mainly from home, the majority of which are senior positions. It seems unlikely that Housing Association tenants will fall into this category and as such the provision of home office space would have little or no

- impact on traffic.
- (10) Two parking spaces are allocated to each property. However, it is reasonable to assume that each family could have 4 cars if older children also have cars. Where will the additional vehicles park, in addition to visitors?
  - (11) In heavy rain, Ynysmaerdy Road often floods within overflow water from the culvert in Manor Way, exiting in Ynysmaerdy Lane and Ormond Street. Will this water now flow into the development and cause flooding? What about future maintenance for the culvert?
  - (12) Drainage/sewerage appears to go into a sewer which has to be 150 years old and caused problems in the past. Has this been considered? The existing sewers appear to be at capacity without additional strain on them.
  - (13) Who are Gwalia going to house in the new development? Will all residents be vetted? It is understood that the people to be housed in them would come from a social background, and there are concerns that this could lead to drinking, drugs, thefts and anti-social behaviour.
  - (14) There is going to be a drop in property values in the area.
  - (15) The current privacy to the rear of the properties along Ormond Street is going to be massively invaded. Will a wall be erected so there is no access for the proposed residents to use the lane?
  - (16) Why was the original application for this site allowed to expire without any further progress being made? The original application was primarily to provide residential accommodation for the local ageing population. There are concerns that the proposed plans will result in tenants with no local connection or interest in the community.
  - (17) Please explain why planning permission was approved nearly three years ago but was never implemented, and why the site has been left derelict for so long, and why the Council has wasted public money leaving the site derelict for over 3½ years? Was the original application purely to establish an approved precedent before moving to the true objection of this new application?
  - (18) Gwalia Housing state the need for more affordable housing, yet a search on their website shows that there at least 55 properties available in the immediate area and 400 properties in a 10 mile radius. Surely this shows doubt in the justification for this development?
  - (19) Please advise why a notification letter was sent to 38 Ynysmaerdy Road, as this has been unoccupied for at least 2 years.
  - (20) Why was the community not notified of this big change coming to the neighbourhood? There was no letter notification of the application and the date by which objections needed to be made.



- (21) The local school (Cwrt Sart) is to be closed as is the local library and the GP surgery moved. The impact on these services on the elderly would be minimal. However, on a development of younger people with young families, this could have a larger impact.
- (22) Layout and density of buildings. The building density both in terms of building numbers and footprint appears significantly increased. Increased density will result in increased light pollution and noise, which could be detrimental to the local community. The spaces on which the development is proposed could have been used more wisely. Also, high building density leads to reduced areas of foliage, which acts as a natural drainage barrier.
- (23) Noise. Increased density and numbers of buildings will increase the amount of noise pollution. The different profile of residents expected (i.e. younger than the previous scheme) would also increase noise.
- (24) Design, appearance and materials. The original application stated that the nursing home would be constructed of traditional materials such as facing brick and render. Now it seems that there is no longer a need for facing brick, and concrete render is proposed. This is an unacceptable cost cutting measure that will be detrimental to the appearance and atmosphere of the local environment.
- (25) Concerns were raised by Neath Port Talbot Disability Network Action Group regarding all inclusive access including pedestrian crossings, tactile paving, internal accesses and ramps.
- (26) Drainage and increased pressure on the drainage system from the proposed development.
- (27) Traffic and parking. Concerns with parking along Ynysmaerdy Road and Ormond Street, especially during sporting event or funerals, and restricted vision splays due to parked cars.
- (28) Residential amenity and privacy.
- (29) Concerns that the application is being reported to Committee shortly after the end of the consultation period, with insufficient time to consider the concerns of the objectors.

Briton Ferry Town Council: No reply, therefore no observations to make.

Head of Education: No reply, therefore no observations to make.

Biodiversity Unit: No objection, subject to conditions.

Welsh Water: No objection, subject to conditions.

Head of Parks and Leisure: Requires a commuted sum of £7,727.88 for

development and maintenance of outdoor leisure facilities within the Briton Ferry East Area.

Head of Housing: No reply, therefore no observations to make.

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

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

Play Development Officer: No objection, subject to the provision of a commuted sum for development and maintenance of outdoor leisure facilities within Jersey Park.

Natural Resources Wales: No objection.

Crime Prevention Officer: No objection.

**Description of Site and its Surroundings:**

The application site is located on land on the site of the former Briton Ferry Special School, off Ynysmaerdy Road, Briton Ferry.

The application site is a predominantly rectangular-shaped parcel of land approximately 0.41 hectares in area in total. It measures an average of 39m wide by 117m in depth. It is mostly flat in profile, but is set at a lower level than Ynysmaerdy Road, with sloped access ramp onto it.

The site was formerly occupied by a special school, but this has been demolished and the site cleared to allow re-development of the site. It is bounded by allotment gardens to the north, sports/playing fields to the east, Ynysmaerdy Road to the south and residential dwellings to the west. Pedestrian and vehicle access is off Ynysmaerdy Road.

The site is located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP).

**Brief Description of Proposal:**

This application seeks full planning permission for the construction of a residential development of 18 units comprising 8 x two-bed dwellings, 4

x three-bed dwellings and 2 blocks of three flats, plus associated engineering works.

The proposed development comprises a mixture of two and three bedroom dwellings (both semi-detached and detached), together with two block of flats (two-storey). The main house types proposed are detailed as follows:

**Plots 1 & 2.** These are three-bedroom semi-detached dwellings, each measuring 5.9m wide by 9.7m in depth and a height of 8.2m to ridge level. They are designed with gable-ended ridged roofs with feature gable on the front elevation, plus canopy around the entrance door. Windows are proposed on the front and rear elevations only. Each dwelling would be provided with a kitchen, lounge, W/C and store to ground-floor, with three-bedrooms, bathroom, store and airing-cupboard to first-floor.

**Plots 3-8.** These are two-bedroom semi-detached dwellings, each measuring 7.7m wide by 6.3m in depth and a height of 7.8m to ridge level. They are designed with gable-ended ridged roofs with feature gable on the front elevation, plus canopy around the entrance door. Windows are proposed on the front and rear elevations only. Each dwelling would be provided with a kitchen, W/C, store and living room to ground-floor with two-bedrooms, bathroom and airing-cupboard to first-floor. The non-habitable bathroom and landing windows are proposed to the first-floor rear elevation.

**Plot 9.** This is a three-bedroom semi-independent living unit at ground-floor, with 2 x one-bedroom flats at first-floor. This unit will measure 23.3m wide by 11.5m in depth and would reach a height of 7.9m to ridge level. It is designed with a gable-ended ridged roof with overhanging roof element and three gabled dormer windows and velux roof light to the front elevation, a single-storey element to the side elevation, and asymmetric roof to the rear elevation. Windows are proposed on three elevations only. The proposal would provide assisted living accommodation, including carer's facility, at ground-floor level, together with two self-contained flats at first-floor level. It is intended that the property will accommodate 3 individuals with a physical disability on the ground floor, and 2 individuals who do not have a physical disability and with low-level support needs in the upper floor.

**Plot 10.** This is a three-bedroom semi-independent living unit at ground-floor, with 2 x one-bedroom flats at first-floor. This unit will measure

21.6m wide by 11.5m in depth and will reach a height of 7.9m to ridge level. It is designed with a gable-ended ridged roof with overhanging roof element and three gabled dormer windows and velux roof light to the front elevation, and asymmetric roof to the rear elevation. Windows are proposed on all four elevations. The proposal would provide assisted living accommodation, including carer's facility, at ground-floor level, together with two self-contained flats at first-floor level. It is intended that the property will accommodate 3 individuals with a physical disability on the ground floor, and 2 individuals who do not have a physical disability and with low-level support needs in the upper floor.

**Plots 11 & 14.** These are three-bedroom detached dwellings. Each dwelling measures 8.5m wide by 6.5m in depth and a height of 7.3m to ridge level. They are designed with gable-ended ridged roofs with feature canopy around the entrance door. Windows are proposed on three elevations only. Each dwelling would be provided with a kitchen, dining room, lounge, W/C and store to ground-floor, with three-bedrooms, bathroom, store and airing-cupboard to first-floor. The first-floor bedroom window to the front elevation of Plot 11 is proposed to be obscurely glazed.

**Plots 12 & 13.** These are two-bedroom semi-detached dwellings. Each dwelling measures 7.7m wide by 6.3m in depth and a height of 7.8m to ridge level. They are designed with gable-ended ridged roofs with feature gable the front elevation, plus canopy around the entrance door. Windows are proposed on three elevations only. Each dwelling would be provided with a kitchen, lounge, W/C and store to ground-floor, with two-bedrooms, bathroom, store and airing-cupboard to first-floor. The non-habitable bathroom and landing windows are proposed to the first-floor rear elevation. However, the first-floor bedroom window to the front elevation of Plot 12 is proposed to be obscurely glazed.

Each property would be provided with off-street car parking. Each dwelling would have driveway parking for two vehicles, with Plots 9-10 having four off-street parking spaces per unit to serve 1 disabled vehicle for each unit, with the remainder for carer's and visitors.

The applicant has indicated that the whole development would be affordable houses for a Registered Social Landlord (Gwalia Housing). However, the flats will be managed by First Choice Housing Association on behalf of Gwalia Housing.

The applicant has submitted details of the proposed external materials as

follows:-

Roofs: Marley Modern Concrete Tiles (smooth grey colour).

Render: Parex BL10 through coloured render (white).

Brickwork (damp proof course and features on Plots 9-10): Edenhall Rutland (red colour).

In respect of proposed means of enclosures, the developer has submitted a detailed scheme in support of the application. This specifies a new 2m high close boarded fence around the perimeter of the site, with 1.8m high close boarded fencing around car parking bays and the garden area of Number 38 Ynysmaerdy Road. Finally, 1.2m high dividing fencing will be provided between the rear gardens of properties. Due to the change in levels between the application site and Ynysmaerdy Road, retaining walls are proposed around Plots 1-2 and 14 respectively. However, no specific heights have been specified.

Finally in respect of drainage, it should be noted that foul water is proposed to be connected into the existing main system to the rear of Plot 6, while highway/surface water will be attenuated (via tanks and hydro-brakes) for discharge into the existing sewer to the rear of Plot 6. Private surface water for the dwellings is proposed to connect into a soakaway system.

#### **EIA Screening/Scoping Opinion & Habitat Regulations:**

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application.

#### **Material Considerations:**

The main issues for consideration concern the principle of residential development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

#### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

GC1 New Buildings/Structures and Changes of Use

ENV17 Design

T1 Location, Layout and Accessibility of New Proposals

- H2 Housing Density
- H3 Infill and Windfall Development within Settlement Limits
- ENV5 Nature Conservation
- RO3 Provision of Open Space to Serve New Residential Developments

Technical Advice Note (TAN) 22: Sustainable Buildings (2010).

Affordable Housing Supplementary Planning Guidance.

As the application site is located within the settlement limits defined by Policy H3 in the UDP, the principle of a residential development at this location is generally acceptable, provided there are no overriding highway, amenity or service objections.

With regards to Policy H2 of the UDP specifically, this refers to housing density. It 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 is concerned 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 18 dwelling units on an area of 0.41 hectares, which equates to 43.9 dwellings per hectare. As this exceeds the 30 dwellings per hectare 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 accordance with the broad thrust of the criteria within Policy H2, in addition to national guidance.

It should be noted that the Play Development Officer has identified there is a shortfall in play opportunities within the local area. As such, and in accordance with Policy RO3, a financial contribution of £7,727.88 would be required for the development and maintenance of outdoor leisure facilities within the Briton Ferry East Area. This would need to form part of a Section 106 legal agreement with the following Heads of Terms:

- (1) Prior to the commencement of development, a payment of £7,727.88 will be provided to the Local Planning Authority for the development and maintenance of outdoor leisure facilities within the Briton Ferry East Area.

With regards to the issue of affordable housing, although this application would exceed the threshold in the Affordable Housing SPG, it should be noted that the development would be undertaken by Hale Construction on behalf of Gwalia, who are a Registered Social Landlord. While the scheme has Housing Strategy's Strategic Support and proposes 100% affordable housing, it does not currently feature within the Social Housing Grant Programme. As such, (and given that the applicant is Hale Construction rather than Gwalia) it recommended that the Head of Terms of the Section 106 Agreement include the following, in the interest of clarity, and to ensure the scheme is retained as 100% in perpetuity:

- (2) The development, as approved under application P2014/0104, shall be for the provision of 100% Affordable Housing only, and retained in perpetuity as such thereafter.

In respect of Code for Sustainable Homes and TAN 22, the applicant has provided a pre-assessment to demonstrate that the proposed dwelling would reach the required Code Level 3 and achieve 1 credit under category Ene1. Suitably worded conditions will be imposed on the permission, should it be granted, requiring a design stage assessment and related certification, together with a post construction stage assessment and a final code certificate indicating the levels achieved.

### **Visual Amenity:**

In respect of the siting and design of the proposed dwellings, it should be noted that the application site would be considered a brownfield site. Whilst it is acknowledged that the majority of properties in the local area are terraced, it is considered that the layout, design and materials of the proposed units would form a development of its own character, and would complement the existing neighbouring properties. As such, it is considered the overall development would not have a detrimental impact

upon the character and appearance of the surrounding area and would be acceptable in terms of visual amenity. Nevertheless, due to the fact that submitted means of enclosure details do not adequately specify the heights and finish of the retaining walls around 1-2 and 14, a comprehensive scheme will be conditioned as part of the application for subsequent approval.

**Residential Amenity:**

In respect of potential overbearing and overshadowing issues, it should be noted that the application site is bounded by allotments and a sports ground to the north and east respectively. The nearest dwellings are therefore located on the western boundary. Nevertheless, it has been calculated that Plot 9 would be located a minimum distance of 16.4m from the rear of the dwellings along Ormond Street. Furthermore, Plot 1 would be located over 3.4m from the side of Number 38 Ynysmaerdy Road, with a similar total height (albeit with a 0.42m higher floor level). It is therefore considered that the siting and finished levels of the overall development would not create any unacceptable overbearing or overshadowing issues on both the existing neighbouring residents, and potential future occupiers.

Turning to potential overlooking issues, it should be noted that the main impact of the development relates to the existing dwellings along Ormond Street and Ynysmaerdy Road, as there are allotments to the north of the site and a sports ground to the east. However, as there is a minimum separation distance of 22m between Plots 3-8 and the rear of the dwelling along Ormond Street, and the dwellings are designed so that the first-floor rear facing window are non-habitable rooms (so will be conditioned to be obscurely glazed), plus the ground-floor would be screened by the proposed 2m close-boarded boundary fence, it is considered that this element of the proposal would not create any unacceptable overlooking issues. To ensure that adequate overlooking separation distances are retained between Plots 3-8 and the dwellings along Ormond Street, 'Permitted Development' rights for extensions and dormer extensions will be removed from these properties.

In respect of Plot 9, it should be noted that this would not have any side facing windows on the western side facing elevation, so would not create any overlooking issues with neighbouring residents. With regards to Plot 1, given the fact there would be no side-facing windows on the proposed dwelling, and the fact it would be located adjacent to the pine-end of Number 38, it is considered that the proposed dwelling would not create



any unacceptable overlooking issues. Whilst it is acknowledged that there are side facing windows on the rear wing of Number 38 (at both ground and first-floor), it is considered that the location of these windows would look at the blank side elevation of Plot 1, with angled views of the rear gardens area of Plots 1-2 only. As such, this element of the proposed scheme is considered acceptable. It should also be noted that the siting of Plot 1 is predominantly the same as the scheme previously recommended for approval under application P2010/0111, and as such, would have the same relationship with Number 38.

Turning to potential overlooking issues within the development, it should be noted that the only potential issues relates to Plots 5-6 and 11, and 3-4 and 12-13 respectively. Whilst there is a separation distance of 12m between these dwellings, which is below the usual distance within the Authority's Household Design Guidelines, as the ground-floor window would be separated by the access road, It is considered that this distance would be acceptable in terms of potential overlooking. With regards to first-floor windows and as previously stated in the report, the first-floor bedroom window to the front of Plots 11 and 12 would be obscurely glazed, with secondary window to the side elevations. As the remainder of the windows would be off-set at angles from one another (with the exception of Plots 3-12), it is also considered that these would not create any unacceptable overlooking issues. Whilst the smaller bedroom window of Plot 3 would be sited opposite the smaller bedroom of Plot 12, given the constraints of the site in terms of it width and proximity to Ormond Street, it is considered that the layout of the properties could not be amended. As this is a new build site and the windows would be 'new build to new build' a relaxation of the guidelines would be acceptable in this instance, especially as refusal of the application could not be justified in this particular ground.

It is therefore considered that the overall proposed development would be acceptable in terms of residential amenity.

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

It is noted that the floor area of the proposed dwellings would measure less than 120m<sup>2</sup>. As such, each dwelling will be provided with the required driveway parking for two vehicles, whilst Plots 9-10 will be provided with 8 spaces in total for resident's disabled vehicles, plus carer's and visitors parking. It should also be noted that the development will be served by an adequate turning area for larger vehicles (such as a refuse lorry) together with a suitable access off Ynysmaerdy Road for a

development of this size, together with the necessary vision splays and junction protection markings. As the Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions, it is therefore considered that the proposed layout, access and parking arrangements would be acceptable in terms of highway and pedestrian safety, and there is also sufficient capacity within the highway network to accommodate a development of this size. It should also be noted that conditions will be imposed on the application to ensure that all construction traffic accesses the site via Ynysmaerdy Road only, and all future occupiers of the dwellings should access the site off Ynysmaerdy Road or the new access road only, and not via the rear to the rear of Ormond Street.

**Landscaping and Ecology (including trees & Protected Species):**

With regards to biodiversity, it should be noted that there are currently no particular landscaping features on the site. Under the previous Prior Notification application for the demolition (P2013/0831), the Biodiversity Officer noted that historically the former school buildings supported a large maternity bat colony. However, since the school was abandoned, bat use of the site dwindled, which was confirmed by a number of bat surveys where either no bats were confirmed, or very low numbers in the locality. As such, a Welsh Government license was not required for the demolition. Nevertheless, due to the fact that bats have been identified in the locality, which are a European Protected Species, it will be conditioned as part of the application, if approved, that the new dwellings are provided with bat bricks, to ensure that suitable roosting opportunities are provided. It is therefore considered that the proposed scheme is acceptable in terms of biodiversity.

In respect of landscaping of the site, as no specific details have been provided in support of the application, it will be conditioned as part of the application that a landscaping scheme is submitted for subsequent approval, to ensure the finished scheme is acceptable in terms of visual amenity and biodiversity.

**Flooding and Drainage:**

In respect of the proposed drainage of the site, it should be noted that a detailed drainage scheme was submitted in support of this application. However, the Head of Engineering and Transport (Drainage Section) requires some further information regarding the technical aspects of the submitted scheme. Nevertheless, they offer no objection to the principle

of the development, subject to conditions. As the Head of Engineering and Transport (Drainage Section) and Welsh Water both offer no objection to the proposed development, subject to conditions, the principle of the development is considered acceptable in terms of drainage.

Although the site has been identified in a Zone B flood zone, given this is the very small section of the north-east corner of the site a Flood Consequences Assessment would not be required in this instance. As Natural Resources Wales offer no objection to the proposed development, it is therefore considered acceptable in terms of flooding.

**Pollution (air and ground):**

Not Applicable.

**Others (including objections):**

In response to the 17 letters of objection received, the following comments are made:

- In respect of the size and density of the proposed development, and use of land, it should be noted that the density of the proposed development at 43.9 dwellings per hectare would exceed the minimum threshold of 30 dwellings per hectare minimum specified in the UDP. As such, it would be considered a sustainable use of land, and would be in accordance with the broad thrust of the criteria within Policy H2, in addition to national guidance.
- With regards to the concerns relating to the highways safety issues, plus traffic and parking problems, it should be noted that these have been addressed previously in the report. As the Head of Engineering and Transport (Highway Section) offers no objection to the proposed development, subject to conditions, it is therefore considered that the proposed layout, access and parking arrangements would be acceptable in terms of highway and pedestrian safety, and would meet the necessary regulations. Furthermore, there would be sufficient capacity within the highway network to accommodate a development of this size. It should be noted that officers from the Planning Section and Highway Section have undertaken site visits during various time throughout the day.
- In respect of visitors parking, and the concerns that they could deny

access for emergency vehicles, it should be noted that there is no formal provision for visitors parking. However, it is considered that there is sufficient space within the development for visitor parking, without having a detrimental impact on Ynysmaerdy Road. Furthermore, it will be conditioned as part of the application, if approved, that junction protection markings are provided around the new junction, to limit potential indiscriminate parking.

- Turning to the issue that the parking signs were taken away when the lamp posts were replaced, it should be noted that this is not a material planning consideration for this application. However, the matter has been referred to the Street-Care Section for further investigation.
- With regards to the concern that planning was refused a few years ago for other housing in the vicinity because of traffic volume, it is unclear which site or application is referred to. As such, further comments cannot be provided on this matter.
- In respect of the comments that Housing Association tenants are unlikely to work from home, it should be noted that this is not a material planning consideration as planning permission would be granted for a dwellinghouse (Class C3). The impact upon the highway network has been addressed previously in the report.
- With regards to the comments that there is an under provision of parking within the site, as each house could have more than 2 cars, it should be noted that the current Parking Guidelines are based on the floor-areas of the proposed dwellings. As the proposed development would comply with the necessary guidelines, the parking provision is considered acceptable. Furthermore, as these are maximum standards, additional parking could not be requested as this could not be substantiated at appeal.
- Turning to the comments regarding flooding, it should be noted that the existing culvert in Manor Way would remain unaffected by the proposed development, including any future maintenance. As previously stated in the report, the drainage of the site is planned to connect into the combined sewer. As Welsh Water, Natural Resources Wales and the Head of Engineering and Transport (Highways Section) offer no objection to the principle of the drainage for the proposed scheme, subject to conditions, the scheme is considered acceptable in terms of drainage.

- In respect of the capacity of the proposed sewer connection, this has been assessed by Welsh Water who offers no objection, subject to a total discharge rate of 10 litres per second.
- Turning to the concerns regarding the future occupiers of the dwellings, it should be noted that the dwellings would fall under Use Class C3 of the Town and Country Planning Use Class Order 1987 regardless of the tenure or whether they are rented out or owner occupied. The fact that they would be for a Housing Association would not be a material planning consideration. Nevertheless, the matter was raised with Gwalia, who have stated that *“the properties will be rented and let to families who have applied through Gwalia’s normal procedures. This will include people who have applied directly to Gwalia or through the Local Authority (as a proportion of the units will be subject to a nominations agreement). Applications from either source are checked to confirm the identity of people who apply and appropriate checks made to consider any previous tenancy issues. Gwalia is committed to providing high quality homes for people and managing our properties and tenancies thoroughly in the interests of our customers and the wider community. In addition, we have a specialist tenancy management team”*.
- In respect of noise issues, it should be noted that the proposed use would be residential, and the site is located in a predominantly residential area, which is considered acceptable. If any noise issues arise in the future, it would be a matter for the Environmental Health Section. Furthermore, if there is any anti-social behaviour this would be a matter for the Police.
- With regards to the comments that the proposed development would result in a drop in property values in the area, it should be noted that this is not a material planning point, so cannot be taken into consideration when determining this application.
- Turning to the comments relating to the privacy to the rear of the properties along Ormond Street, the submitted means of enclosure details that a 2m high close boarded fence will be erected around the perimeter of the site. Nevertheless, it will be conditioned as part of the application, if approved, that a comprehensive means of enclosure scheme is submitted for approval. This should include a solid enclosure around the perimeter of the site. It should also be noted that

conditions will be imposed on the application to ensure that there is no access to the site off the lane to the rear of Ormond Street.

- In respect of the comments that the previous application (P2010/0111) was allowed to expire without any further progress being made, it should be noted that this permission was recommended for approval, but the planning permission was never formally issued. This was because it has been on hold waiting for a Section 106 legal agreement to be signed. As such, the permission has not expired. The site has remained un-developed as there was no planning permission in place for its re-development.
- With regards to the need for the development, it should be noted that the Local Housing Market Study undertaken by the Authority has identified there is a shortfall in housing in the County Borough. As such, there is a need for the development. Furthermore, there is identified need for Affordable Housing within the County Borough, which this development would assist in meeting.
- Turning to the comments regarding neighbour notification, it should be noted that in line with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 all properties **directly adjoining** the application site were notified by letter. In this instance it was Number 38 Ynysmaerdy Road. Nevertheless, site notices were erected along Ynysmaerdy Road and Ormond Street, to inform local residents of the application and the date by which objection letters had to be received.
- With regards to the comments that the closure of the local school and library and re-location of the GP surgery could have a larger impact on the proposed scheme than that previously approved, it should be noted that access to local facilities is something that would be taken into consideration when determining the application for sustainability purposes. However, as the site is located in an existing residential area and within adequate walking distance to a number of facilities, such as bus stops, shops and leisure facilities, it is considered a sustainable location and refusal of the application could not be justified on this ground at appeal.
- In respect of the issue with the use of materials on the proposed scheme, and the use of render as a cost cutting measure. As

previously stated, the developer has submitted details of the proposed external materials, which includes a render finish for the walls with brick damp proof course and brick features on Plots 9-10. Although the previous scheme may have been planned with additional facing brickwork, given the mixture of render and stone finishes in the area, it is considered that the proposed development would create a character of its own, and would not have a detrimental impact on the overall character and appearance of the area. Furthermore, refusal of the application on this ground could not be substantiated at appeal.

- Turning to the concerns from Neath Port Talbot Disability Network Action Group. It should be noted that tactile paving will be conditioned to be installed on site as part of the application, if approved, whilst all vehicle crossovers will need to be installed to Local Authority specification. In respect of internal accesses and ramped entrances, it should be noted that this would be dealt with as part of any subsequent Building Regulations application.
- Finally, the concerns regarding the timing of the report. It should be noted that the report assesses the impact in detail, having regard to the nature of representations submitted.

#### **Conclusion:**

It is considered that 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, ENV17, T1, H2, H3, ENV5, and RO3 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

#### **Recommendation: Approval with Conditions, subject to the signing of a Section 106 Legal Agreement with the following Heads of Terms:-**

- (1) Prior to the commencement of development, a payment of £7,727.88 will be provided to the Local Planning Authority for the development and maintenance of outdoor leisure facilities within the Briton Ferry East Area.**
- (2) The development, as approved under application P2014/0104, shall be for the provision of 100% Affordable Housing only, and retained in perpetuity as such thereafter.**

## **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) Unless otherwise agreed in writing, the external materials to be used on the development hereby approved shall be as specified below only:

Roofs: Marley Modern Concrete Tiles (smooth grey colour).

Render: Parex BL10 through coloured render (white).

Brickwork: Edenhall Rutland (red colour).

### Reason

In the interest of the visual amenity of the area.

(3) Unless otherwise agreed in writing, the finished floor level of the dwellings shall be in accordance with Dwg. C-002 Rev A only.

### Reason

In the interest of visual amenity of the street-scene.

(4) Unless otherwise agreed in writing, prior to the occupation of Plots 11 and 12, the first-floor bedroom window on the front elevations, as specified on Dwg 1443-4-4 Rev B shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

### Reason

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

(5) Notwithstanding the submitted details and prior to the occupation of Plots 3-8, the first-floor windows on the rear elevation serving the bathroom and landing area shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a



maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

#### Reason

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

(6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to Plots 3-8 hereby permitted under Schedule 2 Part 1 Class A (enlargement/improvement of a dwelling), Class B (enlargement or alteration to roof), Class C (any other alteration to roof) without the prior grant of planning permission.

#### Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions and other external alterations on these Plots.

(7) 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.

(8) Unless otherwise agreed in writing, 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.

(9) Unless otherwise agreed in writing, 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.

(10) Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of each associated dwelling, the corresponding off-street parking spaces, as shown on Drawing No. 1443-4-2 Rev L, shall be provided on site. The spaces shall be surfaced in permeable hardwearing material to gradients not exceeding 1 in 9, or drained so that no surface water flows out on to the public highway, and shall be retained as such thereafter.

Reason

In the interest of highway safety by ensuring adequate off street parking is provided.

(11) Unless otherwise agreed in writing by the Local Planning Authority, prior to occupation of the associated dwelling, a vehicular footway crossing shall be provided on site to allow access to the driveways with pedestrian vision splays of 2.4m by 2.4m, and these shall be retained as such thereafter.

Reason

In the interest of highway safety.

(12) All construction traffic shall access the site via Ynysmaerdy Road, and there shall be no pedestrian or vehicle access to the site via the lane to the rear of Ormond Street.

Reason

In the interest of highway and pedestrian safety.

(13) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Storage of plant and machinery used in constructing the development
- d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- e. Wheel washing facilities
- f. Measures to control the emission of dust and dirt during construction
- g. A scheme for recycling/disposing of waste resulting from the construction works.

Reason

In the interest of highway safety and residential amenity.

(14) Unless otherwise agreed in writing, prior to the occupation of any dwelling a surfaced and lit footway and road shall be provided on site to binder course level and linking onto the nearest public highway, and shall be retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(15) Unless otherwise agreed in writing, prior to the occupation of the final 3 dwellings on site, the road and footways shall be completed to surface course level, with drainage and lighting, and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(16) Unless otherwise agreed in writing, there shall be no direct pedestrian or vehicular access to and from the site off the lane to the rear of Ormond Street, and all access shall be via Ynysmaerdy Road only.

Reason

In the interest of highway and pedestrian safety.

(17) Unless otherwise agreed in writing prior to work the commencement of works on site, a scheme for all internal roads shall be submitted to and approved in writing by the Local Planning Authority at a scale of 1:200 detailing :-

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

The approved scheme shall be implemented on site prior to the occupation of any dwelling, and retained as such thereafter.

Reason

In the interest of highway safety.

(18) Unless otherwise agreed in writing, prior to the occupation of any dwelling, a Traffic Regulation Order (TRO) scheme detailing junction protection markings for the new access off Ynysmaerdy Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented on site prior to the occupation of any dwelling, and retained as such thereafter.

Reason

in the interest of highway and pedestrian safety.

(19) Notwithstanding the submitted layout plans and prior to first occupation of any dwelling, a tactile dropped crossing in accordance with DETR Guidance on the use of Tactile Paving Surfaces shall be provided on site either side of the new junction onto Ynysmaerdy Road, and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(20) Prior to the commencement of any works on site, a detailed scheme showing the method of construction and surfacing of the proposed access road shall be submitted to and approved in writing by the Local Planning Authority. The access junction and road shall be constructed on site prior to the construction of any dwelling, and maintained in accordance with the approved details.

Reason

In the interest of highway and pedestrian safety.

(21) Unless otherwise agreed in writing, foul water and surface water discharges shall be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

(22) Notwithstanding the submitted details on Dwg C-001 Rev A, no development shall take place until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning Authority. As part of the submitted scheme an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 Tan 15 (or any subsequent version), and the results of the assessment provided within the submitted scheme. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and

iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be implemented on site prior to the occupation of any dwelling, and retained as such thereafter.

Reason

In the interest of adequate drainage of the site.

(23) Prior to the occupation of any dwelling on site, a detailed scheme for landscaping 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.

(24) Notwithstanding the submitted details and unless otherwise agreed in writing, prior to the occupation of any dwelling, a detailed scheme for the siting, design, height and finish of all proposed means of enclosures shall be submitted to and agreed in writing with the Local Planning Authority. The approved means of enclosures shall be erected in accordance with the agreed details prior to occupation of the associated dwelling, and retained as such thereafter.

Reason

In the interest of visual and residential amenity.

(25) Unless otherwise agreed in writing, prior to the occupation of any dwelling unit, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the provision of bat boxes or bat bricks on each dwelling unit. The approved scheme shall be implemented on site prior to the first occupation of each associated dwelling, and retained as such thereafter.

## Reason

In the interest of bat mitigation, which are a European Protected Species.

### REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed 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, ENV17, T1, H2, H3, ENV5, and RO3 of the Neath Port Talbot Unitary Development Plan.

### 3. OTHER MAJOR ITEM: MYNYDD MARCHYWEL APPEAL

3.1	APP NO: P/2012/999	TYPE: Full Plans	Page Nos:	Wards Affected: Bryncoch North
PROPOSAL:	Erection of 5 wind turbines with a max blade tip height of 126.5m, control building, electricity sub station, transformers crane hard standings, 82m anemometry mast, improvements to access off A474, new bridge, upgrading of existing on site tracks and construction of new on site access tracks, underground electricity cables. Temporary construction compounds and two temporary 82m anemometry masts. Additional Information in respect of highways, hydrogeology, landscape, visual and ecological impacts Received 13-09-13			
LOCATION:	Mynydd Marchywel, Between Rhos & Cilfrew, Neath			

#### BACKGROUND

Members will be aware that at the 18<sup>th</sup> February 2014 Planning and Development Control Committee, Members resolved to refuse the above application contrary to officer recommendation. The full report is attached as Appendix A.

Following the significant debate at the meeting, Members resolved to refuse planning permission on the following grounds: -

- 1. Notwithstanding the boundaries of the Strategic Search Area E and the associated buffer zone, as defined within TAN 8, the proposed development by virtue of the central location of Mynydd March Hywel in relation to a number of communities, together with the prominent and linear siting of the turbines which dominate the landform upon which they are to be located, would result in the introduction of visually incongruous structures which would unacceptably detract from the landscape character areas within which they were to be located, and as a consequence would also adversely affect the amenities of residents living within and adjoining these areas, and the socio-economic development (tourism) of the area. The application is therefore contrary to the objectives of TAN 8, the criteria within the Council's Interim Planning Guidance 'Wind Turbines' and Policies GC1, GC2, ENV1, ENV3, IE6, and EC5 of the Neath Port Talbot Unitary Development Plan.*



The applicant has since submitted an appeal to the Planning Inspectorate which is yet to be formally registered, pending confirmation by the Inspectorate that they are satisfied with the Environmental Statement which accompanied the application.

The appeal is to be heard at a Public Inquiry, at a date yet to be confirmed.

## LEGAL BACKGROUND

Section 70 of the Town and Country Planning Act 1990 requires Local Planning Authorities to give reasons for their decisions whether approving or refusing applications. The reasons must be

- (1) stated clearly and precisely
- (2) be full
- (3) specify all policies and proposals in the development plan which are relevant to the decision
- (4) give details of any direction given, or opposing view expressed, by the Secretary of State or a Government Department

Failure to give adequate, or indeed any reasons, does not make a refusal of permission void, and where reasons are given the courts will normally accept them as giving a faithful indication of the factors taken into account by the authority unless they are challenged for lack of bona fides or on the grounds that there is no evidence to support them.

Welsh Office Circular 23/92 – Award of Costs incurred in Planning and other Proceedings makes it clear (at Annex 3 paragraph 8) that *“authorities will be expected to produce evidence to show clearly why development cannot be permitted”*.

Paragraph 9 accepts that Planning Authorities are not bound to adopt the advice of its officers however in coming to a decision the Planning Authority *“will be expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they were able to produce relevant evidence to support their decision in all respects”*

Annex 2 paragraph 15 sets out that a Planning Authority can minimise the risk of costs against them in an appeal if they conclude on re-examination of the case that any of their reasons for refusal cannot, in the

circumstances, be supported by “*substantial evidence*”. In such cases, provided the Authority confirms that they will not be contesting the appeal on such grounds before formal notification of the Inquiry, the appellant would not be able to show that he had incurred unnecessary expense in preparing to contest such reasons.

## REPORT

Having regard to the above background information, Officers have sought to identify whether substantive evidence is available *on each ground* within the stated reason for refusal to allow for a robust case to be made at appeal.

While it is considered to be an entirely reasonable decision to refuse the planning application on the basis of the landscape / visual / amenity impacts of the development, further examination has raised concerns about the ability to robustly defend the case on grounds relating to the socio-economic impact, specifically on tourism. This is explored in more detail below.

### Officers Initial Appraisal

The officer’s report appraised the impact of the proposal as follows, concluding that the development would not have a detrimental impact on tourism.

*In respect of tourism, existing studies and research on the effects of wind farms on tourism suggest that the presence of a wind farm does not generally deter visitors or impact on the decisions to revisit and that wind farms can be tourist attractions in their own right. In addition, whilst the scale of the proposal means that it is likely to impact upon the visual experience of walkers and mountain bikers close to the site there is no evidence to suggest that wind farms in areas of high scenic value have experienced reductions in tourism demand.*

*The operational Ffynnon Oer Wind Farm constructed in 2006 has shown no demonstrable impact upon tourism figures.*

*There are no tourism facilities on the application site. Existing tourist destinations are over 6km from the site and are not directly connected by footpaths or cycle routes. Therefore given the research and the significant separation distances between the site and key tourist*

*destinations it is considered that the development will not have a detrimental effect on tourism within the area*

In re-examining the reason for refusal the department have examined the base line conditions within the Dulais and Swansea Valley and assessed the findings of published reports on the effect of Wind farm developments on tourism.

### Baseline conditions

The Tourism section have indicated that within the Swansea Valley there are 7 serviced establishments (Hotels, B&B) and 16 non serviced establishments (self catering). Within the Dulais Valley there are 7 establishments, 6 non-serviced and one camp site.

While many (not all) of these would theoretically have views of some or all of the turbines, records indicate that only 5 would be within 2km, a further 7 within 3km, and a further 10 within 4km.

### Published Studies

There has been a substantial amount of research undertaken on the impact of wind farm developments on tourism within the UK and other countries.

In 2008 the Scottish government commissioned a report on ***‘The economic impacts of wind farms on Scottish tourism’*** (Moffat Report) March 2008<sup>1</sup>. In order to undertake a comprehensive study the report examined some 40 studies in the UK and Ireland. In addition, to ensure international experiences were also covered, the review examined reports from Denmark, Norway, the US, Australia, Sweden and Germany.

The study focussed on identifying the impact of wind farms on tourism in areas that depend heavily on the sector in the local economy, in addition to assessing the impact on Scotland as a whole. The study covered 4 geographical areas which had 25 Windfarms containing 436 turbines. Within the study area tourism generated over £6 million in revenue and employed over 21,000 people.

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<sup>1</sup> <http://www.scotland.gov.uk/Resource/Doc/214910/0057316.pdf>

The review of studies undertaken overseas concluded that *“Overall there is no evidence to suggest a serious negative economic impact of wind farms on tourists”*

In relation to the effects on the Scottish Tourist Industry it concluded and recommended: -

*“Whilst it is clear that there is an impact, this impact is very small. It might however be further reduced if a Tourist Impact Statement was made a part of the planning process.”*

In 2012 the Scottish Government Renewables Team commissioned a report on the impact of Wind farms on Scottish Tourism - ***Climate Change -The Impact of Wind Farms on Scottish Tourism 2012<sup>2</sup>***. This report built upon the 2008 Moffat report and studied impacts since 2008, its key findings stating that : -

- The main source of data on the impact on tourism of wind farms in Scotland is the 2008 *Moffat Report* which focused on four geographical regions in Scotland.
- Our analysis of recent tourism data on visitor numbers and spend in regions comparable to the four *Moffat Report* regions presents a mixed picture. However, there is no evidence to suggest that subsequent wind farm development in these areas has had an adverse effect.
- A 2012 UK survey of tourists’ attitudes to wind farms found that: 80% of UK respondents, and 83% of Scottish respondents said their decision on where to visit or where to stay would not be affected by the presence of a wind farm;
- 52% of all respondents disagreed that wind farms spoil the look of the UK/Scottish countryside, with a further 29% neither agreeing nor disagreeing.

It thus concluded that *“there is no new evidence to contradict the earlier findings that wind farms have little or no adverse impact on tourism in Scotland.”*

In 2012 Scottish Renewables provided evidence to the Scottish Government’s Economy, Energy and Tourism Committee **Inquiry into**

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<sup>2</sup>[http://www.climatechange.org.uk/files/1213/7349/1959/The\\_impact\\_of\\_windfarms\\_on\\_Scottish\\_tourism.pdf](http://www.climatechange.org.uk/files/1213/7349/1959/The_impact_of_windfarms_on_Scottish_tourism.pdf)

## **the Scottish Government's Renewable Energy Targets- Scottish Renewables – 2012**<sup>3</sup>.

Their evidence dealt with a number of issues relating to wind farm development including the effect of Windfarms on tourism, on which it indicated that : -

- *VisitScotland's latest visitor statistics showed that the number of visits to Scotland last year increased as did the amount of spending by visitors.*
- *VisitScotland's 'Scotland Visitor Survey 2011' made no mention of the issue of wind farms affecting tourism in Scotland. Indeed, in the visitors' feedback there is no mention anywhere of wind farms as an area for improvement. The main issues identified were: the weather, poor accommodation, lack of information, expense and poor transport links.*
- *The Scottish Government commissioned report 'The economic impacts of wind farms on Scottish tourism' in 2008 found "three-quarters of people felt wind farms had a positive or neutral impact on the landscape" and that; "Importantly, respondents that had seen a wind farm were less hostile than those who had not."*
- *The 2008 report used "nearly 400 direct interviews of visitor intentions at tourist spots located close to existing or proposed wind farms".*

It is also of interest to note that the evidence submitted also indicated that Europe's largest onshore wind farm Whitelee operated by Scottish Power Renewables attracted 120,000 visitors to its visitor centre in the first 12 months of opening with many thousands more visiting the trails around the wind farm site.

The University of Edinburgh also made a submission to 2012 Scottish Government's Renewables Inquiry -***Tourism impact on Wind farms – The University of Edinburgh 2012***<sup>4</sup> The evidence submitted was designed to provide data, information and informed analysis of the actual and potential impact of wind farms on tourism and was intended to address concerns relating to tourism raised in written and oral evidence

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<sup>3</sup> <http://www.scottishrenewables.com/publications/supplementary-evidence-economy-energy-committee/>

<sup>4</sup> [http://www.scottish.parliament.uk/S4\\_EconomyEnergyandTourismCommittee/Inquiries/2012/0426\\_uni\\_of\\_ed.pdf](http://www.scottish.parliament.uk/S4_EconomyEnergyandTourismCommittee/Inquiries/2012/0426_uni_of_ed.pdf)

submitted by a range of organisations and individuals to the Inquiry. The submission which considered the findings on the two largest studies of the tourism impact of wind farms conducted to date (University of the West of England, 2004; Glasgow Caledonian University, 2008) concluded that

*“the findings from both primary and secondary research relating to the actual and potential tourism impact of wind farms indicate that there will be neither an overall decline in the number of tourists visiting an area nor any overall financial loss in tourism-related earnings as a result of a wind farm development”*

Having regard to the above and other evidence, the ‘Economy, Energy and Tourism Committee Report on the achievability of the Scottish Government's renewable energy targets (7th Report, 2012 (Session 4)) concluded as follows: -

*288. While some strongly held localised and anecdotal opinion exists, the Committee has seen no empirical evidence which demonstrates that the tourism industry in Scotland will be adversely affected by the wider deployment of renewable energy projects, particularly onshore and offshore wind.*

*289. Whilst care always needs to be taken in terms of the planning process and decisions on the siting of individual projects in areas popular with tourists and in our rural and wild land areas, no one has provided the Committee with evidence, as opposed to opinion, that tourism is being negatively affected by the development of renewable projects. However, given the importance of this issue, the Committee recommends that Visit Scotland and the Scottish Government continue to gather evidence on this from visitors to Scotland*

### The Impact on Wales

Until very recently, there had been little research within Wales to demonstrate the impact of Wind farm developments on Tourism although a report was undertaken by the Wales Tourist Board in 2003 - *Investigation into the Potential Impact of Wind Farms on Tourism in Wales*<sup>5</sup>

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<sup>5</sup> [http://www.ecodyfi.org.uk/tourism/Windfarms\\_research\\_eng.pdf](http://www.ecodyfi.org.uk/tourism/Windfarms_research_eng.pdf)

That report predates and was not as detailed as the reports referred to above, but interestingly identified trends in relation to the availability of robust evidence on the effects of Windfarms on tourism and visitor opinions. At the date of the study The Welsh Development Agency, the Countryside Council for Wales, the Environment Agency, Welsh Assembly, Wales Tourism Alliance and the National Trust for Wales concluded that the absence of research made it difficult to assess tourism impact.

On 4<sup>th</sup> April 2014, however, the Welsh Government published a Report by Regeneris Consulting and The Tourism Company entitled “**Study into the Potential Economic Impact of Wind Farms and Associated Grid Infrastructure on the Welsh Tourism Sector**”<sup>6</sup>.

This study, which has only been published this month, included the following key findings: -

Negligible impact on the *national* tourism sector

Limited evidence of *local* tourism impacts to date.

- *Case studies have not revealed any evidence of significant impacts on tourism to date. The few local studies which are available have shown the majority of visitors are positive or indifferent about wind farm development. Although there was some anecdotal evidence of visitors staying away due to wind farms, the vast majority of consultees believed there had been no impact on total visitor numbers and hence on the visitor economies as a whole.*

Wind farms are remote from Wales’s key visitor assets and tourism locations

Reactions to wind farms are complex and may change over time

- *evidence base shows a clear majority of people do not react negatively to wind farm developments or change their visiting behaviour as a result*
- *greatest risk is that the increased rate of development in some parts of Wales could change the value judgements made by some visitors, especially if they feel a tipping-point is reached. However, the*

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<sup>6</sup> <http://wales.gov.uk/docs/desh/publications/140404economic-impacts-of-wind-farms-on-tourism-en.pdf>

*study has not found any evidence to suggest this could occur in practice*

- *increased familiarity with turbines is likely to mean that many visitors become more tolerant of turbines as a feature of rural landscapes, and their visiting behaviour may change little as a result*

Higher sensitivity to wind farms for certain visitor markets

- *There are examples of certain locations which are more sensitive to wind farm development on account of their landscapes, types of visitor, limited product diversity and proximity to wind farms. This is particularly the case where the key visitor markets are older people visiting for the tranquillity, remoteness and natural scenery offered in some parts of Wales. Remoter parts of Powys are the most notable examples of where this may be the case.*

Some potential for positive impacts, often requiring further investment

No evidence that wind farms on visitor routes deter tourists

Negative impacts during construction

Associated Infrastructure

- *There is no evidence that the existing National Grid infrastructure which is concentrated in North and South Wales, often in popular scenic areas, discourages visitors*

The Executive Summary, detailing the key findings and recommendations, is reproduced at Appendix B for Members information.

In summary, however, the detailed report concludes that there is the potential for future wind farm development to have minor or even moderate negative impacts on the visitor economies of some localities. However, this conclusion is nevertheless subject to a degree of uncertainty and for this reason it states that it will be helpful to monitor the actual impact of new development upon the scale and character of tourism in those areas where there are significant concerns.

Under the ‘recommendations’ (tourism and economic development) it is also of note that it states that “*where a clear link can be established between a specific wind farm development and the likelihood of*



*significant negative impacts upon the tourism economy, this would need to be mitigated through the planning approval*". Accordingly, it does not state that this is a matter upon which planning permission should be refused, only impacts mitigated.

In light of the extensive research within Scotland (each report having appraised the findings of previous reports) and the very recent report into the impacts in Wales, the substantive evidence above has clear implications for the way in which such matters should be addressed by Planning Authorities in Wales.

### The 'Planning Balance'

The original report to Members emphasises the economic benefits of wind farms, and there is little doubt that the Welsh Government place considerable importance on such benefits.

While it is considered that the landscape impacts of the proposal would outweigh such benefits in this case, it is also considered that the above mentioned research does not support a reasonable argument against the proposed windfarm based on the impact upon tourism.

Finally, it is also considered to be highly pertinent that there have been numerous approvals (by NPT and other Planning Authorities) and planning appeals in respect of Wind farms within South Wales, none of which have been refused planning permission on grounds relating to the impact on tourism.

Indeed, in the Mynydd y Gelli appeal (12 turbines) the Inspector concluded, as recently as August 2013, that "There is no clear evidence that the proposal would be detrimental to tourism and I do not consider that its effect on recreation and the enjoyment of the countryside would be such that it should be an overriding consideration in this appeal".

### CONCLUSION

In summary, it is clear that in refusing an application the Council must be able to "*produce evidence to show clearly why development cannot be permitted*".

While tourism is clearly a vital part of the County Borough economy (circa £100m contribution per annum in 2013), as identified above the overriding conclusion of the numerous pieces of research which have

been undertaken by Government, the renewable industry and independent bodies is that wind farm developments have little or no adverse effect on tourism. Moreover, in this case there is no local evidence to demonstrate that the proposals will have an unacceptable, detrimental effect on tourism in and around Neath Port Talbot.

Notwithstanding the above, even if it were accepted that in the case of Mynydd March Hywel there was a limited effect, it is considered that given the number of tourist destination and tourist establishments in the area any effect would be negligible, and would in any event be outweighed by the economic benefits of renewable energy.

Accordingly, it is concluded that, in the absence of robust evidence to demonstrate that the proposal will have a detrimental effect on tourism in the area, and based on previous studies there is unlikely to be any such evidence, that the Council should withdraw its reason for refusing the proposal on the grounds of effect on tourism and advise the appellants and Planning Inspectorate immediately to avoid any unnecessary expenses being incurred (and potential costs awards as a consequence) in defending such a reason.

## RECOMMENDATION

That the Council advise the appellants and Planning Inspectorate that following re-examination of the case, the Council will not be contesting the appeal on grounds relating to the socio-economic impacts on tourism. As a result the reason for refusal for the purposes of the appeal is amended to read:

- 1. Notwithstanding the boundaries of the Strategic Search Area E and the associated buffer zone, as defined within TAN 8, the proposed development by virtue of the central location of Mynydd March Hywel in relation to a number of communities, together with the prominent and linear siting of the turbines which dominate the landform upon which they are to be located, would result in the introduction of visually incongruous structures which would unacceptably detract from the landscape character areas within which they were to be located, and as a consequence would also adversely affect the amenities of residents living within and adjoining these areas. The application is therefore contrary to the objectives of TAN 8, the criteria within the Council's Interim Planning Guidance 'Wind Turbines' and Policies GC1, GC2, ENV1, ENV3, IE6, and EC5 of the Neath Port Talbot Unitary Development Plan.*

## SECTION B – MATTERS FOR INFORMATION

### 4. APPEALS RECEIVED

- a) **Appeal Ref:** A2014/0004                      **Planning Ref:** P2013/0402
- PINS Ref:** APP/Y6930/A/14/2215401
- Applicant:** Mr Paul Evans
- Proposal:** Partial change of use of ground floor of dwelling to shop (Class A Hairdresser) construction of single storey side extension and vehicular access
- Site Address:** 50 Park Avenue, Glynneath
- Start Date:** 25/03/2014
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- b) **Appeal Ref:** A2014/0005                      **Planning Ref:** P2013/0594
- PINS Ref:** APP/Y6930/A/14/2216604
- Applicant:** Mr Jonathan Hale
- Proposal:** Retention of raised freestanding outbuilding
- Site Address:** Seven Oaks, Penscynor, Cilfrew, Neath
- Start Date:** 9/4/2014

**5. DELEGATED APPLICATIONS DETERMINED  
BETWEEN 25<sup>TH</sup> MARCH AND 11<sup>TH</sup> APRIL 2014**

1	App No. P/2013/707	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 12 of P2010/1100 (granted on 17/2/11) in respect of a land contamination verification report (Area D).	
Location	Land between the Port Talbot Docks Area, and the A48 near Junction 38, Port Talbot	
Decision	Approval with no Conditions	
Ward	Port Talbot	

2	App No. P/2013/843	Type Full Plans
Proposal	Change of use from store and workshop to training centre including extension and recladding of building.	
Location	Tata Steel, Abbey Works, Port Talbot, SA13 2NU	
Decision	Approval with Conditions	
Ward	Margam	

3	App No. P/2013/1004	Type Householder
Proposal	Retention of retaining structure/extended driveway, proposed front dormer with terrace and balcony, extension to front bay window, single storey side extension	
Location	Crantock, 35 Pen Y Cae Road, Port Talbot, SA13 2EP	
Decision	Approval with Conditions	
Ward	Port Talbot	

4	App No. P/2013/1083	Type Householder
Proposal	First floor side and rear extension.	
Location	5 Sunnyland Crescent, Skewen, Neath, SA10 6TY	
Decision	Approval with Conditions	
Ward	Coedffranc North	

5	App No. P/2013/1084	Type Full Plans
Proposal	Proposed sales area and bakery to front elevation, delivery platform enclosure to side elevation, external alterations comprising of recladding, new doors and windows and alteration to parking layout.	
Location	Lidl Supermarket Baglan Bay Retail Park, Afan Way, Aberavon, Port Talbot, SA12 6NR	
Decision	Approval with Conditions	
Ward	Aberavon	

6	App No. P/2013/1101	Type Householder
Proposal	Change of use of existing highway verge to vehicular crossover, single storey rear extension, single storey side extension, front porch and hardstanding to facilitate parking	
Location	1 Gelli Mill Crossing, A4107 From Cymmer To Blaengwynfi, Cymmer, Port Talbot, SA13 3NP	
Decision	Approval with Conditions	
Ward	Cymmer	

7	App No. P/2013/1126	Type Full Plans
Proposal	Detached dwelling house and associated works	
Location	101 Pen Y Cae Road, Port Talbot, SA13 2EG	
Decision	Approval with Conditions	
Ward	Port Talbot	

8	App No. P/2013/1146	Type Householder
Proposal	Retrospective application for means of enclosure to patio	
Location	4 Wells Road, Baglan, Port Talbot, SA12 8NH	
Decision	Approval with no Conditions	
Ward	Baglan	

9	App No. P/2013/1153	Type Householder
Proposal	Retention of raised patio with perimeter boundary wall/railing and fence to front of dwelling.	
Location	4 Cromwell Avenue, Bryncoch, Neath, SA10 8DW	
Decision	Approval with Conditions	
Ward	Bryncoch South	

10	App No. P/2014/15	Type Full Plans
Proposal	Installation of new shop fronts to the south west elevation and south east elevation and additional door to the north east elevation	
Location	Former Lloyds Pharmacy, Baglan Retail Park, Afan Way, Port Talbot, SA12 7BJ	
Decision	Approval with Conditions	
Ward	Aberavon	

11	App No. P/2014/18	Type Householder
Proposal	Front extension	
Location	3 Aldergrove Close, Baglan, Port Talbot, SA12 8EY	
Decision	Approval with Conditions	
Ward	Baglan	

12	App No. P/2014/34	Type Discharge of Cond.
Proposal	Details pursuant to the partial discharge of Condition 19 (Monitoring of remediation) of Planning Permission P2010/222 (approved on the 30/08/12)	
Location	Land off, Fabian Way, Former BP Tank Farm, Crymlyn Burrows, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

13	App No. P/2014/36	Type Householder
Proposal	Side and rear boundary walls within the garden area	
Location	1 Cae Rhys Ddu Road, Cimla, Neath, SA11 1JB	
Decision	Approval with Conditions	
Ward	Neath South	

14	App No. P/2014/47	Type Householder
Proposal	Demolition of porch and construction of three storey rear extension	
Location	44 New Road, Trebanos Pontardawe, Swansea, SA8 4DL	
Decision	Approval with Conditions	
Ward	Trebanos	

15	App No. P/2014/48	Type Householder
Proposal	Detached garage	
Location	9 Swan Road, Baglan, Port Talbot, SA12 8BN	
Decision	Refusal	
Ward	Baglan	

16	App No. P/2014/56	Type Householder
Proposal	Demolition of existing single storey extension and construction of a part single storey part two storey rear extension	
Location	11 Ynysygerwn Crescent, Aberdulais, Neath, SA10 8HW	
Decision	Approval with Conditions	
Ward	Aberdulais	

17	App No. P/2014/57	Type Householder
Proposal	Single storey rear extension	
Location	6 Llys Catwg, Glynneath, Neath, SA11 5HL	
Decision	Approval with Conditions	
Ward	Blaengwrach	

18	App No. P/2014/86	Type Discharge of Cond.
Proposal	Details in accordance with condition 1 of P2012/0258 approved on 16/05/13 in relation to a bat method statement.	
Location	Carmel Calvinistic Methodist Chapel, Baxter Terrace And Land Opposite, Glyncoerrwg, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glyncoerrwg	

19	App No. P/2014/110	Type Householder
Proposal	Garage	
Location	91 Rhiw Road, Rhiwfawr, Swansea, SA9 2RE	
Decision	Approval with Conditions	
Ward	Cwmllynfell	

20	App No. P/2014/111	Type Householder
Proposal	First floor rear extension, replacement of existing patio door with window	
Location	New Cottage, Water Street, Margam, Port Talbot, SA13 2PL	
Decision	Approval with Conditions	
Ward	Margam	

21	App No. P/2014/113	Type Advertisement
Proposal	3.8m high externally-illuminated totem sign.	
Location	Tesco Store, Neath Road, Briton Ferry, Neath, SA11 2DX	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

22	App No. P/2014/149	Type Householder
Proposal	Single storey side extension.	
Location	31 Waun Daniel, Rhos Pontardawe, Swansea, SA8 3HR	
Decision	Approval with Conditions	
Ward	Rhos	

23	App No. P/2014/153	Type Change of Use
Proposal	Retention of use of part ground floor of existing Post Office as Café	
Location	Crynant Post Office, 7 Main Road, Crynant, Neath, SA10 8RD	
Decision	Approval with Conditions	
Ward	Crynant	

24	App No. P/2014/162	Type Change of Use
Proposal	Change of use to Offices (Class A2)	
Location	3/3A Alfred Street, Neath, SA11 1EF	
Decision	Approval with Conditions	
Ward	Neath North	

25	App No. P/2014/163	Type Householder
Proposal	Outbuilding	
Location	26 Brytwn Road, Cymmer, Port Talbot, SA13 3EN	
Decision	Approval with Conditions	
Ward	Cymmer	

26	App No. P/2014/169	Type Change of Use
Proposal	Change of use of chapel (Class D1) to dwelling (Class C3), construction of a single storey front extension, partial demolition of rear extension, installation of two velux windows on front roof plane, plus two windows to side elevation.	
Location	Seion Chapel, Heol Y Gors, Cwmgors, Ammanford	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

27	App No. P/2014/176	Type Householder
Proposal	Front porch	
Location	1 Heol Y Ffynon, Cimla, Neath, SA11 3YU	
Decision	Approval with Conditions	
Ward	Cimla	



28	App No. P/2014/179	Type Neigh.Auth/Nat.Park
Proposal	Erection of 77m high wind turbine, transformer station and associated works (Consultation from neighbouring Authority)	
Location	Land at, Queens Dock, Swansea, SA1 1QR	
Decision	No Objections	
Ward	Outside Borough	

29	App No. P/2014/186	Type Screening Opinion
Proposal	Screening Opinion under regulation 5 of the Town and Country Planning (EIA) regulations 2011 for 6.5 MW Solar farm	
Location	Highbury Cottage, Pontardawe Road, Pontardawe, Neath SA8 4SY	
Decision	EIA Not Required	
Ward	Pontardawe	

30	App No. P/2014/202	Type Lawful Dev. Cert-Prop.
Proposal	Lawful development certificate for a proposed detached garage.	
Location	60 Heol Y Coedcae, Cwmllynfell, Swansea, SA9 2FY	
Decision	Not to Issue Lawful Dev. Cert.	
Ward	Cwmllynfell	

31	App No. P/2014/213	Type Householder
Proposal	Two storey side extension	
Location	31 Wenallt Road, Tonna, Neath, SA11 3HZ	
Decision	Approval with Conditions	
Ward	Tonna	

32	App No. P/2014/221	Type Householder
Proposal	Demolition of the existing single storey rear extension and detached garage. Construction of a part two storey and single storey rear extension, and single storey side extension.	
Location	100 Cimla Crescent, Cimla, Neath, SA11 3NP	
Decision	Approval with Conditions	
Ward	Neath South	

33	App No. P/2014/226	Type Householder
Proposal	Demolition of existing conservatory and construction of a single storey side extension.	
Location	17 Gardners Lane, Neath, SA11 2AH	
Decision	Approval with Conditions	
Ward	Neath East	

34	App No. P/2014/231	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for single storey side extension.	
Location	51 Waun Gron, Rhydyfro Pontardawe, Swansea, SA8 4LW	
Decision	Issue Lawful Dev.Cert.	
Ward	Pontardawe	

35	App No. P/2014/242	Type Advertisement
Proposal	Retention of one No. non-illuminated projecting sign	
Location	15 New Street, Neath, SA11 1RT	
Decision	Approval with Conditions	
Ward	Neath North	

36	App No. P/2014/260	Type Householder
Proposal	Single storey rear extension.	
Location	114 Cimla Crescent, Cimla, Neath, SA11 3NP	
Decision	Approval with Conditions	
Ward	Neath South	

37	App No. P/2014/264	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 2 (materials) and Condition 3 (means of enclosure) of P2008/0621 granted on 7/4/09	
Location	Land Adjacent To, Bryn Cottage, Coedparc, Cwmavon	
Decision	Approval with no Conditions	
Ward	Bryn & Cwmavon	

38	App No. P/2014/266	Type Discharge of Cond.
Proposal	Details pursuant to condition 14 (Artificial nesting sites) of planning permission P2012/0777 (Approved on the 11/01/13)	
Location	Land at, Moor Road, Aberavon, Port Talbot, SA12 7BJ	
Decision	Approval with no Conditions	
Ward	Aberavon	

39	App No. P/2014/272	Type PriorNotif.Agric.Bld
Proposal	Prior Notification for the erection of an agricultural building.	
Location	Cefnfaes Uchaf Farm, Lane From Cwmbach Road To Cefnfaes Uchaf Farm, Cadoxton, Neath, SA10 8AH	
Decision	Prior Approval Not Required	
Ward	Cadoxton	

40	App No. P/2014/274	Type Discharge of Cond.
Proposal	SCHEME UNDER CONDITION 18 OF P2013/0720 FOR THE PHASED REMOVAL OF VEGETATION & WOODLAND AREAS	
Location	Selar Opencast Coal Site, Nr Glynneath, Neath	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

41	App No. P/2014/305	Type Neigh.Auth/Nat.Park
Proposal	In accordance with Section 55 of the Planning Act 2008 (as amended by the Localism Act 2011) Assessment of Adequacy of Consultation Undertaken in accordance with sections 42, 47 and 48 of the Act in relation to the proposed Development Consent Order for the Hirwaun Power Station.	
Location	Land north of Rhigos Road, Hirwaun Industrial Estate, Rhondda Cynon Taf	
Decision	No Objections	
Ward	Outside Borough	

42	App No. P/2014/341	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawful development for a proposed outbuilding.		
Location	60 Heol Y Coedcae, Cwmllynfell, Swansea, SA9 2FY	
Decision	Issue Lawful Dev.Cert.	
Ward	Cwmllynfell	