

PLANNING COMMITTEE

2.00 PM - TUESDAY, 28TH JULY 2015

COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE

(SITE VISIT LEAVING PORT TALBOT CIVIC CENTRE AT 11.00AM)

PART 1

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on 7th July 2015
(*Pages 5 - 10*)
3. To Request Site Visit(s) from the Applications Presented

Report of the Head of Planning

SECTION A - MATTERS FOR DECISION

Planning Application subject to Members Site visit Leaving Port Talbot Civic Centre at 11.00am - Recommended for Refusal

4. Application No: P2014/0468 - Land Adjacent to Fairview Bungalow, Main Road, Aberdulais, Neath SA10 8LE (*Pages 11 - 26*)

Planning Application Recommended for Approval

5. Application No: P2012/0352 - 141 Dinas Baglan Road and Land Adjacent and Land at Rear of 85-139 Dinas Baglan Road and Land at Rear of 1-63 Sarnfarn Baglan Road (*Pages 27 - 86*)

SECTION B - MATTERS FOR INFORMATION

6. Appeals Received Between 30th June and 20th July 2015 (*Pages 87 - 88*)

7. Appeals Determined (*Pages 89 - 100*)
8. Delegated Applications Determined between 30th June and 20th July 2015 (*Pages 101 - 112*)
9. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Wednesday 22nd July, 2015

Committee Membership:

Chairman: Councillor R.G.Jones

Vice Chairman: Councillor E.E.Jones

Members: Councillors Mrs.A.Chaves, D.W.Davies,
Mrs.R.Davies, Mrs.J.Dudley, S.K.Hunt, H.N.James,
D.Keogh, Mrs.S.Paddison, R.Thomas and
Mrs.L.G.Williams

**Cabinet UDP/LDP
Member:** Councillor A.J.Taylor

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PLANNING COMMITTEE (PORT TALBOT CIVIC CENTRE)

Members Present:

7th July, 2015

Chairman: Councillor R.G.Jones

Vice Chairman: Councillor E.E.Jones

Councillors: D.W.Davies, Mrs.R.Davies, S.K.Hunt, H.N.James,
D.Keogh, Mrs.S.Paddison and R.Thomas

Local Members: Councillors A.J. Siddley and Mrs. D.Jones

Officers In Attendance: S.Ball, I.Davies, D.M.Adlam and R.Borthwick and
Miss G.Cirillo

1. **MINUTES OF THE LAST MEETING**

RESOLVED: that the Minutes of the Planning Committee held on the 16th June 2015, as circulated, be confirmed as a true record.

Report of the Head of Planning

(Note: An Amendment Sheet, attached and agreed, was circulated at the commencement of the meeting, as detailed in Appendix A hereto).

2. **SITE VISITS(S) REQUESTED FROM THE APPLICATIONS PRESENTED**

RESOLVED: That the following application recommended for refusal, as detailed within the circulated report be deferred for a site visit by the Planning Committee:

Application No: P2014/0468

One detached three bed single storey bungalow with associated parking (Amended Plans received 20/02/15)

Land adjacent to Fairview Bungalow, Main Road, Aberdulais, Neath SA10 8LE.

Reason

To allow Members to assess the impacts on highway safety and local character.

Planning Application Recommended for Refusal following a Site Visit on 7th July 2015

3. **APPLICATION NO: P2014/1137 - LAND TO THE FRONT 23 HEOL WENALLT, CWMGWRACH, NEATH SA11 5PT**

RESOLVED:

1. that following a site visit on 7th July 2015, and contrary to the Officer recommendation, the above application be approved on the grounds that the proposed development would not result in the introduction of a contrived form of development or be out of keeping with the street-scene, and would therefore not have a detrimental impact upon the character and appearance of the area.
2. That Members delegate authority to the Head of Planning to draft appropriate conditions and issue the decision.

Planning Application Recommended for Approval

4. **APPLICATION NO: P2015/0531 - 35 MAYBERRY ROAD, BAGLAN, PORT TALBOT SA12 8DG**

RESOLVED: that the above application be approved as detailed within the circulated report.

(Note: with regard to the amendment sheet referred to above and attached at Appendix A upon which the Chair had allowed sufficient time for Members to read, in respect of an application item on the published Agenda, the

Chairman had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and the circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

5. **APPEALS RECEIVED BETWEEN 9TH JUNE AND 29TH JUNE 2015**

RESOLVED: That the following Appeal received be noted, as detailed in the circulated report.

Appeal Ref: A2015/0004

Formation of new vehicle access and driveway at 4 Main Road, Aberdulais, Neath.

6. **DELEGATED APPLICATIONS DETERMINED BETWEEN 9TH JUNE 2015 AND 29TH JUNE 2015**

Members received a list of planning applications determined between the 9th June and 29th June 2015, as contained in the circulated report.

RESOLVED: that the report be noted.

7. **URGENT ITEMS**

Because of the need to deal now with the matters contained in Minute Nos. 8 and 9 below, the Chairman agreed that these could be raised at today's meeting as urgent items pursuant to Section 100B (4) (b) of the Local Government Act.

Reasons

- (a) In order to ensure that Members were made fully aware of the current status at the site of Farmland adjoining Forestry, East of Crynant and South of Seven Sisters, Neath (Hirfynydd Wind Farm), in the light of the forthcoming Public Inquiry.
- (b) In order to ensure that Members be made aware of the process around the submission of late correspondence/documentation regarding Planning Applications.

8. **APPLICATION P2008/0024 - FARMLAND ADJOINING FORESTRY, EAST OF CRYNANT AND SOUTH OF SEVEN SISTERS, NEATH - HIRFYNYDD WIND FARM**

Members received a detailed update from the Planning Officer giving a background to the application as detailed in the circulated urgent report, in the light of the imminent inquiry commencing on the 29th July 2015 which continues to object to the development.

RESOLVED:

(a) that Delegated Authority be given to the Head of Planning and the Development Manager (Planning), to withdraw some or all of the Council's objections to the application, in the event that Counsel advises that the proposed section 106 Legal Agreement, together with the evidence relating to physical mitigation, sufficiently addresses/overcomes the Council's objections in respect of the potential implications on the recovery of coal in the public interest.

(b) that the report be noted.

9. **PROTOCOL REGARDING LATE SUBMISSION OF LETTERS/DOCUMENTATION REGARDING PLANNING APPLICATIONS**

The Chairman reminded Members of Planning Committee of their duty in respect of any late submissions of Letters/Documentation to the Planning Department from constituents. It was confirmed that should Members receive any late submissions, these must be immediately referred to the relevant Officers in the Planning Department for consideration, in order to eliminate any unfairness in regard to those who have already made submissions within the stipulated time frame.

CHAIRMAN

PLANNING COMMITTEE

7th JULY 2015

AMENDMENT SHEET

ITEM 6

<u>APPLICATION NO:</u> P2014/0468	<u>DATE:</u> 20/02/2015
PROPOSAL:	One detached three bed single storey bungalow with associated parking (Amended plans received 20/02/15)
LOCATION:	Land adjacent to Fairview Bungalow, Main Road, Aberdulais, Neath SA10 8LE
APPLICANT:	Mr David Morgan
TYPE:	Full Plans
WARD:	Aberdulais

Further representations have been received from an agent on behalf of the objector regarding the above proposal, which in summary express the following concerns: -.

- that the committee report does not respond to comments made in the Independent Planning and Urban Design Assessment completed by the objector's consultant.
- That the proposal represents an unacceptably cramped and over intensive form of backland development which fails to provide for adequate separation distances between itself and the neighbouring properties resulting in an unacceptable loss of outlook and amenity to those properties and which fails to provide for adequate private amenity space and general standards of residential amenity for future occupiers of the property by virtue of overlooking from the existing properties and their physical and visual impact.
- The report does not mention that obscure glazing would have to be installed in the sole window serving a habitable room in the side elevation of the new house facing Sunnybank to prevent direct overlooking of that property.
- That the report fails to properly address the issue of 'character' or consider the fundamental change in the nature and intensity of the use of the site and the way in which that it would unacceptably adversely impact on the amenity of all the neighbouring properties.

- Concern over the inference in the report that if an alternative means of access were provided the development could be considered acceptable.
- The planning officer has not viewed the application site from the objector's garden, and as a consequence it is difficult to have confidence that Officers have objectively considered the impact of the development on that property, and requests that Members visit to see for themselves

Accordingly, while they endorse the Officer's recommendation, they request an additional reason for refusal as follows: -

'The proposal represents an unacceptably cramped and over intensive form of back land development which fails to provide for adequate separation distances between itself and the neighbouring properties resulting in an unacceptable loss of outlook and amenity to those properties and which fails to provide for adequate private amenity space and general standards of residential amenity for future occupiers of the property by virtue of overlooking from the existing properties and their physical and visual impact'.

In response to the above, the following comments are made: -

- While the report does not specifically refer to the agents 'Independent Planning and Urban Design Assessment', the committee report has summarised the objections from the neighbouring property as a whole, and responded to such concerns both within the main part of the report and in the section addressing the objections raised.
- Officers visited the site and were content that the impacts on the neighbouring properties could be adequately assessed without the need to be viewed from the objectors property.
- Officers are satisfied that the report makes an appropriate assessment of the impact on local character, having regard to the local context and pattern of development, and that the conclusions reached, namely that the impact of the development on character or amenity would be restricted to the access to the property, remain sound.
- In the event that permission was granted, then a condition would have been required in respect of obscure glazing the window facing 'Sunnybank' (due to the levels on the site meaning that a boundary enclosure would not restrict such views). While it is accepted that it is not ideal to require a bedroom window to be obscurely glazed, this is not considered to amount to a reason for refusal of planning permission, or an indication that the development is unacceptable as a cramped form of development.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2014/0468	<u>DATE:</u> 20/02/2015
PROPOSAL:	One detached three bed single storey bungalow with associated parking (Amended plans received 20/02/15)
LOCATION:	Land adjacent to Fairview Bungalow, Main Road, Aberdulais, Neath SA10 8LE
APPLICANT:	Mr David Morgan
TYPE:	Full Plans
WARD:	Aberdulais

Background

This application is reported to committee at the request of the ward member, Councillor Doreen Jones, to assess the impact of the proposed access on highway safety grounds.

At the Planning Committee on 7th July 2015, Members resolved that the application be deferred for a site visit, which will take place on 28th July 2015.

The report which follows is the same as that reported to the Planning Committee on 7th July 2015, albeit amended to refer to additional comments from the applicant and objector which were received after the deadline for the original committee report.

Planning History

P2008/0429- 2 Dwellings- Approved- 04/08/2008 (relating to adjoining development)

P2010/0852 – One dwelling – Refused – 27/09/2011

Publicity and Responses (if applicable)

Blaenhonddan Community Council – No objection

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

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

South Wales Trunk Road Agency – No response

Welsh Water – No objection, subject to conditions

Biodiversity Section – No objection, subject to conditions

6 Neighbouring Properties were notified and a Site Notice displayed. In response, one letter of objection was received from an adjacent dwelling, followed by subsequent emails containing further points of objection and clarification of the original objections on grounds including: -.

- Scale and siting of the proposal, the proposal would cause overbearing and overshadowing impact on the objectors property
- Proposal is contrary to ENV5 (nature conservation) of the Neath Port Talbot Unitary Development Plan as bat and owl surveys have not been submitted for the proposal
- Contrary to Paragraph 5.54 of Planning Policy Wales Technical Advice Note 12: Design and has no relationship to a highway
- Access to the development is hazardous and of significant danger to pedestrians and children playing in the front gardens of 30a and 32a Ffynnon Dawel as vehicles emerge from the access drive between the two dwellings and only has vision over the front gardens of the two neighbouring properties when the vehicle emerges at their front gardens. This danger was pointed out during a previous refusal. In addition to this condition 10 of planning application P2008/0429 which was for the objectors dwelling stated that this access shall be usable only as a pedestrian access. This access has been blocked off until earlier in 2014 when the fence was taken down and a gate erected in its place. This gate was not used and the applicant parked his car in front of it.
- Access to the development would result in unacceptable noise and disturbance as vehicles would travel along the full length of the objector's dwelling to access the proposal.
- No provision for a vehicle turning area, therefore vehicles will need to reverse the full length of the entrance drive between two residential dwellings

- The objector has submitted a further letter of objection which gives examples of other similar applications which were refused as they were considered as backland development and had adverse issues on the residential amenity of neighbouring properties as vehicles would need to travel the full extent of the neighbouring property to access their proposal.
- The access does not meet minimum requirements of Part B of Schedule 1 of the Building Regulations 2000 (as amended).
- The objector has stated past decisions and appeals by different councils (some English councils) regarding planning decisions and appeal decisions in relation to backland development.
- The objector wishes to be provided with a copy of the agenda and officer report 5 days prior to the Planning Committee and he wishes to make representations at Committee

Further representations from the objector were received after the deadline for the original planning committee report (but summarised in the amendment sheet to Committee). These are summarised below:

- The objector's consultant states that the officer report does not respond to comments made in the Independent Planning and Urban Design Assessment completed by the objector's consultant.
- Concerns regarding backland development and that the proposal is a cramped form of development have been reiterated.
- The officers report fails to consider the fundamental change in the nature and intensity of the use of the site and the way in which that it would unacceptably adversely impact on the amenity of all the neighbouring properties.
- The planning officer has not viewed the application site from the objectors garden.
- An additional reason for refusal has been suggested in the consultant's report.

Further representations from the applicant were received after the deadline for the original planning committee report, and after the deadline for the receipt of late representations. These are summarised below:

- While PPW states that tandem development consisting of one house immediately behind another and sharing the same access should be avoided, this statement does not relate to this proposed dwelling as the access is not shared. It is accepted that other vehicles gaining access through a resident's front garden would impinge on their amenity, however this is not the case and therefore PPW does not seek to resist this proposal.
- The applicant states that there are at least 8 properties on Ffynnon Dawel where the main estate road runs along the length of their rear gardens and at least one where an access road to another property does the same. This is typical of most residential estates. There is no evidence that vehicles travelling along the proposed access drive would create an echo when their speed would be very low. In addition to this the applicant has offered to construct walls of permanent materials along the drive which would reduce noise.
- The applicant states that the restrictive condition on the original 2010 consent was on highway safety grounds and not on amenity grounds. This has now been re-evaluated by the highway officer who now considers that it is acceptable.
- The applicant requests that the application be considered on the grounds that the application site is an existing farm yard with animals and machinery which would have a more harmful effect on neighbouring properties than this proposal, hence only one objection from residents of neighbouring properties.

Description of Site and its Surroundings

The application site is located within a residential area, and comprises a plot of land located to the north of two residential properties 'Fairview' and 'Sunnybank', and to the south of two modern detached dwellings at 32A and 30A Ffynnon Dawel. The area is unkempt and is partly occupied by a single storey, open sided, lean-to farm building. The site slopes gently upward in a north westerly direction towards Ffynnon Dawel.

The adjacent residential development, Ffynnon Dawel, is a modern development of predominantly detached dwellings which can be characterised by its modern volume house builder type character, however, the properties directly adjacent to the application site vary both in scale, appearance and design, and are of an older, traditional appearance.

The site is currently accessed off Main Road, with access available to the site bypassing adjacent to the existing dwellings 'Fairview' (the applicant's house) or 'Sunnybank' (with both dwelling's in the applicant's ownership). While an

access lane exists between the modern detached properties to the north, 30A and 32A Ffynnon Dawel – which at its widest measures 3.3 metres and at its narrowest 3.2 metres (3.1 metres between the downpipes) - the use of this lane is restricted to pedestrian access only by condition 10 planning permission ref. P2008/0429 (The permission for 30a & 32a)

The site is located within the settlement limits as defined by Policy H3 of the Neath Port Talbot Unitary Development Plan. As such the principle of residential development, subject to material considerations and criteria can be acceptable.

Brief Description of Proposal

This application seeks full planning permission for the erection of one detached dwelling, together with associated off street car parking and means of enclosure.

The dwelling will be a single storey 'L' shaped property which is proposed to be accessed off Ffynnon Dawel, via the existing (pedestrian-restricted) access lane running between 32A and 30A Ffynnon Dawel. Three parking spaces are proposed to the front of the dwelling.

The dwelling will be a gabled bungalow with a ridged roof which will run parallel to Ffynnon Dawel to the side of the dwelling and will have a gabled projection to the side elevation. There will be solar panels on the side elevation which faces the donor property, Fairview. With regard to the fenestration of the dwelling, on the ground floor serving the kitchen/dining room and lounge there will be three windows and a front door to the hallway, the rear elevation will have two windows serving two bedrooms, the side elevation facing No 32A Ffynnon Dawel will have just an obscurely glazed bathroom window and a side door and the side elevation facing the donor property will have a side facing bedroom window.

The bungalow will range between 5.6 metres and 6.6 metres in overall height depending on the ground level (3.1 metres to 2.6 metres to the eaves), will be 12.5 metres as the maximum width (4.1 metres minimum width) and 13 metres in depth.

The roof will be finished in concrete roof tiles, the front elevation will be finished in facing brickwork above a brickwork plinth and the other elevations will a spar render over a brickwork plinth. The fenestration will be Upvc. The colour of the finishes will be agreed at a later stage.

The dwelling is to be set 900mm of the boundary with 32a Ffynnon Dawel. The amenity area for the dwelling will consist of a 1 metre strip at the rear of the property which widens to 2.4 metres at the steps together with a side amenity area of 8.7 metres in depth and 5.35 metres in width. There will be a 1 metre wide path around the south side elevation and a parking/turning/hardsurfaced area at the front of the dwelling which has depth of 14.3 metres and a width of between 5 metres and 12 metres as there is a staggered boundary on this side of the application site.

The plans show that the boundary treatments will be 1.82 metre high close boarded fence along the frontage of the property and along the parking spaces and boundary between the dwelling and the donor property. The boundary with 32A Ffynnon Dawel will remain as a close boarded fence.

There are existing fence lines along the proposed access to a height of 2 metres on the north eastern side and 1.8 metres on the north western side, screening the existing rear gardens to 30a, and 32a.

EIA Screening/Scoping Opinion & Habitat Regulations

As the development is neither Schedule 1 nor Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application.

Material Considerations

The main issues for consideration with regards to this planning application are the principle of 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

The adopted development Plan for the area comprises the Neath Port Talbot Unitary Development Plan, within which the following policies are of relevance:-

- GC1 New Buildings/Structures and Changes of Use
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- H3 Infill and Windfall Development within Settlement Limits
- H4 Affordable Housing
- ENV5 Nature Conservation

As the proposed site is located within settlement limits defined in the Unitary Development Plan, the principle of a residential development is generally acceptable, provided there are no overriding highway, amenity or service objections. Policy H3 is therefore applicable when it states:

In addition to those sites contained in Policy H1, the development of “infill” and “windfall” sites within settlement limits, as defined on the Proposals Map, will generally be permitted for housing subject to the following criteria: -

- a) there is no unacceptable loss of open or green space that is important for its recreational, amenity or conservation value;
- b) proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing or programmed infrastructure or community facilities;
- c) there will not be a significant detrimental effect on the amenity of the existing residents of the area; and
- d) there would be no unacceptable highway implications

With regards to the issue of affordable housing, and Policy H4, as the application site is only capable of providing one dwelling, therefore the developer would not be required to provide any affordable housing as the development would be under the threshold set in the Unitary Development Plan and Supplementary Planning Guidance.

In relation to Policies GC1, ENV17, H3 & T1 in relation to design, amenity and location, layout and accessibility specifically, these matters are considered later in this report.

Visual Amenity

The properties located along Ffynnon Dawel have been constructed fronting that highway, and appear part of the modern housing estate in both design and scale. To the rear of these, the existing farm and associated residential buildings form part of the older and more established farm that existed prior to the development of that housing site.

The proposed dwelling will be located in a cluster of dwellings of varying scales, appearance and design with no definable character and located behind the dwellings on Ffynnon Dawel. There will be limited sight of the proposal

from the public realm. The proposed dwelling would be visible from a public footpath to the north of the site but views would be limited in duration and partially screened by an existing 2 metre high fence. It is therefore considered that this modest dwelling can be suitably accommodated on the site without have a significant impact upon the visual amenity, or character of the area.

The originally submitted plans showed a dwelling with the proportions of a two storey house with a high eaves and ridge level commensurate to a two storey property. A contrived half hip design to the over dominant roof structure attempted to give the appearance of a dormer bungalow, and to lessen the potential impacts upon the adjoining properties. The scale and massing did not reflect this style of dormer property, and appeared contrived to provide a larger and in the Authorities view an overdevelopment of this restricted plot, to the detriment of visual amenity.

Objections were subsequently received with regard to the proportions of the dwelling.

The amended proposal, providing a bungalow with limited accommodation within the roof space is considered to address the initial concerns over the visual impact, scale and massing of the development upon the wider area, and upon the outlook of adjoining properties.

Whilst it is accepted that any development will have an impact, it is the level of impact upon the visual amenity of an area, and the character of that area that are material in the determination of any application. Due to the proposed access arrangements, the development would amount to 'backland' or 'tandem' development, however, the dwelling will sit within an area of already established properties, and will be substantially screened by other development in the surrounding area. Accordingly, the dwelling would be viewed in the context of other properties, such that no objections are raised to the development in terms of the character or pattern of development on visual amenity grounds.

It is therefore considered that the development would not result in any unacceptable impact upon visual amenity, due to the context and pattern of existing development, the location, and the scale and design of the property itself, as such it is considered that it would accord with Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

Residential Amenity

In relation to the design of the dwelling, its siting and issues of impacts on residential amenity in terms of any overbearing impact, overlooking or overshadowing, it is considered that, notwithstanding its close relationship to all adjacent dwellings and their boundaries, that the proposed dwelling would not have an unacceptable impact given that it is single storey and limited in scale.

Whilst it is accepted that there will be an impact from a new dwelling at the rear of the existing gardens (of all nearby properties), taking into account the existing use of the land and the nature of the proposed development, it is considered that these impacts are not sufficiently detrimental to justify a reason for refusal.

The application proposes, however, to access the new dwelling via an existing narrow access which runs between the two modern properties fronting Ffynon Dawel (30a and 32a) which is restricted to pedestrian access only by a condition imposed when granting planning permission for no's 30a and 32a.

The condition states that:

10. Prior to the occupation of either dwelling, the access between Plots 1 and 2 which provides access to the land at the rear of the site shall be suitably fenced, walled or gated so that it is only useable as a pedestrian access, and shall be retained as pedestrian access only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

It is of note that there is currently a breach of this condition, insofar as there is no fence, wall or gate provided, which will be addressed through planning enforcement.

Planning Policy Wales (at para 9.2.13) emphasises that “Sensitive design and good landscaping are particularly important if new buildings are successfully to be fitted into small vacant sites in established residential areas. ‘Tandem’ development, consisting of one house immediately behind another and sharing the same access, may cause difficulties of access to the house at the back and disturbance and lack of privacy to the house in front, and should be avoided”.

The proposal would therefore result in the very form of tandem development which PPW seeks to resist. In this regard, it is considered that the introduction of a new permanent access to a residential dwelling, whereby vehicles entering and leaving the site would travel along the length of the two properties and their rear gardens, would have adverse impacts on the amenity of the two dwellings at the front by reason of an increase in vehicular movements in very close proximity to the side walls (with likely noise echo from the side walls due to the narrowness of the driveway), windows to front and rear and rear garden area.

Such impacts are considered unacceptable in their own right, however the fact that the condition was imposed on the 2010 consent for these frontage dwellings reinforces the need to protect their amenity under this application, given that the occupants of those dwellings would have a reasonable expectation for a degree of peaceful enjoyment of their properties and an expectation that the condition would be enforced.

In this regard, it is also notable that a previous application for a two storey dwelling was refused in 2011, with the report on that application stating that;

“It is considered that the construction of a dwelling on the application site represents an unacceptable form of infill development. It is considered that the proposed alignment of the driveway and its proximity to the existing adjacent dwellings would have an unacceptable impact upon the amenities of residents within the adjacent properties in terms of noise and disturbance. Furthermore it is considered that the scale and location of the proposed dwelling in close proximity to 32a Ffynnon Dawel would result in an unacceptable impact on upon the amenity of residents of that property by virtue of overshadowing and overbearing. The proposed development is contrary to Policies GC1, H3 and T1 of the Neath Port Talbot Unitary Development Plan and the principles of TAN 12 (Design).”

While it is accepted that the use of the land / building in question for farm related activities is a possibility, potential impacts from such historical use – which existed prior to the dwellings being built - are not considered to outweigh the harm that would arise from the unrestricted use of the access in question, the impacts of which could not be acceptably mitigated even by additional ‘more permanent’ enclosures or (due to absence of space) any landscaping.

In addition, it is notable that the site is already accessed via Main Road via the existing dwelling(s) which were historically related to the use of the site as a farm, and this access would remain for use by this site, and the existing

properties if this development were to be approved. It is clear therefore that there are alternative means of access to this development site, that could overcome the impacts upon amenity, however, the Applicant wishes the Authority to consider this proposal in its present form.

In support of the above, it is noted that in considering an appeal for 3 detached bungalows at Graig Road, Trebanos (ref. P2006/0967 – appeal ref. A/2050262) the Inspector, in dismissing the appeal considered that the proposed access to the development adjacent to an existing dwelling would “impact significantly on their living condition in terms of noise and disturbance”. In a more recent appeal for 2 dwellings at Ty Coch Farm, Leiros Parc Drive, Rhyddings, Neath (ref. P2008/0642 – appeal ref. A/2136432), the Inspector, in dismissing the appeal also considered that the proposed access to the development, adjacent to an existing dwelling, would “have a serious detrimental effect on the living conditions of the present and future occupiers”.

Accordingly, it is concluded that the creation of a vehicular access between the two frontage dwellings to serve the proposed dwelling would result in an unacceptable and adverse impact on their amenity by reason of the increase in noise and disturbance to the detriment of residential amenity and therefore be contrary to Policies ENV17, GC1 and H3 of the Neath Port Talbot Unitary Development Plan and Planning Policy Wales Edition 7.

Highway Safety (Access, Parking and Traffic flows)

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

The proposal is accessed off an existing access that is suitable for vehicular access, but is only restricted from such use by a planning condition. There is adequate space to provide the requested off street car parking spaces in accordance with the Council’s guidelines within the site, and for vehicles to enter and leave the site in a forward gear.

Notwithstanding the objections raised above on amenity grounds, it is therefore considered that the proposal would not have a detrimental impact upon highway or pedestrian safety, subject to the imposition of suitably worded conditions, requiring the provision of suitable levels of off street car parking, hard surfacing and improvements to the access together with boundary treatments improving the existing and ensuring access restrictions and use of this access. As such the development would accord with Policy T1 of the Neath Port Talbot Unitary Development Plan.

Ecology (including trees & Protected Species)

The Biodiversity Section has no objection to the proposal subject to a condition requiring a bird box to be erected on the new dwelling. Informatives shall also be added to the consent stating that if bats are found during construction work must cease and a licence sought from Natural Resources Wales and that the bird breeding season shall be avoided when clearing vegetation.

Others (including objections)

One letter of objection was received, followed by subsequent emails containing further points of objection and clarification of the original objections. While many of the points raised are addressed in the report above, the following additional responses are made:

- **Scale and siting of the proposal, the proposal would cause an overbearing and overshadowing impact on the objectors property** – this fact has been acknowledged earlier in the report. It is considered that the design and scale of the dwelling precludes any significant impact upon overlooking, overbearing or overshadowing. A residential dwelling, in a residential area is considered to be an appropriate use, however, due to the access the proposal would result in any significant impacts upon amenity through noise and disturbance.
- **Contrary to Paragraph 5.54 of Planning Policy Wales Technical Advice Note 12: Design and has no relationship to a highway** – Whilst it is accepted that the dwelling will be located to the rear of the dwellings fronting Ffynon Dawel, it will be seen in the context of existing residential development located in a similar position.
- **Access to the development is hazardous and of significant danger to pedestrians and children playing in the front gardens of 30a and 32a Ffynnon Dawel as vehicles emerge from the access drive between the two dwellings and only has vision over the front gardens of the two neighbouring properties when the vehicle emerges at their front gardens. This danger was pointed out during a previous refusal. In addition to this condition 10 of planning application P2008/0429 which was for the objectors dwelling stated that this access shall be usable only as a pedestrian access. This access has been blocked off until earlier in 2014 when the fence was taken down and a gate erected in its place. This gate was not used and the applicant parked his car in front of it** – The Council's Highway Section offers no objection to the proposal on highway or pedestrian

safety grounds. Objections have been raised, however, to the use of this access to serve the new dwelling on amenity grounds.

- **Access to the development would result in unacceptable noise and disturbance and cause as vehicles would travel along the full length of the objectors dwelling to access the proposal** – This has been accepted within the forgoing report.
- **No provision for a vehicle turning area, therefore vehicles will need to reverse the full length of the entrance drive between two residential dwellings** – The Council's Highway Section offer no objection to the proposal, it is considered that there is appropriate room for vehicles to enter and leave the site in a forward gear.
- **Proposal is contrary to ENV5 (nature conservation) of the Neath Port Talbot Unitary Development Plan as bat and owl surveys have not been submitted for the proposal** – a bat survey has been submitted following a request by the Council's Biodiversity Section and they offer no objection to the proposal. No other surveys have been requested. However, there is legislation outside of planning relating to protected species.
- **The objector has submitted a further letter of objection which gives examples of other similar applications which were refused as they were considered as backland development and had adverse issues on the residential amenity of neighbouring properties as vehicles would need to travel the full extent of the neighbouring property to access their proposal** – Each application should be considered on its merits, and the impacts of this development and use of the access have been addressed within the report.
- **The access does not meet minimum requirements of Part B of Schedule 1 of the Building Regulations 2000 (as amended)** – This is not a planning consideration. If the proposal does not comply with building regulations the applicant would need to address this matter under those regulations.
- **The objector has stated past decisions and appeals by different councils (some English councils) regarding planning decisions and appeal decisions in relation to backland development** – This matter has previously been addressed, although it I noted that each application should be considered on its own merits.

- **The objector wishes to be provided with a copy of the agenda and officer report 5 days prior to the Planning Committee and he wishes to make representations at Committee** – The Local Ward Member has been informed and has called the application to planning committee. The agenda will be a public document on line a few days before the committee and can address the committee in accordance with the public speaking procedure.

Further representations from the objector have been received after the deadline for the original planning committee report. These are summarised below:

- **The objector's consultant states that the officer report does not respond to comments made in the Independent Planning and Urban Design Assessment completed by the objector's consultant** - In response to the comments, the lack of comments regarding the Independent Planning and Urban Design Assessment, the contents of the report have been addressed under the separate matters. As stated the planning report states, there are no unacceptable issues with regard to visual amenity and residential amenity apart from the issue of the unacceptable access to the proposal. The concern over obscuring a window of a ground floor side facing bedroom is not considered to be necessary as suitable boundary screening will be provided. The highway section has no objection to the proposal and have visited the site following the consultants report to re-check the measurements and confirm that they have no objection to the proposal. The fact that there is little garden area for the proposed dwelling has been noted, however there is a small amount of amenity space around the dwelling and this would be a matter of choice for a prospective resident.
- **Concerns regarding backland development and that the proposal is a cramped form of development have been reiterated** – These comments have already been addressed in the report.
- **The officers report fails to consider the fundamental change in the nature and intensity of the use of the site and the way in which that it would unacceptably adversely impact on the amenity of all the neighbouring properties** - The comments regarding the upgrading of the side boundary along the access way and the need for ownership details and the relevant certificates on the application were deemed not necessary as this work could be permitted development, therefore no re-consultation was undertaken.

- **The planning officer has not viewed the application site from the objectors garden** - The planning officer, together with a senior planning officer visited the site and did not feel that the application site needed to be viewed from the objectors property as all matters could be considered from within the application site.

- **An additional reason for refusal has been suggested in the consultants report** - The contents of the additional reason for refusal have been noted, however, it is considered that the existing reason for refusal stands due to the fact that it is considered that the proposal does not pose an unacceptable cramped and over intensive form of development in comparison to the existing agricultural nature of the site which could be intensified by the applicant.

The applicant has also corresponded with the planning section since the closure of the original planning report the contents of which are detailed below:

Further representations from the applicant have been received after the deadline for the original planning committee report. These are summarised below:

The applicant comments on the fact that the planning section consider that the application dwelling would constitute backland or tandem development and is generally acceptable in respect of the design, scale and location and that the planning concerns relate to the effect on the amenity to users of the rear gardens of the two properties that are either side of the access drive. Planning Policy Wales paragraph 9.2.13 states that tandem development consisting of one house immediately behind another and sharing the same access should be avoided. This statement does not relate to this proposed dwelling as the access is not shared. It is accepted that other vehicles gaining access through a resident's front garden would impinge on their amenity, however this is not the case and therefore Planning Policy Wales does not seek to resist this proposal. The applicant states that there are at least 8 properties on Ffynnon Dawel where the main estate road runs along the length of their rear gardens and at least one where an access road to another property does the same. This is typical of most residential estates. There is no evidence that vehicles travelling along the proposed access drive would create an echo when their speed would be very low. In addition to this the applicant has offered to construct walls of permanent materials along the drive which would reduce noise. The applicant states that the restrictive condition on the original 2010 consent was on highway safety grounds and not on amenity grounds. This has now been re-evaluated by the highway officer who now considers that it is acceptable.

The applicant requests that the application be considered on the grounds that the application site is an existing farm yard with animals and machinery which would have a more harmful effect on neighbouring properties than this proposal, hence only one objection from residents of neighbouring properties.

These comments are noted and have been commented upon earlier in the report.

Conclusion

Taking account of the location, size and shape of the plot, it is considered that, while a modest dwelling could be accommodated on this site without adverse impact on local character or physical impacts on adjoining dwellings, the access to the site off Ffynnon Dawel would require vehicles entering and leaving the site to travel along the entire length of the rear gardens of these residential properties, and would result in an unacceptable level of noise and disturbance to the residents of these dwellings to the detriment of their amenity. The proposal therefore amounts to an insensitive and unacceptable form of ‘tandem’ or ‘backland’ development, contrary to Policies ENV17, GC1 and H3 of the Neath Port Talbot Unitary Development Plan and guidance in Planning Policy Wales Edition 7.

RECOMMENDATION: Refusal

(1) The proposed development would amount to an insensitive and unacceptable form of ‘tandem’ development which, by virtue of its proposed access between 2 existing dwellings at 30A and 32A Fynnon Dawel, would have an unacceptable impact on residential amenity in terms of noise and disturbance. The development is therefore contrary to Policies ENV17, GC1 and H3 of the Neath Port Talbot Unitary Development Plan and guidance in Planning Policy Wales Edition 7.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2012/0352	<u>DATE:</u> 09/08/2012
PROPOSAL:	Residential development comprising of 78 dwellings with associated demolition of 141 Dinas Baglan Road, access and engineering works (application for outline planning permission with details of access to be agreed) - covering letter dated 16 May 2014, revised Transport Assessment, revised location plan, swept path analyses, site cross-section, and email of 12 March 2014 regarding junction design.
LOCATION:	141 Dinas Baglan Road & Land Adjacent & Land rear of 85-139 Dinas Baglan Road & Land rear of 1-63 Sarnfan Baglan Road
APPLICANT:	Ryehill Properties (Wales) Ltd.
TYPE:	Outline
WARD:	Baglan

Background

This application is being reported to Committee due to the scale of concern from local Members and Residents.

Planning History:

P2009/0379 - Residential development for up to 75 dwellings (outline) – Withdrawn 07/12/10.

P2009/0006 – Phase 3 Rowentree Avenue (adjacent site) - 15 Dwellings with associated works – Refused 11/07/13.

P2000/1065 – Erection of 4 dwellings – Refused 03/04/01.

P1983/4368 – Horticultural Nursery Garden – Approved 12/09/83

Publicity and Responses if applicable:

Air Quality: No objection subject to conditions.

Contaminated land: No objection subject to conditions.

Environmental Health (Noise and lighting): Requested that a noise survey be carried out in response to which it was confirmed that subject to the imposition of suitable conditions there is no objection to the development.

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

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

Biodiversity: Requested that additional reptile surveys be carried out. The additional submitted information was satisfactory. As such they have no objection subject to conditions.

Head of Property and Architectural Services (Structures): There are no details of any retaining structure at this stage. No objection subject to conditions.

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

South Wales Police (Crime Prevention Design Advisor): No objection subject to the detailed design of the dwellings, landscaping and materials.

Natural Resources Wales (NRW): No objection subject to conditions and informatives.

Glamorgan Gwent Archaeological Trust: No objection subject to conditions.

Dwr Cymru Welsh Water: No objection to the proposed development subject to conditions and that no building is sited within 3m either side of the public sewer.

Welsh Assembly Government (Transport): No objection subject to conditions.

Neath Port Talbot Disability Network Action Group: Raised concerns regarding the construction specifications including tactile paving of the vehicles crossovers of footways and have suggested the inclusion of benches with arm rests along the access footpath.

91 neighbouring properties were consulted and the application was also advertised on site and in the press. In response:

A petition of 145 signatures has been received which states that they object to the proposed development.

82 letters of objection have been received in relation to the original submission and a further 19 letters of objection were received in response to a second consultation period on revised details. These objections can be summarised as follows:

- (1) The existing road is in an appalling state and not suitable to carry additional traffic. An attempt has been made to improve the surface, but it is now as bad as it was previously. They don't believe that there is a safe continuous path for disabled motor vehicles to negotiate these lights. The proposal is for 78 dwellings but the Hyder Transport Assessment script says there will be 83 domestic premises. The traffic survey was not carried out during the school run, as the dates of the survey were during school holidays.
- (2) There would be an increase in noise and air pollution, because of the increased flow of vehicles and their standing at the lights, particularly the noise of HGVs and cars starting, idling, revving and breaking. Has an Air Quality survey been carried out to establish the existing level of PM10 and what effect would the waiting traffic at the traffic lights have? Increases in traffic flow along Baglan Road due to the closure of the M4 slip roads in the near future, (which has subsequently occurred) would further these impacts. The 78 dwellings would have on average two cars per dwelling which means that there would be 156 cars using the access road, day and night which would increase noise pollution to the front of their dwellings. Over the past 10 years noise has already increased in the area exponentially.
- (3) If traffic lights are to be installed it would be very difficult to reverse out of the curtilages of neighbouring properties or to access their garages, car ports or driveways (those dwellings that access directly onto the A48), as they would be in line with the waiting traffic or within the 'yellow box' area. There would be a reduction of 'on road parking' along this road including yellow lines, waiting traffic and the yellow box, and parking is already a huge problem. Where will they be able to park their cars? Where will their visitors be able to park? Cars already sometimes park partly on the pavements and this

is likely to occur more often if the development goes ahead. The closure of the slip road would exacerbate these problems further. The lights will be placed at the brow of a rise in the road, when approaching easterly along the main road with no view over the top. There is also a public footpath, with a steep flight of steps that accesses directly on the proposed road junction (with only a narrow section of pavement on this side of the road) accessing the mountainside and the dwellings off Fernfields, which is used by both residents and walkers. Increased traffic congestion along the road would result in the need for more pedestrian crossings. Plus roads that access onto the A48 will have greater problems leaving their junctions due to the increase congestion. This stretch of the A48 has a full footpath to the south western side of the road, but only a very narrow footway on the north eastern side of the road. This road is a safe route to school and would be a future route to the new Ysgol Bae Baglan School.

- (4) The traffic lights would also cause problems to the dwellings located off the 'private road' of the lower section of Dinas Baglan Road by overloading traffic using this junction. It is not understood why the traffic lights are necessary as other junctions which serve more houses than proposed don't have traffic lights. The roadway is very narrow and there is only space for one car to come down the street at a time. They allege that the people responsible for NPTCBC's traffic lights were not in favour of the lights and believed that the road is too narrow for a traffic controlled junction. If there are cars waiting to come out of the street and cars on both lanes east and west on the traffic lights how are they to get past each other? It would cause a hazard as cars will be reversing back onto a main road into the traffic lights. They have stated that yellow lines would be used to stop the occupiers of 137 and 139 from parking on the street outside the front of their dwellings, so they wouldn't have any parking. The lower road is narrow with no turning area so people have to reverse out of the junction, which would be dangerous if it was controlled by lights and could cause a nasty accident. This will be a particular problem for large delivery lorries, in excess of 7.9m in length as the applicants have only carried out swept path analysis for vehicles of this length and not for larger vehicles. The developers should provide a proper turning circle at the end of the lower Dinas Baglan Road and rear vehicle access to these properties. The proposal will create a significant hazard with the convergence of road users, drivers, cyclists and pedestrians at the proposed junction with a

complete lack of vision when approaching the traffic lights from either end of the main highway or the lower road.

- (5) The design of the proposed traffic management control system and risk assessment has not been fully thought through. For instance the risk assessment assumes that no. 1 Sarn Fan has 1 car, when they have three. It also assumes that the dwellings in this area can turn their vehicles on-site, which they state that they can't. Access into and out of an number of properties' driveways are proposed to be controlled by detectors which should turn all the lights to red, but they are unsure how this would work, for instance how will they know that the lights have gone red and aren't pausing to let vehicles out of the proposed development, as it will not be possible for them to see this junction; also the waiting traffic could prevent them from leaving their properties; if they are having problems entering or exiting their properties how long would they have before the traffic flowed again and how would traffic leaving the development be aware of their difficulties as they will not be able to see them; what happens if the detectors fail, as temporary lights wouldn't cater for their properties; they understand that they would have to drive past their entrance by two car lengths to activate the detector, but how would the cars behind know that they will want to reverse back; could other vehicles unintentionally trigger the detectors; how would they have large items delivered to their properties, especially with the lights, and the yellow box junction? How would the refuse collection occur each week? How would they be able to cut the trees/hedgerow to the front of their properties safely? They don't believe that this area is suitable for traffic lights and the proposed development would cause dangers and serious inconvenience for local residents. The proposed access arrangements would affect the enjoyment of their environment by its inconvenience. The closure of junction 41 would make this situation even worse and the traffic surveys that have been undertaken have not taken this situation into consideration. At a public meeting a Council member agreed to try to drive in and out of their driveways, but this never happened.
- (6) High vehicles such as lorries, buses and 4x4s waiting at the traffic lights on the higher road will be able to look into the first floor bedroom windows of the dwellings located off the lower Dinas Baglan Road.
- (7) The proposed use of this access is unreasonable and unnecessary as other existing means of access from Heol y Nant and Rowentree

Avenue could be achieved and access could be obtained from the slip road of the motorway. The proposed access could be used by people wishing to access Heol y Nant and Rowentree Avenue, which would increase the use and the likelihood of danger.

- (8) Access for emergency vehicles when the M4 is closed and the A48 is grid locked will be a problem. Also during accidents and other problems on the Motorway this stretch of the A48 becomes gridlocked. The proposed lights would make the traffic worse during such periods.
- (9) The indicated potential car parking shown to the rear of the dwellings, accessed off the lower road would be inconvenient and difficult to access over long, sloping gardens.
- (10) The proposal would have an adverse impact upon the property that adjoins the eastern boundary of the site in regard to loss of privacy through overlooking; increase in noise from the motorway and potential loss of trees and hedgerow that are located along the boundary (on their own property). They believe that these trees should be protected by a Tree Preservation Order, as the trees offer a buffer to noise and unsightly views of the motorway. They are also concerned about the impact the proposal would have upon the stability of their raised patio and the impact of the relocation of the drainage easement in close proximity to their property.
- (11) The density of the development and overall layout is unacceptable. The addition of another road to the rear of their properties would result in added noise and their properties will no longer be as secure. The construction phase will cause dust, noise and disturbance. There would also be noise and disturbance from the development once it was built.
- (12) Dwr Cymru would not allow the access road to cross over the existing sewer with an additional depth of 5m of fill over the top. They are concerned about the proposal to divert the main sewer and are also concerned about their connections to this sewer. They believe that Dwr Cymru has stated that the development would overload the existing infrastructure and that there would be insufficient water supply.
- (13) The loss of view from their properties, which will become a view of a building site and then of crammed houses, squeezed into what

seems to be a very small plot of land. Their house prices will go down dramatically and would be detrimental to anyone trying to sell their house.

- (14) Properties will be overlooked resulting in a loss of privacy. Some of the properties are elevated above the development, which means that they will be looking directly into houses in the development and vice versa.
- (15) They are concerned that if the houses do not sell then it could turn into a benefit driven housing estate. The intensity of development is dependent upon how fast the developer wants to work. The development could drag on for years and living next to a building site for a prolonged period would be unacceptable. It is unknown whether the company is applying for consent to build or just to get consent and sell the site on for profit.
- (16) A document has identified that the area is located within a Radon affected area and that a factory on the Moors that needs a PPC for lead and other alloys which he finds worrying.
- (17) There are bluebells and primroses growing on site. The site was cleared of trees and buildings were removed before the surveys were carried out. It is known that bats roost in the area and that the Council should prosecute the developers for disturbing the bats. Bat droppings confirm the presence of bats at and around 141 Dinas Baglan Road. The number of bat sightings has dropped dramatically since the site was cleared and the buildings demolished. A full reptile survey of the whole site was not carried out as the Council owned land was not surveyed and that reptiles are thriving on the site. The ecological surveys were carried out too late and after the site had been cleared of vegetation. The submitted tree survey is incorrect and does not detail all the trees present on the site, including a large Cherry Laurel tree located to the rear of this house.
- (18) There will be damage and subsidence caused to neighbouring properties as a result of Heavy Goods Vehicles visiting the construction site. The houses are over 80 years old and already showing signs of subsidence, as the properties' foundations were not built to today's standards and considering the current level of traffic using the road. A Structural Integrity Survey has not been carried out on the properties within the vicinity which should be a key factor in deciding if the junction is suitable. There are also issues of

potential collapse of sewerage/drainage systems, water and gas supply pipes, both within the road and within peoples' properties. The Council should be responsible for any such damage caused to existing properties.

- (19) The site was previously identified for use as a leisure park and that the Council has set aside £3,000 to develop it as such. The intensity of the development does not provide a safe place for children to play other than within their own little gardens. The small area shown below the access is an insult to the safety of others. There is insufficient public open space by approximately 0.5 acres and there is no indication of the provision of play equipment.
- (20) There appears to be insufficient car parking provision, with what appears to be one space per dwelling.
- (21) They object to the construction of the access road which is shown to have been moved closer to their boundary at no. 1 Sarn Fan. The road has a design showing a sloping batter against a neighbouring property. Concerns are expressed about how this will affect the structure of their property's walls with regard to drainage and damp. They also want to know who would be responsible for this area from a security and safety/environmental aspect. How would they maintain their south facing walls, windows and fences? The close proximity of the access road to their property would increase the noise, disturbance and pollution experienced by their property from traffic, which would be again further exacerbated by the proposed location of traffic lights to the front and side of their property. They would no longer be able to open their bedroom windows. Would vehicles on the access road and main road be able to look into their bedroom?
- (22) The original proposal showed a 1.8m high boundary fence above the pavement level, but on this proposal it has been decreased down to 1.2m in height, which the applicants claim would give them privacy from passing cars, but they do not believe that it would give them privacy from pedestrians, especially adjacent to their patio.
- (23) The proposal shows the land beyond chainage 45 to be raised to accommodate the proposed new houses, how would this effect the drainage in their garden. The elevated proposed dwellings would also compromise their privacy further.

- (24) The proposed increase in ground levels are based on a gradient of 1:8.5, the introduction of a 10m shelf (a 10m length of access at a lesser gradient) or a reduction in the proposed gradient of the access would result in significant increase in the levels of the proposed road/pavement relative to the floor levels and ground levels of the adjacent dwellings.
- (25) The applicants have stated that they will divert the existing 11Kv electricity cables that are buried under the existing access track as well as relocating the transformer that it is connected to, but have not provided any details of where or how this would be done. They state that the applicant has also failed to explain what they will be doing about the 415v electricity supply that runs through the track to provide electricity to the dwellings in Sarn Fan. Would these be relocated closer to the existing dwellings?
- (26) The developers have stated that the existing open surface water drain that runs along the existing access track would be incorporated into their new sewer. The open drain takes the water that runs down off the mountain, through an existing drain that passes to the side of the pedestrian steps, then it passes under the A48 and entering the application site. The neighbours state that during periods of heavy rain it is possible to hear rocks passing through the drain. Currently they are then just deposited on the current access track, but would this be a problem for the proposed drainage system. During heavy periods of rain the water cascades down the steps and over the A48, then down the lane. Therefore the new proposed access would act like a chute to propel water down into the new estate, in the winter the water would freeze. What protection would the fence give their property from vehicles on the road during icy conditions?
- (27) The access arrangements are unusual and the zig-zag pedestrian access would cause serious safety issues for older people, children, parents with prams and any wheelchair occupants trying to use this route. Paths should be designed to be accessible to people with limited mobility and to those with sensory impairments. Suitable lighting and drainage systems are necessary but are not on the current plans. There is no reference made to the steepness of the hill to access the site in inclement conditions like snow and ice or even brake failure. Pedestrians would walk in the carriageway instead. There is also no provision of a cycle track. There is also concern that the open area of land for the zig-zag footpath would become a meeting place for youths and potential anti-social behaviour.

- (28) The houses would have substandard front gardens and are almost entirely accessed off the pavement they do not believe that these properties would sell. The proposed properties which face each other would have insufficient distance to ensure privacy. There is a high proportion of 2 bedroom dwellings and in their experience these do not sell. There is no indication of affordable housing provision.
- (29) What measures will be implemented on site to prevent heave or slump of the adjoining land due to the proposed earth works? There are no details of what or where imported fill material will be or measures that will be implemented to prevent contaminated fill being brought in. Will the change in levels on site result in further overlooking of their properties. The developers state that some of the houses would have raft foundations, when some of the houses on the Paddle Homes Site needed piling. How would the motorway be protected from the embankment caused by the fill operation? Will piling be used to stabilise the bank? Ground disturbance would put them at risk from the contamination on site.
- (30) The submitted plan shows two possible access points, one of which will be via the adjacent development, but they have not been served notice under certificate B. They would not wish to see this development joined to the adjacent development. They will not be building out the rest of their site unless an agreement is reached with the project team.
- (31) They ask the question are the planners favouring this application because the Local Authority has a substantial interest in the site and no doubt a sale price has been agreed by the two parties. The development is opposed on the grounds that the people of the county will not get a fair market value for the land if sold. The site should be sold by public auction.
- (32) The development seeks permission for only 70 dwellings not the described 78. Also deeds to this land refers to the land as nurseries not as scrub land as mentioned on the developers application form. Have they obtained the correct manner for change of use from agricultural and is there formal confirmation available for review?
- (33) The demolition of no.141 Dinas Baglan Road may be to the detriment of no.139 Dinas Baglan Road (which is the adjoining semi-detached dwelling).

- (34) No details of design, appearance and materials are available for comments at this point.
- (35) The errors in the application are an indication of the methods that would be used if they acquire planning permission, as well as their lack of consideration for the existing residents of the area. The submitted drawings are not very clear, so they are unable to see whether the houses would overlook their property.
- (36) It will result in the loss of the existing telephone box.
- (37) The ground level of the dwelling at Stycyllwen Farmhouse is approximately 1.5m lower than the ground level of the application site, with an earth bund and a fence erected along the top that separates them from the development site, they are concerned about the land levels on the site.
- (38) The site is not suitable for housing due to its proximity to the motorway. TAN11 relates to noise sensitive sites, and the site would be category C or D, as it is so close to the motorway. The applicant's surveys and information in this regard should be strongly scrutinised and challenged. The banking and wooden fencing is insufficient to block the noise. The references to triple glazing, sound proof bricks and roof tiles would put the cost of these houses out of the reach of the average buyer and that the noise level would be harmful to any future occupiers of the site.
- (39) A local resident is of the opinion that the proposed development would contravene an agreement between Roger Kirril Bellingham and The Mayor Alderman and Burgesses of the Borough of Port Talbot which conveys rights of access over the land.
- (40) A proposal that the dwellings along lower Dinas Baglan Road could have their bins collected from the proposed access road to the rear of their dwelling would be unacceptable, as they have very long, sloping gardens over which they would have to carry all their various bins.
- (41) Due to the increase in congestion to the front of their property they would formally request a reduction in their Council tax.

- (42) Concerned that the existing houses behind the Pentwyn Estate suffer from regular flooding and they can't see why these houses would be any different.

Description of Site and its Surroundings:

The application site covers an area of approximately 2.43 hectares and is currently overgrown scrub land, part of which was formerly used for horticultural purposes.

The main body of the site is located on a long linear portion of land to the rear of 85-141 Dinas Baglan Road and 1-63 Sarn Fan Baglan Road and the properties accessed off Stycyll-wen Lane, which are located along the north eastern boundary of the application site. Directly to the north and along approximately 300m of the north western boundary of the application site is the Paddle Homes - Rowentree Avenue residential development. The western and south western boundaries adjoin the M4 junction 41 slip roads, while further to the west are the M4 itself, the main line railway and the Baglan Industrial Estate. The southern boundary of the site adjoins the side boundary of the rear garden area of number 83 Dinas Baglan Road. The dwellings along the section of Dinas Baglan Road that back onto the eastern boundary of the site are accessed off a narrow, lower section of the Dinas Baglan Road, which is predominately a private way.

The application site also incorporates one half of the adjacent semi-detached dwelling – no. 141 Dinas Baglan Road - while the applicants have indicated that no. 1 Sarn Fan is now also within their control (outlined in blue on the location plan).

This part of Baglan is an established residential area where the dwellings are predominately two storey, semi-detached and detached houses, although there are also a few bungalows, all set within substantial gardens. The majority of the dwellings have been extended or modified in some way with single storey and two storey side and rear extensions, as well as terraced patios and raised decking.

The main body of the application site follows the general topography of the area and slopes down in an approximate east to west direction. The site levels currently drop from a height of 12.42m AOD in the north eastern corner of the site, to 7.07m AOD in the north western corner, over a distance of approximately 45m, while in the southern portion of the site, the south eastern corner has a ground level of 13.98m AOD at the base of a 1m high bank that is

located along this boundary, sloping down to 10.64m AOD at the south western corner with the slip road. This is a difference of 3.34m over a distance of 31.5m.

The site is currently accessed via a very steep sloping, unmade track that passes between numbers 141 Dinas Baglan Road and 1 Sarn Fan, with an approximate width between these boundaries of 5m at the eastern end with Dinas Baglan Road and 6.5m at the western end of 1 Sarn Fan’s rear boundary line. An existing open surface water drain passes along the southern side of the access track adjacent to the boundary with 141 Dinas Baglan Road. The drain connects via a culvert that crosses Dinas Baglan Road and to a similar open drain that runs along the side of a steep set of steps that forms part of a public right of way. There are physical signs on site that the drain is currently inadequate and that water has been running over the track’s surface and that a degree of erosion has occurred. The existing gradient of the track slopes down from a ground level of 21m AOD where it adjoins the lower section of Dinas Baglan Road to 13.49m AOD where it adjoins the main part of the site adjacent to the rear boundary of 1 Sarn Fan.

Brief description of proposal:

The proposed application seeks outline planning permission for the construction of up to 78 dwellings with the means of access to be agreed. All other matters (appearance, landscaping, layout and scale) remain reserved for determination at a later date via separate reserved matters applications.

In line with the outline planning permission procedures, the applicants have submitted a site layout that shows one possible layout option that the proposed development could take for the 78 proposed dwellings, together with the details of the proposed access to the site and existing and proposed sections through the development area. The applicant has also proposed the maximum and minimum parameters for the proposed development as follows:

House Type		Length (m)	Breadth (m)	Height to ridge (m)
2 bed houses = 45 units	Min	7	5	8
	Max	7.5	6	8.5
3 bed houses = 28 units	Min	8	5	8
	Max	8.5	5.8	8.5
4 bed houses = 5 units	Min	7	9	8
	Max	8	10	8.5

The submitted Design and Access Statement states that the proposed development would be made up of two and two and a half storey dwellings of 2, 3 and 4 bedroom properties, creating a total of 78 dwellings. This would equate to a development density of approximately 32 dwellings per hectare with a housing mix as specified above.

Access into the site will be directly off Dinas Baglan Road where there is an existing unmade access track. A new traffic controlled junction will be installed within which there will be a loop system which will control the operation of the lights. Access off this controlled junction into the site will be created through the widening of the existing unmade track which will also require the demolition of number 141 Dinas Baglan Road, which is one of a pair of semi-detached dwellings. The access road will extend to a width of 5.5m and will also incorporate footways on either side. This access road and footways will incorporate a gradient of 1 in 8.5m . In addition to the footpath which abuts the highway on the western side of the access road, it is also proposed to incorporate an additional footway which will be zigzagged in design to enable for the provision of 1 in 12 m gradient. The proposed pedestrian and vehicular access would take up the width of the land from the side boundary of 1 Sarn Fan, the current access track area and what is currently 141 Dinas Baglan Road, up to what would become the side elevation of the remaining dwelling 139 Dinas Baglan Road.

The proposed illustrative layout plan shows that once the access road meets the main body of the development site, it would divide in two branches. One branch of the estate road would extend in a north westerly direction with proposed dwellings located along both sides of most of the proposed estate road. Due to the linear shape of the site the estate road is shown to be fairly straight, but attempts have been made to vary its alignment and the resultant layout of the dwellings along it. As a result this branch of the road is shown to pass through more open 'square' spaces, before terminating with a further such 'square'. Five dwellings are shown to extend beyond this space, which would be accessed off a private shared drive and would be largely excluded from the vista that the main development would create.

The other branch of the estate road would extend in a south easterly direction from the site entrance, with dwellings located on only the south western side of the road. Again the road is shown to have a degree of variance in its alignment, with the proposed layout of the dwellings attempting to emphasise this variation. The road is shown to again terminate at a point where there is a wider expanse of shared surface which would provide access to the last 6 plots of the development. These dwellings are shown to be sited at a 90 degree

angle to the rest of the dwellings along this road and would face north and south onto the proposed open space.

The development would include 0.06ha of public open space, which is illustrated to be located at the termination of the main entrance road at the point where the road branches into two (such matters being addressed later in this report). The illustrative layout plan also shows a long narrow parcel of land with a length of approximately 280m and a maximum depth at its centre of approximately 9m, which then tapers away at both ends. This area has been set aside as a reptile habitat area and would be enclosed by a 1.8m high fence to prevent access from the dwelling which would back onto the area.

Material Considerations:

The main issues in the consideration of the proposed development relate to the principle of the residential redevelopment of the site; the impact upon the character and appearance of the surrounding area; the impact upon the residential amenity of the occupiers of the adjacent dwellings; the amenity of the future occupiers of the proposed dwellings; the impact upon the highway and pedestrian safety of the existing road network; the provision of affordable housing and public open space; the impact upon the existing landscaping and ecology on site, the impact upon flood risk and drainage and the impact upon contaminated land having regard to National and local Planning policies and guidance.

EIA Screening and Appropriate Assessment

The application site exceeds the Schedule 2, column 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 Environment 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.

Policy Context

The Development Plan for the area comprises the Neath Port Talbot Unitary Development Plan within which the following Policies are of relevance:

- GC1: New Buildings/Structures and Change of Use.
- ENV5: Nature Conservation.
- ENV11: Proposals in Areas of Flood Risk.
- ENV16: Contaminated Land.
- ENV17: Design.
- ENV29: Environmental Quality and Amenity.
- H2: Housing Density.
- H3: Infill and Windfall Development within Settlements.
- H4: Affordable Housing.
- T1: Location, Layout and Accessibility of New Proposals.
- T11: Traffic Management.
- T12: Footpaths, Cycleways, and Bridleways.
- RO3: Provision of Open Space to serve New Residential Developments.

Principle of Residential development

The application site is located within the settlement limits as identified by the Neath Port Talbot Unitary Development Plan, wherein the principle of residential development is acceptable, subject to the impacts of the development being considered acceptable in accordance with Policy H3 and the requirements of the other policies within the UDP.

Historically part of the site was used as a horticultural Nursery Garden (P1983/4368), however there are no visual signs of this use remaining on site and the land could be described as having returned to nature. Nevertheless the loss of the former lawful use of the land as a horticultural nursery would not be contrary to policy and the impacts associated with the redevelopment of the site for its proposed use for residential development are assessed within this report.

Visual Amenity:

The proposed application seeks outline planning permission with only means of access to be determined at this stage. As a result, with the exception of the details associated with the proposed access, the remainder of the submitted plans showing a proposed layout are for illustrative purposes only. As it is an outline application, details relating to the layout, design of the dwellings, scale

and landscaping have not yet been submitted and would have to be the subject of separate reserved matters applications in the event that outline planning permission is granted.

The proposed means of access would require a number of alterations to the existing road junction with Sarn Fan and the upper and lower sections of Dinas Baglan Roads. These alterations include the installation of a set of traffic lights to control the vehicle movements along the Dinas Baglan Road (A48) and vehicles moving from and to the lower Dinas Baglan Road and the new access that would serve the application site; the removal of the existing telephone box and part of the wall between the Dinas Baglan Roads together with the demolition of number 141 Dinas Baglan Road to provide pedestrian access to the site.

A loop system is proposed within the controlled junction to enable the occupiers of existing properties who currently access Dinas Baglan Road at a point which corresponds to the new controlled junction, the ability to continue to access and egress the road in a safe manner. (This would be controlled by a Section 278 agreement between the applicants and the Highway Authority).

Demolition of no. 141 Dinas Baglan Road

The proposed demolition of the existing dwelling at 141 Dinas Baglan Road, which is a two storey, semi-detached dwelling forms part of the current application. As such, the principle of the demolition of this dwelling must be considered at this stage of the planning process.

As a consequence of the demolition, no. 139 Dinas Baglan Road, the existing adjoining dwelling house would become a detached dwelling. As stated above, there are currently a variety of house types and designs within the Dinas Baglan and Sarn Fan Road area, including both detached and semi-detached properties. It is therefore considered that the demolition of number 141 Dinas Baglan Road, subject to the use of an appropriate finish to the exposed side elevation of the retained dwelling and acceptable details of the proposed demolition methodology, would cause no significant adverse impact upon the character or appearance of the surrounding area. Full details of the proposed demolition and reinstatement of the side elevation of number 139 can be secured through the imposition of a condition that would require the submission of a Demolition Methodology Strategy at the reserved matters stage.

Impact of New Access Arrangements and proposed Changes in levels

While the proposed development seeks outline permission, with all matters excluding means of access being reserved for determination at a later stage, the principle of the proposed ground works required to raise the existing ground level along the length of the track must be considered at this stage.

Over recent years, it has become established within the authority that for developments of this size an acceptable maximum gradient for an access road should not exceed 1 in 8.5m. Hence, given the known ground levels of the existing track and wider application site area, as well as the ground level at the proposed point of access onto Dinas Baglan Road, it will be necessary to increase the ground levels along the access road to achieve the required maximum gradient along its length.

The applicant has submitted details of the existing ground levels together with their proposed scheme for the construction of the new access road. The existing survey shows that the levels across the existing access track vary significantly along its length. At a point adjacent to the side boundary of the front garden serving No1 Sarn Fan the existing access track and drainage ditch are approximately 1m below the level of the front garden, while it is reasonably level with the front garden of No 139 Dinas Baglan Road. However as you progress in a westerly direction the level of the drainage ditch and access track, due to a combination of natural topography and erosion of the ground, drops to a depth of 1.91m below the level of the rear most point of the rear garden serving No 1 Sarn fan, but still remains level with the rearmost part of the rear garden to No 139 Dinas Baglan Road.

The proposed development will require the importation of material to increase the level of the access track. This imported material will be required to address the erosion that has taken place plus additional material to further increase the levels in order to create an appropriate gradient for the road. For instance at chainage points mentioned above the proposed new road would require:-

- The access road where it adjoins the front boundary wall of 139 Dinas Baglan Road (chainage 10.00) virtually no depth of fill material will be required when compared with the adjacent ground levels. (It is acknowledged that the eroded drainage channel will require infilling with material)
- The access road where it lines up with the front elevation of No 1 Sarn Fan (Chainage point 15.00) would be raised approximately 0.67m above the existing ground level and 0.44m above the slab level of 1

Sarn Fan and 1.16m above the base of the garden wall associated with 139 Dinas Baglan Road.

- The access road where it lines up with the rear patio of 1 Sarn Fan (chainage point 25.00) would be 0.6m below the level of the rear raised patio and approximately 1.28m above the existing ground level on which it is built. The road will also be 0.9m above the finished floor level of 139 Dinas Baglan Road, albeit there is a separation distance of approximately 14m between the edge of the carriageway and the side boundary of the property.
- The access road where it runs adjacent to the bottom of the rear garden of 1 Sarn Fan, and approximately 10m short of the bottom of the rear garden of No 139, (chainage 40.00), due to the natural fall in the land and the need to achieve an acceptable gradient for the proposed road, it would be approximately 1.95m above the levels of the adjacent gardens. It should be noted however that there is a separation distance of 3m between the edge of the carriageway and the side boundary of No1 Sarn Fan and 12m to the boundary of 139 Dinas Baglan Road.

Beyond the rear garden serving 139 Dinas Baglan Road (chainage 55.00) the access road branches off in a northern and southern direction. The southern branch which extends to the rear of Dinas Baglan Road will be at a level comparable with the rear gardens of those properties. Turning to the northern branch which extends to the rear of Sarn Fan, the proposed road and adjoining development land will be sited at grade with the rear gardens where it initially branches off and from here it will drop to a point 5m below the existing garden levels and 4 m below the garden levels at its most northerly point.

It is notable that, at a gradient of 1 in 8.5m, the new access would have a gradient too steep for the provision of a footway that would comply with the Inclusive Mobility document of the Disability Discrimination Act 2005. As a consequence, the authority require the developer to provide a footway access that would achieve a maximum pedestrian gradient not exceeding 1 in 12m, while also creating a safe and inclusive environment. In response, the submitted scheme shows the demolition of no. 141 Dinas Baglan Road and the formation within the area adjacent to the new access of a new pedestrian 'zig-zag' routed access way which will achieve this standard.

However, the proposed footway as shown would result in the formation of an elongated pedestrian route that crosses and re-crosses back on itself forming its zig-zag route. In this respect it is considered that this unconventional and lengthy design may not encourage all pedestrians to use it. The applicants have, however, also included a steeper footway directly adjacent to the

roadway for those people who are able and who wish to use a more direct route.

Further to this, to meet the required gradient and in part in an attempt to limit the potential impact of the proposed raised pedestrian footway upon the residential amenities of the occupiers of 139 Dinas Baglan Road, the pedestrian path would at certain locations be sited 1m lower than the proposed access road. Landscaped banks and planting could be introduced along the length of this footpath and the elevated road to soften their appearance and address the engineered solution which is proposed. However where the footpath is directly adjacent to the road the change in levels would require a retaining wall to support the road, above which a safety rail will be required.

Rather than the 1.2m high timber fence proposed by the applicants, it is considered that this safety treatment should be a metal railing which allows views through thus securing improved natural surveillance of the footpath area, as well as a more open and attractive appearance for the entrance to the development. This is also true for the 1.2m high continuous close board fence proposed to be located along the northern length of the access road. A wooden fence would provide little protection from traffic and would require regular maintenance to ensure its function as a screen to the private garden areas is retained. A more appropriate form of treatment at this location would be a brick or stone wall. Details of both means of enclosure and landscaping can be secured by condition.

Having regard to the above, and turning to the visual impact of the proposed access and junction onto the existing A48 and Lower Dinas Baglan Road junction, it is acknowledged that the works would result in a change to the appearance of the immediate area. However the appearance of such proposed works within an established residential area along an 'A' classified road would not appear out of keeping with the character and appearance of the streetscene, especially given that there is an existing residential development to the immediate north of the site.

Turning to the impact when viewed from the M4 and its associated slip roads, the site currently slopes up and away from the slip roads and is covered with vegetation. The development of this site will result in a change in levels which will necessitate the construction of retaining walls where the site abuts the slip road to a height in the region of 6 metres, above which will be close boarded fences. This characteristic is not unusual along the length of the M4, which has a particularly engineered appearance within the Port Talbot area and as such it is not considered that it will adversely affect the visual amenity of the site when viewed from the west. Further retaining works will also be required

within the site, albeit these may be in the form of embankments rather than walls, nevertheless these will be screened from views to the west by the houses proposed within the site itself.

In concluding on visual amenity, whilst it is acknowledged that there will be a change in character on the site from an area of open ground to an engineered residential development, which will involve a significant amount of cut and fill operations, it will not adversely affect the character and appearance of the surrounding area which itself is characterised mainly by residential development and the slip road to the M4. This will however be subject to acceptable reserved matters applications and conditions providing for the use of high quality surface materials, enclosures and landscaping. Details associated with the levels of the residential properties and the associated curtilages at reserved matters stage will also require careful consideration.

Potential Layout and form of Development

The narrow linear nature and length of the application site does not lend itself ideally to the formation of a development that could easily create interest within the streetscene or an overriding sense of place. The proposed illustrative layout plan, however, has sought wherever possible to break up the linear line of the estate road, and to create features of interest to terminate vistas. To help emphasise these vistas and 'squares', the proposed dwellings are shown to follow the line of the proposed estate road closely.

This layout is considered to demonstrate that, with careful attention to detail and a commitment to follow the principles embodied within Manual for Streets (along with careful attention to site levels), it would be possible for a reserved matters submission to design an attractive layout that with the use of vistas and design features creates interest and character within a narrow linear site. In this respect, it is noted that the illustrative layout arguably works better within the northern portion of the site where there are two rows of dwellings to enclose the road and create features, but the use of a reversed crescent and projecting dwellings within the southern section also helps to create interest within the row of proposed dwellings.

It is also noted that the submitted sections through the proposed development show that the garden areas for the proposed dwellings are largely flat. While it is understood that level garden areas are desirable for future occupiers, this is not a necessity and that some terracing of garden areas can create attractive and useable amenity areas, while helping to ensure that all retaining works on site

are kept to a minimum thereby reducing their impact upon the character and appearance of the surrounding area.

Nevertheless, it should be noted that this is just an illustrative layout and is not necessarily the proposed layout that would be submitted at reserved matters stage.

Similarly, due to the outline nature of the application and illustrative layout plan it is not possible at this stage to carry out a detailed assessment of adequacy of the proposed car parking provision to ensure that all of the houses are shown to have the required number of parking spaces, however the illustrative layout suggest that garden areas would be sufficient on a site of this size for the majority of the dwellings and there appears to be sufficient space within the site to accommodate further car parking spaces if needed, without compromising the overall design and appearance of the development.

The developers would also have to demonstrate at the reserved matters stage that sufficient natural surveillance of communal car parking courtyards could be created to ensure appropriate levels of community safety can be achieved, as well as developing an appropriate hard and soft landscaping scheme for the development to soften where possible the enclosed nature of the development.

Having regard to the above it is concluded that, while the development would result in changes in levels over parts of the site, significant changes to the access to the site and a material change to the character of the area when viewed either from the rear of properties on Sarn Fan and Dinas Baglan Road, or from the M4 slip road/ approaches, provided the reserved matters submissions pay careful attention to detail, there is no reason why an acceptable detailed scheme could not be designed which would adequately protect local character and visual amenity. In this regard it is also noted that the development would also effectively form a continuation of built development from the adjacent Rowentree Avenue development.

Accordingly the proposal would comply generally with the objectives of Policies H3, GC1, and T1 of the adopted Neath Port Talbot Unitary Development Plan.

Residential Amenity:

The closest adjacent dwellings to the proposed access road would be numbers 1 Sarn Fan and 139 Dinas Baglan Road (as no. 141 Dinas Baglan Road is proposed for demolition as part of the development). While the application seeks outline permission with only means of access to be agreed at this stage,

due to the existing ground levels along the existing track and the required maximum gradient of any access road that would connect to the point of access, any redevelopment of the site would require ground levels along the access road to be increased in height (as indicated earlier in this report).

The required raising of ground levels would vary across the length of the proposed access road, and the submitted sections through the site show that the level of the road when it reaches the south western corner of the rear garden area of 1 Sarn Fan would be approximately 1.95m higher than the ground level of the gardens of both these dwellings. At this point the proposed roadway is shown to be located only 2.2m from the side boundary fence of the rear garden area of 1 Sarn Fan and 9.6m from 139 Dinas Baglan Road. The applicants have shown that a 1.2m high close boarded fence could be located along the back edge of the highway verge, although it was indicated earlier in this report that for visual amenity reasons a wall would be preferable over a fence. They have also provided sight line information for cars and 4x4s that show that the height of this barrier would be sufficient to ensure that there would be no unacceptable overlooking from these vehicles while travelling along the access or waiting at the traffic lights.

While higher vehicles may be afforded views into the rear garden area of 1 Sarn Fan, it is considered that there would be fewer occurrences of these vehicles using the access road. A higher screen of 1.8m erected along the southern edge of the raised patio would also help to screen this private amenity area from overlooking, and the applicants have indicated that this property is now also within their control and is outlined in blue on the application location plan. A condition is therefore recommended to require the developer to provide this screen. The location of the zig-zag pedestrian footway between the access road and 139 Dinas Baglan Road would be sufficient to ensure that higher vehicles would be unable to overlook this property.

As stated above, the developers have in part attempted to limit the potential impact of the proposed raised zig-zag pedestrian footway area upon the amenity of residents within No. 139 Dinas Baglan Road, by reducing the level of the proposed footway in relation to the roadway. However, the rearmost part of the existing rear garden level of no. 139 Dinas Baglan Road (chainage 45.00) is shown to be 14.26m AOD, while the proposed footway is shown to have a ground level of 15.92m AOD, which is a difference of 1.66m, at a distance of 6.4m from the boundary. The proposed road at this location will be sited 2.79m above the garden, however there is a separation distance of approximately 11m between the carriageway and the boundary of the garden. While the changes in ground level would potentially allow views from both the road way and the pedestrian access into the rear garden area of 139 Dinas

Baglan Road, it is considered that the erection of suitably robust boundary treatment in this area, a brick or stone wall in keeping with the screening wall along the northern side of the access road together with the distances between the road and footpath and the dwelling would be sufficient to ensure that there would be no unacceptable loss of privacy. The use of a unifying boundary treatment for both this and the screening wall to the north edge of the access road would also help to reinforce a sense of place at the entrance to the development. Such means of enclosure can be secured by condition.

As such, it is considered that the proposed development of the access road, subject to the imposition of suitably worded conditions to control the provision of appropriate screening, would not have a significant detrimental impact upon the residential amenity of the occupiers of the adjacent dwellings, to such a degree as to warrant a reason for refusal on this ground.

In terms of the impact of the new dwellings on the amenity of existing residential properties, the actual design or siting of the proposed dwellings is not currently known at this stage. Nevertheless, the illustrative layout plan shows that the proposed dwellings could be sited in such a position to ensure that a minimum distance of approximately 22m could be achieved between the rear elevation of the existing dwellings along the lower section of Dinas Baglan Road and the proposed dwellings within the southern portion of the development. This is with the exception of 83 Dinas Baglan Road, which is a detached dwelling whose side boundary adjoins the application site's southern boundary. The south western corner of the dwelling is the closest point to the application site at a distance of 6m and is shown to be located 16m from the closest point of the nearest dwelling on the illustrative layout plan. The proposed dwelling on plot 76 is shown to back onto the flank boundary of number 83 together with plots 77 and 78. There are no sections that show the change in levels between the application site and number 83, but the existing ground survey shows that a number of trees and hedging grow along the boundary together with a bank that is approximately 1m high. Due to the outline nature of the application, the proposed layout plan is only illustrative. However a condition could be imposed which would ensure that a minimum distance of 10.5m is retained between the rear elevations of the dwellings located adjacent to this boundary. This distance would be sufficient together with appropriate boundary treatment to ensure that there would be no loss of privacy to the occupiers of the existing dwelling.

Along the northern portion of the development site a minimum distance of 28m is shown to be retained between the existing dwellings along Sarn Fan and the proposed dwellings. The Illustrative layout plan also details the submitted maximum and minimum parameters for the development, together with the

illustrative ground levels. The submitted details state that the maximum height of the proposed dwellings would be 8.5m to the ridge, it is considered that the distances between the existing and proposed dwellings together with the change in ground levels across the site would ensure that the proposed dwellings could be sited without having a detrimental impact upon the residential amenity of the occupiers of the existing dwellings.

Residential Amenity of Proposed Dwellings

Again, as the application seeks outline permission with all matters other than means of access reserved for determination at a later date, it is not possible to consider the details of individual dwellings including window positions and garden sizes at this stage. However, the illustrative plan shows that a suitable layout of dwellings could be achieved with adequate amenity areas.

Noise Impacts

The application site occupies land which runs immediately alongside the M4 slip road (and next to the highway bridge for the off slip) and close to the main railway line. Accordingly, noise is a material consideration for development of noise-sensitive residential dwellings, and it is known that the site experiences relatively high levels of noise from these nearby sources.

Accordingly, the applicant submitted a revised predicted Environmental Noise Assessment (2064/ENS1_rev 5 dated 28 June 2012), from which it is identified that the site falls within Noise Exposure Category (NEC) C as defined in Technical Advice Note 11 (TAN 11), wherein TAN 11 states “Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise”.

In considering noise-sensitive development, para 10 of TAN 11 further states that “Local Planning Authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night”.

Notwithstanding the above, residential development is possible within category C sites, with TAN 11 (A4) noting that “the planning system can be used to impose conditions to protect incoming residential development from an existing noise source”. Furthermore it is reasonable to consider that prospective occupiers of the dwellings would be fully aware of the site’s context when deciding whether to occupy the dwellings, and whether they are prepared to accept a degree of noise and disturbance.

In this regard, the noise submissions indicate that all proposed dwellinghouses would be able to achieve a predicted noise level within the dwellings of below 40dBA Leq 16 hours (free field). The document also shows that the majority of the gardens associated with the proposed dwellings as shown on the illustrative layout plan which back onto the slip road areas (the western boundary of the site) would achieve predicted noise levels of between 60 and 65dBA Leq 16 hours (free field). This predicted level is significantly higher than the 55dBA Leq 16 hours (free field) level that the Authority would expect to see achieved on new dwellings. Nevertheless the application seeks outline permission only with the proposed layout plan being for illustrative purposes only. This elevated noise level can be mitigated at reserved matters stage through careful design of the dwellings and the use of acoustic measures. The Head of Business Strategy and Public Protection has indicated that conditions can be imposed to secure the submission of survey evidence to support their reserved matters application which would demonstrate that each individual dwelling and associated garden area could achieve the acceptable noise levels.

Accordingly, it is concluded on balance that, through conditions and appropriate assessment at reserved matters stage, the site can be developed in a manner which would not cause unacceptable harm to the amenities of new residents, having regard also to the identified need for new housing.

Highway Safety (e.g. Parking and Access):

While the application seeks outline permission the applicant has indicated that the details of means of access to the site are submitted for determination at this stage (as described and considered above under visual amenity).

The means of access normally only considers the point of access that is proposed to the development site itself, but not details of the location or design of the subsequent estate roads together with their potential impact upon the highway and pedestrian safety of the existing road network. However in this particular case, due to the existing ground levels of the location of the access track, together with the required gradient that would have to be achieved over

this area, it was considered appropriate for the determination of the application to also consider the impacts associated with this part of the application site.

The applicants have as part of their formal submission provided a transport assessment which considers the capacity of the existing highway network, the traffic generation from the development, the suitability of the existing network to accommodate this traffic, including consideration of the intermittent closure of the M4 J41 on-slip road, and justification for the requirement for signals to give access to the site itself and works to the public highway which would be required to facilitate the development.

The Head of Engineering and Transport (Highways) has considered these details together with subsequent revisions that have been submitted following lengthy and detailed negotiations with the developers, and has stated that there is no objection to the development subject to the imposition of a number of detailed conditions including: - implementation of a suitably designed signalised junction with associated tactile paving, light controlled pedestrian crossings, lining and signage; full details of works identified as necessary within the Stage 2 Road Safety Audit; appropriate traffic regulation orders; details of the replacement of a section of parapet wall between Dinas Baglan Road and Lower Dinas Baglan Road with visi rail; a detailed strategy for the method of existing dwellings to control the lights to allow them to enter and leave their driveways; a detailed scheme for the replacement of the existing culverting of the water course from the mountain across the A48; full details of the fill material and road construction details; full details of any retaining works or structures and the provision of an appropriate Construction Method Statement.

The need for a second vehicular and pedestrian access to be created linking the development with the adjacent (incomplete) 'Paddle Homes' development at Rowantree Avenue has also been suggested as being desirable by the highways officer to improve connectivity of the site to the wider area and to local facilities in accordance with the aspirations outlined within the document entitled 'Manual for Streets'. Such a link – while acknowledged by the Highway officer as not being strictly essential in highway safety terms - has clear benefits in facilitating easier access for residents to local facilities as well as potentially reducing the number of vehicles needing to use the signal access to the development, reducing the trigger of the signals for traffic on the A48.

In terms of pedestrian connectivity in particular, the connection to the adjacent development would provide an appropriate 'balance' to the steeper zig-zag pedestrian route at the primary site access, which may not encourage use,

especially during period of inclement weather conditions when neither access road or footpaths are likely to be gritted by the Council.

In this regard, while a condition is not imposed requiring its provision in advance of occupation of a specified number of dwellings (a figure of 50 having been a suggestion made by the highways officer), a condition is recommended that requires the reserved matters submissions to ensure that such vehicular and pedestrian access is facilitated through the final design (in other words that appropriate pedestrian and vehicle access is afforded right up to the site boundary) and provided to surface course level as part of this approval. The LPA will then seek to secure such access in future through the remaining part of the adjoining development.

In terms of the access arrangements for existing dwellings onto the new signalised controlled junction, concerns have been expressed by local residents about the safety of such access. In considering this point, the highway officer advises that a loop system is likely to be required to operate the signals for No. 2 Sarnfan Baglan Road as the access to the dwelling is at an angle and comes into the middle of the junction. No 1 Sarnfan Baglan Road, however, would not require this as it has adequate visibility and a turning facility within its curtilage which allows it to exit in a forward gear and see the secondary signal head advising it of the sequence of the signals. No. 94 Dinas Baglan Road when exiting its garage would be able to see the signal head of the secondary signals which will advise it of the sequence of the signals. It has been suggested by residents that a 'loop' should be installed for every house sited near to the signals. However this was not considered to be appropriate by the telematics engineer as there is on street parking within this area, and parked vehicles over the loops will interfere with the operation of the traffic lights to the detriment of the safe and efficient flow of traffic. It would also give a false sense of security to residents exiting their drive which could in turn create a highway safety issue. Having regard to the above, it is considered that such matters can be appropriately covered by condition.

It is noted that the Highway Officer also recommended the imposition of a condition to require the applicants to replace the current 'up and over' garage doors on the garages of 90 and 92 Dinas Baglan Road with roller shutter doors. The applicant, however, has no control over these properties. Moreover, it is also noted that while this type of door in such close proximity to the public highway is not ideal, this is a pre-existing situation which is not as a consequence of the proposed development and as such it would be unreasonable to require the applicants to do this and as such the condition would not meet the required tests for conditions.

Having regard to the above, it is concluded that, subject to the imposition of conditions, including those covering the detailed design of the new access, the development would have no unacceptable impacts on highway safety that would warrant refusal of planning permission.

Other Matters – Housing Land Availability

Planning Policy Wales (Edition 7) states that Local Planning Authorities have a duty to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

The most recent Inspector's report on land availability for Neath Port Talbot has concluded that the Council has a 2.5 year housing land supply at April 2014.

PPW (para 9.2.3) emphasises the need for local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing, and para. 6.2 of TAN 1 - Joint Housing Land Availability Studies (2015) - states that "The housing land supply figure should also 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 development plan and national planning policies".

Having regard to the above, it is concluded that the contribution made by this development to housing land supply amounts to a material consideration of weight, given the location of the site within the settlement boundary, and the general compliance with development plan policy identified above, such that this is considered to be an example of a site where granting planning permission now would be appropriate having regard to the advice in PPW.

Section 106 Issues

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Affordable Housing

Under Policy H4 of the UDP, it is stated that “Where there is a demonstrable need, determined by reference to an up-to-date housing needs assessment...an element of affordable housing will be sought on suitable sites.” The policy continues on to state that the suitability of a site will take into account its size, the economics of provision, any particular costs associated with development of the site and any prejudice to the realisation of the other planning objectives which may constitute a priority on the site.

Further advice is available to developers within the Council’s Affordable Housing Supplementary Planning Guidance and the Affordable Housing Viability Assessment Guidance Note, with the former emphasising that a contribution of 20% is sought from all housing developments of 3 units and above.

The SPG recognises that the ability of developments to contribute to the provision of affordable housing may be constrained by the viability of the site, and states that “where the developer can demonstrate that the economics of the site cannot carry this level of contribution or that it conflicts with other over-riding planning objectives for the site, there may be scope for it to be relaxed”.

In this regard, while Officers have sought to deliver affordable housing on this site, the applicants have submitted a Viability Assessment in broad accordance with the requirements of the above guidance which concludes that the development would not be viable in the event that affordable housing (and additional public open space) were required. This assessment has been reviewed by a valuer within the Council, following which it has been accepted that it has been demonstrated that within the current market conditions and due to the abnormal costs associated with the proposed development that the provision of affordable housing as part of the development would make it unviable.

Notwithstanding that affordable housing cannot be delivered on site currently for viability reasons, the SPG emphasises that, where appropriate, the

Authority may impose s106 agreements that enable the reassessment of viability for any dwellings not completed within 12 months of the grant of planning permission. Accordingly, as the application currently seeks outline planning permission it is considered that any grant of planning permission should be subject to the signing of a Section 106 Agreement to secure the provision of a new Viability Assessment at the reserved matters stage and then again annually following the start of development until all dwellings have been completed on site. This will ensure that, in the event the market improves, that a degree of affordable housing will be able to be delivered at the site.

Public Open Space Provision:

Policy RO3 – provision of open space to serve new residential developments – requires developments where existing open space is inadequate to contribute towards either the improvement of existing off-site facilities in the locality through a commuted payment or make provision for additional areas of open space within the site. Such space or facilities should be provided in accordance with the Borough Council’s adopted standard of 2.8 hectares per 1000 population. The provision should be well related to the housing that it is intended to serve, but the exact form and type should have regard to the nature and size of the development and the needs of the residents.

Discussions with the developer sought to achieve 0.476Ha of POS on site in accordance with Policy RO3. However, the applicant sought to demonstrate through the viability assessment that such provision would make the development unviable, reducing significantly the number of dwellings capable of being delivered at the site.

While it has been accepted that the full extent of POS would limit the viability of the site, it is considered that the opportunity exists for a degree of provision greater than the 0.06Ha identified on the plans – which is significantly deficient against the standards expected by Policy RO3. In this respect it is also noted that the submitted viability assessment identifies that £65,000 is agreed for commuted sums for POS maintenance and “£45,000 for POS and children’s play”.

Given the restricted size of the POS identified on the site, it is unlikely that a Locally Equipped Area for Play (LEAP) could be provided on site by the developer. A Local Area for Play (LAP) facility, could however be provided, and secured by condition which would be specifically designated for young children (age 4-6). Furthermore it is also considered appropriate to review the need for additional public open space at the reserved matters stage given the very restricted area of land proposed at this outline stage.

Landscaping and Ecology:

While part of the application site was formally used as a horticultural nursery, this use was discontinued some time ago and the site had become overgrown with scrub. There are a number of trees and shrubs along part of the south western boundary of the application site with the slip road, as well as along the existing access track to the site. There are also a number of hedgerows located along the boundaries of the site with some of the existing dwellings, including the southern boundary which adjoins 83 Dinas Baglan Road. However the existing landscaping has not been managed or maintained in recent years and the proposed ground works together with the development itself would necessitate the removal of much of the existing landscaping. A condition can be imposed that would require the submission of an up to date tree survey at the reserved matters stage that would be used to inform the detailed design of the development and its associated engineering works thus ensuring that the areas of existing landscaping which should be protected during the construction process are retained. An additional condition that would require the submission of a detailed landscaping strategy would also be recommended.

The detailed landscape strategy would have to show how the proposed development would use both hard and soft landscaping to soften the appearance of the development when viewed from both within and outside the sites boundaries and thus create an attractive development that successfully forms part of the wider area in which it is located.

The applicants have carried out a number of habitat and species surveys within the application site. While a low population of reptile species were found to live or forage within the application site, the applicants have identified an area – the green embankment - which would be used as a receptor site for the translocation of any species from the wider site area. To help to facilitate the use of this area as a receptor site the developers have submitted a scheme of works to create a suitable habitat within this area. The Council's Bio-diversity officers and NRW have raised no objection to the proposed development or the details of the receptor habitat.

Flooding and Drainage:

Natural Resources Wales (NRW) has stated that “one boundary of the site lies adjacent to an area shown to be at risk from flooding (Flooding Zone 2 and 3). However, the site itself appears entirely outside this area. As such the developer may wish to incorporate flood proofing measures within the design

of the properties as a precautionary measure.” As the application seeks outline permission at this stage, this information would not be needed at this point.

NRW has also commented on the proposed diversion of the surface water culvert that currently takes the water from the mountain on the opposite side of the A48 Dinas Baglan Road. The culvert is currently located to the side of the pedestrian access steps that passes between number 2 Sarn Fan and 94 Dinas Baglan Road. The culvert then continues on under the A48 and on to the application site to form an open drain that runs along the side of the existing access track. They have advised that a permit may be required for these works, but raise no objection to the proposal itself.

Welsh Water has also considered the impacts of the proposed development upon the existing public sewer that crosses the site. The public sewer is shown on Welsh Water’s records to cross onto the application site at the rear of number 39 Sarn Fan then proceeds in a southerly direction adjacent to the north eastern boundary of the application site. However, the public sewer begins to angle across the site around the area adjacent to the rear garden of number 122 Dinas Baglan Road to exit the application site towards the south western corner of the rear garden of number 83 Dinas Baglan Road. Although the application seeks outline permission only, the illustrative layout plan shows two areas adjacent to the south eastern boundary of the site which have been kept free of development to demonstrate that adequate space could be provided within the development to allow a 6m wide easement for the existing or diverted public sewer. As such Welsh Water has raised no objection subject to the imposition of a suitable condition to ensure that there would be no dwellings constructed within 3m either side of the public sewer and that adequate connections are made for sewerage, surface water and land drainage.

As such it is considered that the proposed development could be designed at the detailed design stage to ensure that there would be no detrimental impact upon flood risk or drainage within either the application site or adjacent properties.

Contaminated Land

The Council’s records show that there is some anecdotal evidence that there may have been fly tipping within part of the site. The Contaminated Land Officer has considered this evidence and the history of the previous use of the site and has recommended the imposition of a condition to ensure that if any ground contamination on site is discovered during the course of the development that it is treated appropriately through a remediation scheme that

is to be submitted to and approved in writing by the authority prior to works continuing in that area of the site. Subject to the imposition of such a condition it is considered that the proposed development would have no detrimental impact upon potential ground contamination within the area.

Others (including objections):

A number of the objections raised by local residents have been addressed within the above appraisal. The remaining outstanding issues are addressed below:

- (1) Issues related to the potential impact of the proposed development upon the highway and pedestrian safety of the existing road network have been addressed within the above report. The Highways Officer has confirmed that he is satisfied with the information contained within the submitted Transport Assessment and the associated surveys that were used to inform the assessment.
- (2) In relation to issues associated with noise from additional vehicle movement and air quality issues the Council's Environment Health Officer's comments particularly in regard to noise have been set out within the above report. The Air Quality Officer has considered the proposed development and has raised no concern with regard to the impact of the proposed development upon the amenity of the occupiers of the existing dwellings, but has suggested a condition to ensure that the frontage of any proposed dwelling is at least 5m away from the closest point of the slip road to ensure appropriate levels of NO2 are ensured.
- (3) The applicant removed details of the proposed yellow box and details of the traffic lights from the application, as they had been advised that these details could be controlled through a Section 278 agreement under the Highways Act. However, the Highway Officer has recommended the imposition of conditions that would require the implementation of appropriate Traffic Regulations Orders and traffic light details prior to the first beneficial occupation of any of the dwellings, these details would have to first be submitted to and approved in writing by the Local Planning Authority. The Highway Officer has also recommended a condition that would ensure that the developers would have to allow residents along the lower section of Dinas Baglan Road the right to access the rear of their properties from the proposed southern section of the estate road. Any resident

wishing to carry out such works would have to ensure that any formal permission from either the Building Control or Planning Sections are secured first and unless they have an agreement with the developer to the contrary any associated cost would have to be met by themselves.

- (4) The applicant has submitted an assessment that shows that the proposed barrier along the proposed access road would be of a sufficient height to ensure that there would be no direct overlooking from the proposed access road to the rear garden areas. While in relation to concerns related to overlooking from High vehicles such as lorries, buses and 4x4s waiting at the traffic lights on the upper Dinas Baglan Road, such vehicles would only stop at the lights for very brief moments and would have no greater view into properties than would be afforded to any such vehicle that could currently stop on the public highway in this or any other location along this road.
- (5) No residential scheme would be given direct or indirect vehicle access to an existing motorway slip road due to the speed of traffic and the resultant impact upon highway safety. The application seeks permission for the means of access to the development to be via the proposed access arrangements that form part of the development. They have shown that at a further date it would be physically possible to construction an access that could adjoin the Heol y Nant and Rowentree Avenue development together, however this does not form part of the current planning application. The application before the Council for determination seeks permission for a single vehicle access via the submitted details and it is this proposal that must be determined. The Highway Officer has considered the proposed development and does not consider that a reason for refusal based upon the development's impact upon highway and pedestrian safety could be defended on appeal, but has recommended the imposition of a condition that would limit the development to 50 dwellings accessed off a single access. The need for such a condition has been discussed earlier in the report.
- (6) The movement of emergencies first responder vehicles through traffic is governed by the Highway Code.
- (7) It is acknowledged that the rear gardens of the dwellings along the lower section of Dinas Baglan Road are long and sloping, however there are no proposals to restrict access to the road fronting these dwellings other than number 139. The remaining dwellings would

retain their current access and would only access the rear proposed southern section of estate road if they so wished.

- (8) Potential impacts to the existing residential dwellings within the area and existing landscaping have been addressed within the above report. There are no tree preservation orders on the trees within the application site or on land directly adjoining it, nor are the trees of sufficient merit to justify their protection through a TPO.
- (9) Concerns regarding the potential impact upon stability or potential damage that may be caused to adjacent existing properties or services during the construction process are civil matters between the property owners and the developers. As this matter is a civil issue the Council would not be responsible for any damage caused to an adjacent property, unless the Authority had caused that damaged directly themselves.
- (10) Issues related to the potential impact upon the existing drainage within the area and associated easements have been addressed within the above report.
- (11) Issues related to the density of development have been addressed within the above appraisal. In regard to concerns over noise and disturbance associated with the construction phase of development, all construction works are likely to result in a degree of noise and disturbance to adjacent properties, particularly where there are significant levels of proposed earthworks. However these disturbances are temporary and a condition requiring the provision of a detailed Construction Environmental Management Plan should ensure that such noise, dust and disturbances are kept to a minimum. If in exceptional circumstances levels of noise and disturbance exceed normal levels and constitute a noise nuisance then these circumstances are governed by Environmental Health Nuisance regulations.
- (12) Within planning regulations there is no right to maintain a certain view from a property. An assessment of the development's potential impacts upon neighbouring properties has been carried out and has concluded that due to the distances between the existing dwellings and the proposed development that a suitably designed layout for the development could be achieved which would ensure that there would be no overlooking, overshadowing or overbearing impacts upon existing dwellings. The potential loss of value or increase in value of

properties is not a planning matter and can be given no consideration in the determination of the planning application.

- (13) The economic nature of future occupiers of dwellings that form part of a residential development is not a planning consideration, neither is the build rate of the development itself. Planning controls the start of development but not the implementation rate of the subsequent development. The potential speculative nature of development is not a planning matter and cannot form part of the determination of an application.
- (14) Radon is a naturally occurring radioactive gas that is present in all rocks and soils. Issues associated with protection measures for occupiers of new dwellings is governed by Building Regulations. Concerns regarding a factory on the Baglan Moors that needs a PPC for lead and other alloys is not an issue associated with this application and any such concerns should be directed to the relevant body responsible.
- (15) Issues related to landscaping and biodiversity have been assessed within the above appraisal and could be controlled through the imposition of suitably worded conditions.
- (16) Issues related to historic proposals for a site are not material planning consideration in the determination of a planning application unless it forms a plan or policy included within a national or local planning policy or master plan. Issues related to the size and adequacy of the public open spaces have been considered within the above appraisal.
- (17) In relation to concerns over car parking and the inadequate size of front garden areas, the application seeks outline planning permission with all matters other than means of access reserved for determination at a later date, via separate reserved matters applications. This includes details of the proposed layout of the development including car parking provision. Nevertheless, as set out in the appraisal above it is considered that there would be sufficient room to accommodate up to 78 dwellings on site with associated car parking and private amenity space. In relation to the proposed size of front garden areas, there are no standards within planning in regard to front garden sizes or the distance that dwellings should be set back from the highway, however there is a requirement to secure appropriate highway and pedestrian visibility splays for vehicular access points into those dwellings, which in turn can

dictate the set back of the houses from the public highway. Nevertheless it is not uncommon for dwellings to have direct access from their front doors onto public pavements, with the provision of no front gardens.

- (18) Issues related to the impact of the proposed access road upon the amenity of the adjacent dwellings have been considered in the above appraisal. The developers have also confirmed that they now have control over 1 Sarn Fan.
- (19) With regard to issues related to the diversion of the existing 11Kv cables and the 415v electricity supply that runs through the track, a condition could be imposed to ensure the provision of adequate details regarding the relocation of these facilities.
- (20) Issues associated with the proposed pedestrian access arrangement have been largely addressed within the main report. Nevertheless in regard to this area becoming a meeting place for youths and potential anti-social behaviour, this is equally true for any public open space or facility. The zigzag footpath is located in a prominent position with open views and would have good natural surveillance from the access road, which should ensure that it would attract no more antisocial behaviour than any other public footpath.
- (21) In relation to comments regarding the proposed number of bedrooms within the dwellings, the application currently seeks outline permission so the exact housing mix is not currently known. General issues in relation to the marketability of housing are left to market forces and house builders, other than when a certain housing mix is directly required by a planning policy. There is no such policy within the Neath Port Talbot Unitary Development Plan.
- (22) Issues related to the proposed ground works and potential ground contamination have been addressed within the above report and through the imposition of suitably worded conditions.
- (23) In relation to issues associated with a potential access through to the adjoining Paddle Homes Development, this does not currently form part of this application however there will be a restriction on the number of dwellings that can be constructed on site unless and until such an access can be provided.

- (24) In response to concerns that the application may be favoured because the Local Authority has a substantial interest in the site, such matters are not a material planning consideration. Moreover, it is emphasised that the ownership of part of the site by the council has had no material bearing on the conclusions within this report, which are reached solely on the basis of material planning issues.
- (25) In the interests of clarity the application is seeking outline permission for up to 78 dwellings. The former use of the site has been addressed within the above report, together with details of the current proposal.
- (26) Issues related to the demolition of 141 Dinas Baglan Road and the potential impact upon the currently adjoining semi-detached dwelling of 139 Dinas Baglan Road would be addressed through the imposition of a condition requiring the submission of a Demolition Method Statement including details of the proposed measures to make good the resultant exposed side elevation of this dwelling.
- (27) With regards to residents' concerns that errors in the application are an indication of the methods that would be used if the developers acquire planning permission, as well as their lack of consideration for the existing residents of the area, this is not a planning consideration as planning permission relates to the land and not the applicant. The identity of the resultant developer of a site is not therefore a matter that can be given consideration as part of the determination of a planning application.
- (28) While the loss of the public telephone box would represent a loss of a publicly available facility, this would not represent a reason for refusal of planning permission, noting also that such public telephone boxes are becoming increasingly scarce as their function becomes replaced by the increasing use of mobile phones.
- (29) In relation to concerns regarding ground levels around the dwelling at Stycyllwen Farmhouse, due to the outline nature of the current application the proposed ground works in this area of the site are not currently known. The closest section through the site is shown at chainage 1050, which shows the ground levels being reduced in this area. However the actual details of the proposed works within this area would have to be the subject of a subsequent reserved matters application which would be subject to a public consultation exercise of its own.

- (30) Issues related to the impact of traffic noise upon the future occupiers of the proposed dwellings have been addressed within the above appraisal. The costs associated with implementing measures to ensure adequate noise insulation to the proposed dwellings is a matter for the developers.
- (31) With regard to the issue of the legal agreement between Roger Kirril Bellingham and The Mayor Alderman and Burgesses of the Borough of Port Talbot raised by one local resident, this agreement has been assessed by the Council's legal officer who has confirmed that it would not prevent the determination of the current application, as it allows access over land, rather than restricts it, however the agreements potential impacts upon the development is a matter for the applicant to address.
- (32) Issues related to applications for potential Council tax reduction should be addressed to the Council Tax department and are not material planning considerations.
- (33) With regards to concerns over flooding. The applicants have submitted a Flood Consequence Assessment, which has been considered by NRW, who has raised no objection to the proposed development in relation to increased risk of flood risk or impacts upon third party land.

Conclusion:

The application site is located within the identified settlement where the principle of development is considered acceptable and, where it has been satisfactorily demonstrated that there would be no unacceptable detrimental impact upon the character or appearance of the area or upon the residential amenity of the occupiers of the adjacent dwellings to such a degree that would merit the refusal of planning permission on either of these grounds. Similarly through the imposition of suitability worded conditions sufficient amenity space for the occupiers of the future dwellings can be secured. There would also be no adverse impact upon the landscape character or biodiversity of the area or upon the flood risk to the application site, adjacent third party land or the current land, surface or foul sewers within the area. In addition conditions could be imposed that would ensure that any unexpected contamination found to be present on site is appropriately dealt with and that no material brought onto the site in association with the ground works would bring contamination onto site. As such it is considered that the proposed development would be in accordance with Policies GC1, ENV5, ENV11, ENV16, ENV17 ENV29, H2,

H3, H4, T1, T11 T12 and RO3 of the Neath Port Talbot Unitary Development Plan.

Recommendation:

That planning permission be granted subject to the signing of a Section 106 agreement to secure the following Head of Terms: -

- Submission of a revised viability assessment at the reserved matters stage and then annually thereafter until the final property is completed, in order to secure a degree of affordable housing on site should market conditions improve.
- Provision of a Local Area for Play (LAP) to an agreed specification, and a clause requiring approval of a detailed scheme of maintenance, which could involve the transfer of land and children's play facilities to either the Council with an associated commuted sum or provision made for a private management company to maintain the land.

And subject to the following conditions:

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

Reason

The application was made for outline planning permission.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted for that phase of development in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application was made for outline planning permission.

(3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

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

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

Reason

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

(5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

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

(6) Any aggregate (other than virgin quarry stone), recycled aggregate material, topsoil [natural or manufactured] or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the local planning authority in advance of its importation. Only material approved by the local planning authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

Reason

To ensure that the safety of future occupiers is not prejudiced

(7) No development approved by this permission shall be commenced until a method statement detailing all necessary pollution prevention measures for the construction stage of that development phase is submitted to and approved in

writing by the Local Planning Authority. At a minimum the method statement should identify storage facilities for all fuels, oils and chemicals, construction compounds, car parks, offices etc. Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off, details of measures to ensure no polluting discharge from haul roads/disturbed areas, details of the nature, type and quantity of materials to be imported on to the site, measures for dealing with any contaminated material (demolition waste or excavated waste) Identification of any buried services, such as foul sewers, so that they are protected, details of emergency contacts, for example, the Natural Resources Wales Pollution Hotline: 0800 807060. The development shall be constructed in accordance with the approved method statement.

Reason

Prevention of pollution.

(8) No development hereby permitted shall be commenced until such time as a scheme to treat and remove suspended solids from surface water run off during construction works for that part or phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented as approved throughout the construction of that phase of development.

Reason

Prevention of pollution.

(9) As part of the first of the Reserved Matters applications and prior to any development taking place within that phase, including any site or vegetation clearance a reptile survey shall be undertaken. The subsequent report shall be submitted to and approved in writing by the Local Planning Authority and shall include details of capture and release programme if reptiles are discovered. This should include the identification of a suitable receptor site a scheme for any habitat creation works required at that location and details of any fencing works needed. The capture and release programme should then be fully implemented on site prior to vegetation clearance in accordance with the approved details.

Reason

In the interests of biodiversity and ecology.

(10) As part of the first reserved matters application, a new Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority, which shall include a detailed survey of the current noise environment and

shall provide full details of a scheme detailing how the development will be designed to achieve indoor ambient noise levels that do not exceed the values specified within Table 5 of BS8233:1999 and garden areas which achieve at least 50% of the garden areas where the maximum day noise level does not exceed 55dBA Leq 16 Hour (free field). The submitted scheme shall include details of the construction specification of the sound insulation performance of each structure and the layout of the dwellings. If the developers are unable to achieve the required noise levels within the garden areas, a report fully detailing why and where this can not be achieved and the methods that would be employed to reduce the levels down as far as possible shall be submitted to and approved in writing as part of the submitted scheme. The development shall be constructed as approved and retained as such thereafter.

Reason

In the interests of the residential amenity of the future occupiers of the dwellings

(11) As part of the first reserved matters application full details of the proposed means of screening, boundary treatment and safety barrier treatment along the development's access road shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the heights, design, locations and materials for the proposed:

- i) The 1.2m high screening treatment along the northern side of the road access road adjacent to the side and rear boundary of 1 Sarn Fan;
- ii) The side and rear boundary treatments for 1 Sarn Fan and 139 Dinas Baglan Road;
- iii) The pedestrian highway railings located between the 1:8.5m pedestrian footway and the 1:12m zig-zag pedestrian footpath area;
- iv) Details of any replacement retaining walls or barriers to be incorporated into the area located between upper and lower Dinas Baglan road.

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

Reason

In the interests of the residential amenity and the visual amenity of the area, as well as highway and pedestrian safety.

(12) No development shall commence, including any works of demolition or site clearance, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning

Authority. The approved statement shall be adhered to throughout the construction period, and shall provide for:

- i) Loading and unloading of plant, machinery, waste, soils and aggregates and materials;
- ii) Storage of plant, machinery, waste, soils, aggregates and materials used in ground work operations and the construction of the development;
- iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- iv) Wheel washing facilities;
- v) Measures to control the emission of dust and air-borne pollutants and dirt during demolition and construction;
- vi) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) Details of any site construction lighting including measures to control its impact upon adjacent properties;
- viii) Mitigation measures as defined in BS 5528: Part 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites to minimise noise disturbance from construction works;
- ix) Procedures for emergency deviations of the agreed working hours.

Reason

In the interests of highway and pedestrian safety, as well as environmental and residential amenity.

(13) As part of the first reserved matters application, a scheme fully detailing the proposed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall demonstrate that surface water shall be discharged and maintained at 'green field' run off levels, and shall have been informed by an assessment of the site potential for disposing of surface water by means of a sustainable drainage system, with the results of the assessment provided to the local planning authority. 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 period for its implementation; and
- iii) provide a management and maintenance plan 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.

- v) Shall show that no drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, any proposed highway improvements should be constructed such that the access road does not drain onto the trunk road.

No building shall be occupied until surface water drainage works have been implemented in accordance with the approved scheme, and any sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason

In the interests of ensuring the provision of a sustainable surface water drainage scheme.

(14) Any existing drainage pipes, land drains, highway drain or highway run-off entering, crossing, or discharging onto the development site shall be accommodated into the site development works by the developer. There shall be no interference, alteration, or diversion of a ditch, drain, watercourse, stream, or culvert crossing or bordering the site, without a scheme first being submitted to and approved in writing by the local Planning Authority. The submitted scheme shall include details of the location of the existing features, details of the relocation, and the technical specification of the proposed feature. The approved scheme shall be carried out on site in accordance with the approved details.

Reason

In the interests of amenity.

(15) As part of the first reserved matters application, full details of hard and soft landscaping schemes for the landscaping of all public landscape areas including the zig-zag pedestrian footpath, the embankments, the reptile mitigation area, highway verge areas and public open spaces and squares, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The submitted planting schemes shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) Hard surfacing materials and designs;

- iii) Details of the design and location of minor artefacts and structures including street furniture, public refuse bins, highway grit bins for development access road and footpaths;
- iv) Planting schemes including species, planting densities and sizes at time of planting, including wildlife friendly species and those that will promote habitat creation.

The approved landscaping schemes shall be fully implemented within the first planting season following completion of the development, any trees or plants which within a period of five years from the completion of the residential development die, 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 interests of amenity, community safety and biodiversity.

(16) As part of the submission of the first reserved matters application details of a Landscape Management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the zig-zag pedestrian footpath, the embankments, reptile mitigation area, highway verge areas and public open spaces and squares other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

Reason

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

(17) If any non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are identified on site, full details of a methodology for the control and eradication of these species shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented as approved.

Reason

In the interests of Biodiversity.

(18) As part of the first reserved matters application a scheme detailing the estate roads construction shall be submitted to and approved in writing by the Local planning Authority. The submitted scheme shall include:

- i) Show all residential access roads having a width of 5.5m wide carriageway with 2m footways to each side and shall have gradients no greater than 1 in 12 or less than 1 in 150. Each residential driveway shall be 3.6m minimum width and a minimum of 6m in length from back of footway to garage door, and shall be hard surfaced in concrete, tarmacadam or block paving to a maximum gradient of 1 in 9 and maintained as such thereafter. Pedestrian vision splays of 2.4 metres (measured back from back of footway) shall be provided and maintained each side of each access within nothing over 600mm in height shall be erected or allowed to grow. Vision splays of 2.4 metres x 90 metres shall be provided in either direction at each point of access throughout the development. Prior to work commencing on site a scheme shall be submitted to and approved in writing by the Local Planning Authority, which include:
 - ii) Longitudinal and vertical carriageway alignment.
 - iii) Cross sections through the highway every 10 metre intervals.
 - iv) Surface water drainage proposals including highway gully's and manhole positions.
 - iv) Street lighting.

This scheme shall be fully implemented in accordance with those details as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Highway and Pedestrian safety.

(19) As part of the submission of the first reserved matters application full details of the existing and proposed ground levels across the whole of the site including a geotechnical survey, together with a detailed scheme of the proposed cut and fill operation, including details of any fill material to be brought onto site and a scheme for all retaining works and embankments in excess of 1.5m in height shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of any retaining works at a scale of 1:200 and shall include the location, method of construction, drainage details, typical sections through, calculations, details of materials and landscaping and finished profile/elevations. The submitted scheme shall also ensure that any boundary treatment or acoustic fencing located along the boundary of the site with the motorway slip road is set back from the common boundary by a minimum of 1m to allow sufficient space for

maintenance works. The approved details shall be used in the construction of the approved development and shall be retained as such thereafter.

Reason

In the interests of public safety and visual amenity.

(20) As part of the reserved matters application for layout the submitted scheme shall show that no dwellings are located within 10.5m of the shared southern boundary with number 83 Dinas Baglan Road.

Reason

In ensure adequate protection of the private amenity are of the adjacent dwelling at 83 Dinas Baglan Road.

(21) Prior to works beginning on the demolition of any buildings or the felling of any trees a further inspection of the buildings and trees shall be carried out by a licensed bat ecologist, in accordance with the precautionary methods as set out within Section 5 and Appendix 1 of the Updated Protected Species Survey report dated 02 Oct 2012. These precautionary methods shall be fully implemented on site prior to the start of works and shall remain in place until the completion of the demolition and felling activities on site.

Reason

For the protection of bats.

(22) If any bats are discovered during construction works, the work should stop immediately and the applicant should contact Natural Resources Wales immediately, as a licence may be required to continue, as bats are a European protected species and afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

Reason

In the interest of protected species.

(23) As part of the first Reserved Matters application, and prior to any development taking place within that phase (including any site or vegetation clearance), an updated baseline reptile population assessment shall be carried out and used to inform the development of a Reptile Translocation and Mitigation Strategy which shall be submitted to and approved in writing by the Local Planning Authority. The submitted Reptile Translocation and Mitigation Strategy shall include full details of measures necessary to create the on-site reptile habitat area shown on the site plan, the translocation methodology

together with an implementation timetable and a future monitoring and maintenance strategy for the area that includes a full schedule of works with timings. The approved details shall be fully implemented on site as approved, and thereafter monitored / maintained in accordance with such approved details.

Reason

To ensure the creation and implementation of an appropriate Reptile Mitigation Strategy.

(24) The reserved matters submissions shall include details of the provision of artificial nesting sites for birds to be provided on specified dwellings within the site to one of the following specifications:

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

The nest boxes shall be provided in accordance with the agreed scheme prior to first beneficial occupation of the dwelling(s) and retained as such thereafter.

Reason

In the interest of Biodiversity enhancement.

(25) The first reserved matters application shall be accompanied by drawings which shall demonstrate how a vehicular and pedestrian access can be facilitated through to the development to the north (onto Rowan Tree Avenue), including full details of the surfacing of such works right up to the site boundary (to facilitate future connections) and the phasing of such works.

Reason:

In the interests of connectivity, sustainability and good design, in accordance with guidance within Manual for Streets.

(26) No development shall commence on site until such time as a construction method statement and phasing plan has been submitted to and approved in writing by the local planning authority, such plan detailing the proposed phasing of construction works, including: - the demolition of no. 141 Dinas Baglan Road; construction of the new junction, access road and pedestrian footpaths (to ensure that such access is provided at the earliest stage to facilitate the remainder of development from a safe access); site clearance and ecological mitigation works; ground movements and retaining works; and

construction of the dwellings. The development shall be undertaken in full accordance with the agreed phasing plan.

Reason:

In the interests residential amenity, biodiversity and highway safety.

(27) No development shall commence on the new access until such time as details have been submitted to and approved in writing by the Local Planning Authority identifying the method of activating the signals for No. 2 Sarn fan Baglan Road, and the proposed operation and maintenance of such signals (including appropriate liaison with the residents of No. 2 Sranan Baglan Road The new vehicle access serving the hereby approved development shall not be brought into beneficial use until the signals have been implemented and are operational on site in accordance with the approved details.

Reason

To ensure the safe egress of vehicles from No 2 Sranan Baglan Road.

(28) Prior to the occupation of any dwelling it serves, the access road and footway from that dwelling shall be made up to base course level on both the carriageway and footway, drained and lit. The whole length of the access road shall be made up to surface level on both the carriageway and footway including all drainage and lighting being installed and operational to be approved in writing by the Local Planning Authority prior to the occupation of the last two dwellings.

Reason

To ensure access can be gained to properties creating a safer environment for both pedestrian and highway safety.

(29) As part of the first reserved matters application an up-to-date tree survey shall be submitted and used to inform the detailed design of the development and its associated engineering works to ensure that existing landscaping that can be protected during the construction process is retained.

Reason:

In the interests of visual amenity

(30) The first reserved matters application shall show that now dwellings or structures are constructed within 3m of either side of the public sewers which cross the site.

Reason:

To protect the integrity of the public sewer

(31) Unless otherwise approved under a condition, no surface water or land drainage run off shall connect directly or indirectly into the public sewerage system.

Reason

In the interests of amenity, and to prevent overloading of the public sewerage system.

(32) No drainage from the development site including highway improvement works shall be connected to or allowed to discharge into the trunk road drainage system.

Reason

In the interests of highway safety

(33) Demolition of no. 141 Dinas Baglan Road shall not commence until such time as a Demolition Method Statement, including full details of the proposed measures to make good the resultant exposed side elevation of this dwelling, has been submitted to and approved in writing by the local planning authority. The approved external finishing scheme to the exposed side elevation of no. 139 Dinas Baglan Road shall be completed no later than 8 weeks following the commencement of demolition.

Reason:

In the interests of visual amenity and to ensure that the amenity of the occupants of no. 139 Dinas Baglan Road is protected.

(34) Other than movements required for the construction of the access road itself, the new access road shall not be used until such time as an additional screen enclosure, of no less than 1.8m, has been constructed along the southern edge of the raised patio of no. 1 Saran Baglan Road, in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. Such enclosure shall thereafter be retained in accordance with the approved details.

Reason:

To protect the amenity of the adjacent property throughout the construction period and beyond

(35) As part of the submission of the first reserved matters application full details of the signalised junction onto Dinas Baglan Road / Sarn Fan shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in general accordance with drawing number H1130-NE02972-04 and shall also include details of all associated signing and lining; details of the design and location of tactile paving to all pedestrian crossing points; means of activating the signals to allow pedestrian to cross at all crossing points and full details of the design, materials and location of the replacement part of the parapet wall between Dinas Baglan Road and Minor Dinas Baglan Road which shall include details of a visi rail for pedestrian safety as part of the design. These works shall be implemented on site and the signals operational prior to work commencing on the construction of any dwelling.

Reason

To provide a junction which has been assessed and deemed safe in principle through a road safety audit.

(36) The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The Archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local planning Authority shall be informed, in writing at least two weeks prior to the commencement of the development of the name of the said archaeologist and no works shall being until the Local Planning Authority has confirmed, in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to and approved in writing by the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

(37) No construction, demolition, site clearance works or deliveries shall be carried out on site made to the site other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason

In the interests of residential amenity.

(38) Traffic Regulation Orders shall be implemented throughout the hereby approved junction with the A48 Dinas Baglan Road and the Lower section of Dinas Baglan Road prior to the occupation of the first dwelling on site and with all signing being in accordance with the Traffic Signs Regulations and General Directions 2002.

Reason

In the interests of highway safety.

(39) Prior to work commencing on site, a scheme detailing all items raised in the stage 2 Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site as part of the junction improvement works. On completion of the approved development works to the Dinas Baglan Road junctions a stage 3 Road Safety Audit shall be undertaken in accordance with the Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, HD 19/03, the findings together with proposed schedule of works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site prior to the occupation of the first approved dwelling. In accordance with the Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, HD 19/03 and within 12 months from the date of the occupation of the first dwelling a Stage 4 Road Safety Audit shall be undertaken and any matters raised to be undertaken on site shall be submitted to and approved in writing by the Local Planning Authority. An approved works shall be fully implemented on site prior to the expiry of 3 months from the date of the approval of the Stage 4 Road Safety Audit details.

Reason

To ensure any alterations that might be deemed necessary at a technical stage are assessed, and all works carried out on site are assessed in accordance with guidance documentation and any further work required through this assessment being carried out in the interest of vehicle and pedestrian safety.

(40) As part of the first reserved matters application a scheme at a scale of 1:200 detailing the replacement culverting of the water course from the mountain across the A48 and below the access road through the site to its discharge point shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include supporting calculations of pipe sizes, flows and gradients and designed to prevent any greater flows or discharge rates from the culvert above that of the existing discharge rates and a Method Statement of how flows will be maintained through the culvert during the construction of the access road and future details

for the continued maintenance of the culvert during and after construction. The approved scheme shall be fully implemented on site as approved prior to the start of construction on any dwelling.

Reason

To avoid possible flooding from water not being controlled along this existing water course.

(41) As part of the first reserved matters application, full details of any existing electricity cables and equipment that are proposed to be relocated shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall identify the existing and proposed location of the cables together with the technical specification and methodology for their relocation. The approved works shall be fully implemented on site prior to the occupation of any approved dwelling.

Reason

In the interests of residential and visual amenity and to ensure that there would be no adverse impact upon the existing electricity network.

(42) As part of the first reserved matters application, a highway construction details scheme shall be submitted to be approved in writing by the local planning authority, and shall include:

- a. All roads having a minimum vertical curve length of 20m along their entire length.
- b. The access road from its junction with Dinas Baglan Road having a minimum vertical curve length of 20m, after this a maximum gradient of 1 in 8.5 for a distance of 50m, with the access roads after this having a gradient in accordance with (b) below.
- c. Longitudinal sections of the access roads detailing a gradient of a maximum of 1 in 12 and a minimum of 1 in 150.
- d. Highway surface water drainage proposal including gulley and manhole positions, pipe sizes and gradients, ditches, swales, etc., with a discharge rate equivalent to Greenfield run off rates.
- e. Cross sections through the access road every 20 metres including the full extent of any embankment and drainage ditch/swale.
- f. Lighting details along the whole length of the access road designed in liaison with the authority's public lighting section.
- g. All footways having a maximum gradient of 1 in 12 from Dinas Baglan Road through out the site.

- h. Detailing a vehicle restraint barrier along the access road where it is elevated carriageway is more than 2m above the existing ground either side or the bottom of any embankment supporting the road.
- i. Any embankment having a maximum gradient of 1 in 2, including drainage details at the bottom of each embankment.

The scheme as approved shall be constructed on site unless agreed in writing by the local planning authority.

Reason

To ensure the proposed road constructed is to an adoptable standard in the interest of highway and pedestrian safety.

(43) Prior to the occupation of any dwelling a travel plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a monitoring regime that shall commence from first beneficial use of any building. Full monitoring shall be undertaken in the 1st, 3rd and 5th year, with an interim report in the 2nd and 4th year. After five years of operating the first travel plan, a further travel plan shall be submitted to and approved in writing by the Local Planning Authority addressing any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. The assessment of this travel plan shall continue every five years in accordance with the above monitoring.

Reason.

In the interests of highway safety and to promote the use of sustainable transport.

(44) Prior to the occupation of the first dwelling, full details of a Welcome Pack containing details of a Travel Plan, including timetables of local bus routes; local facilities such as doctors, dentists, shops, services and amenities; crime prevention details; energy efficiency and sustainability details, including water conservation, refuse collection, recycling and composting shall be submitted to and approved in writing by the Local Planning Authority. A copy of the approved Welcome Pack shall be provided to the occupiers of each new dwelling on the date of purchase.

Reason

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

(45) As part of the first reserved matters application, an assessment of the proposed public open space provision and facilities shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme

shall detail the size, location and the details of the facilities associated with all public open spaces, together with a schedule of works which shall detail when the proposed facilities will be provided on site. The facilities shall be fully implemented on site in accordance with the approved details.

Reason

In the interests of the residential amenity of the future occupiers.

REASON FOR GRANTING PLANNING PERMISSION

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

The application site is located within the identified settlement where the principle of development is considered acceptable and there would be no significant detrimental impact upon the character or appearance of the area or upon the residential amenity of the occupiers of the adjacent dwellings to such a degree that would merit the refusal of planning permission of either of these grounds. Similarly through the imposition of suitability worded conditions the proposed dwellings would have sufficient amenity for the occupiers of the future dwellings. There would also be no adverse impact upon the landscape character or biodiversity of the area or upon the flood risk to the application site, adjacent third party land or the current land, surface or foul sewers within the area. In addition conditions could be imposed that would ensure that any unexpected contamination found to present on site is appropriately dealt with and that no material brought onto the site in association with the ground works would bring contamination onto site. As such it is considered that the proposed development would be in accordance with policies GC1, ENV5, ENV11, ENV16, ENV17 ENV29, H2, H3, H4, T1, T11 T12 and RO3 of the Neath Port Talbot Unitary Development Plan.

SECTION B – MATTERS FOR INFORMATION

APPEALS RECEIVED

a) Planning Appeals

Appeal Ref: A2015/0005 **Planning Ref:** P2014/1165

PINS Ref: APP/Y6930/A/15/3129001

Applicant: Mr Mark Davies

Proposal: Retention of two storey demountable buildings used in association with the existing waste transfer facility.

Site Address: Unit 1, Brunel Industrial Estate

Start Date: 10th July 2015

Appeal Method: Written Representations

b) Planning Appeals

Appeal Ref: A2015/0006 **Planning Ref:** P2014/1020

PINS Ref: APP/Y6930/A/15/3121633

Applicant: Mr T Shaw

Proposal: One dwelling (outline with details of access to be determined).

Site Address: Land adjacent to 33 Orchard Street, Pontardawe, Swansea

Start Date: 14th July 2015

Appeal Method: Written Representations

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SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) **Planning Appeals**

Appeal Ref: A2015/0001 **Planning Ref:** P2012/0638

PINS Ref: APP/Y6930/A/14/2226525

Applicant: REG Windpower

Proposal: Erection of 5 no. Wind turbines with a max. height to tip of 100m and associated works, access tracks, substation and ancillary equipment. (Amended application site boundary, Supplemental Environmental Information including additional information in relation to transport, mining, ecology, location of borrow pits and access tracks)

Site Address: Land at Mynydd Brombil, Brombil Farm, Margam, Port Talbot

Appeal Method: Public Inquiry

Decision Date: 8th July 2015

Decision Code: Allowed

The main issues are:

- The landscape and visual impact of the proposed turbines on the character and appearance of the area;
- The effect of the proposal on heritage assets and the cultural heritage of the area; and
- Whether any harm identified in relation to the foregoing is outweighed by the benefits of the scheme in terms of its contribution to renewable energy production (the planning balance).

Landscape and Visual Impact on the Character and Appearance of the Area

Landscape Effects

Mynydd Brombil is one of three upland areas that comprise LCA 6. The

effect on the other two upland areas would be less significant as they are located away from the appeal site. Nevertheless there would be a detrimental effect on the landscape character of the appeal site. There is a line of pylons running from north to south across Mynydd Brombil through the location of the proposed turbines. The 4 closest pylons range in height between 35 and 50m (compared to a hub height of around 60m for the proposed turbines). They already have an effect on landscape character.

The Goytre Valley LCA 8. The Inspector did not consider the development would have a significant effect upon this area because of the number of turbines visible and the limited visibility of the turbines from this complex landscape. The effect on tranquillity would be purely a visual one as the background noise levels at Goytre Farm and Llety Piod are higher than the predicted noise levels for the turbines. There would be a moderate adverse effect that must be considered in the planning balance.

Margam Park LCA 3. The proposal is around 2 to 4 Km away from the Park. The impact would be in the range of slight to moderate because there is no development proposed in the park itself. The Inspector did not find the impact on landscape character to be significant because of the distance involved and the fact that there is already infrastructure present on the site area. He therefore considered that the impact of the proposal on the landscape character of the Park would be slight.

The landscape impacts of the proposal would be slight to moderate across the three character areas identified above. The local effect on landscape character in the area around the site itself would be significant.

Visual Impacts

The western and southern parts of **Margam** will potentially have views of the proposed turbines at distances of around 1 Km. However, there are many locations where the turbines will not be seen due to the screening effect of the buildings and the orientation of the streets. There are few locations where the entirety of any turbine will be seen. In most locations, parts of the towers of two turbines would be clearly seen, with the tips of another two visible. There are two viewpoints where three turbine hubs and part of the towers would be seen. Where seen the turbines would draw the eye because of their size and movement and their proximity to each other. Whilst they will be sited at a higher level not all of the towers would be seen. They would therefore be an element occupying a narrow arc of view in the overall vista. The Inspector also

acknowledged that views in this area are dominated by the steelworks and the mountain upon which there are existing pylons. Furthermore the rural backdrop is interrupted by the noise of the M4. For these reasons, the Inspector did not consider that they would dominate the view nor would they have a significant adverse visual impact on parts of the settlement of Margam.

Some locations within the small settlement of **Goytre** would have views of part of one turbine and the blade tip of another on top of the slope to the south. This is a more urban edge or semi-rural location and the slope is an important backdrop and there would be a significant adverse impact on parts of the settlement as a result of views of a single turbine. There are also existing pylons in these views.

A part of the small settlement of **Pen-y-Cae** would have clear views of a turbine and the hub and blades of another two at a distance of around 1.4 Km. The existing pylons and the steelworks are in these views at the moment. There would be adverse visual impacts on parts of Pen-y-Cae as a result of the proposal ameliorated by the extent of the views and the presence of the pylons.

The Inspector stated that the skyline around the site is not distinctive; it is typical of the edge of the upland plateau although it does form the backdrop to Margam and other settlements. He did not however consider that it conveys a sense of wilderness because of the presence of the M4 and the steelworks. The Inspector did not accept that the contrast between the coastal area and the slopes near the site increases the impression of wildness because of these factors. Its location cannot be considered to be remote, which is one of the key factors for wildness. The site also has a line of pylons running across it that breach the skyline. Whilst they are smaller in height, of a lattice construction and do not rotate, they represent significant infrastructure at this location. The Inspector therefore concludes that the impact on the skyline is of less significance in all these circumstances.

In relation to **Margam Country Park**; the proposal would not be visible from the lower part of the Park around the Castle, Orangery, Iron Age hill fort and main car parks due to the topography. The proposal would be clearly visible from the upper parts of the Park (above the Breast Plantations) and parts of the proposed turbines may be seen from the eastern gate and nearby area. The setting of the Park is already affected by the very large steelworks on the coast. The views of which have not significantly impacted on the character of the Park. Furthermore there

has been no attempt to screen the works from views within the Park either. The proposal would be around 3 Km away in these views and it must be acknowledged that there is also existing infrastructure on the site in the form of the pylons. The proposal would therefore have a moderate visual impact on the Park.

In relation to views from local **Public Rights of Way (PROW)**. The proposal would be clearly seen from stretches of the elevated section of the Wales Coastal path. However, there are existing pylons in the same view and one is acutely aware of the existence of the M4 and the steelworks below. The visual impact would be of relatively short duration on a noisy section of the route. Similar issues would apply to the views from local footpaths nearer the site. There is a similar context to more distant views from **Aberavon beach** and **Margam sands**. The direct views from the **M4** are for some distance on a straight stretch. These are distant views on very low sensitivity receptors. The proposal would occupy a very small arc of view on an extensive plateau. Turbines within refined SSA F would have a similar impact in this view. The local context is of pylons running alongside the motorway on one side and large scale industrial development on the other. In all these circumstances, this view and others in the area are not significant.

In summary, there would be significant visual impacts on parts of the settlements of Margam, Goytre and Pen-y-Cae. The other identified visual impacts are not significant. The significant impacts are in part ameliorated by the site's context and location in terms of its proximity to the M4 and the steelworks and the presence of pylons on the site. The remaining level of harm must be weighed in the balance against the benefits of the scheme in order to assess whether the impacts are unacceptable.

The effect of the proposal on heritage assets and the cultural heritage of the area

Effect on Ergyd Isaf Round Barrows

The conclusion was that the proposal (particularly T2) would have a visually dominant impact that would be significantly damaging to the setting of the monument. This would be unacceptably damaging to the setting of the SAM. The Inspector therefore considered that T2 should be omitted from the scheme for this reason. The remaining turbines would be around 400m – 600m away and on the other side of the line of pylons. In the context of the existing setting being much altered, this would be a less significant impact on the setting of the SAM.

The other issue is inter-visibility with other monuments on hilltops around 4-5 Km away. With the omission of T2 from the scheme, the only remaining turbine affecting visibility would be T1, around 500m away. The line of pylons and power lines are closer to the SAM in these views. The proposed tower and blades would cause an additional obstruction, but that would be less significant in the context of the existing situation and the distances involved. The impact on these views would not be so significant.

Effect on Mynydd Margam Historic Landscape Area

The Register recognises that landscapes are subject to change and seeks to inform choices about how that change can be accommodated so that key historic characteristics can be retained whilst still meeting modern needs. The Historic Landscape Area (HLA) is divided into 17 Historic Landscape Character Areas (HLCAs). The areas of particular interest were the small host area HLCA 4 – Mynydd Brombil and Ergyd Isaf, HLCA 10 – Margam Forest and HLCA 1 – Margam Country Park.

In most instances outside the host HCLA it was the indirect visual impacts that were the most significant on the HLA. The Inspector concluded that there would be an impact on HCLA 4 (the host area) and to a lesser degree on HCLA 10 and HCLA 1. This impact would not be so significant as to warrant refusal of the proposal.

Effect on Listed Buildings and Margam Country Park

The proposed turbines would not be visible from the Conservation Area. No concern was raised regarding any impact on the Conservation Area and as there are no views into or out of the Conservation Area from the site, the inspector concludes there would be no effect. The proposal would not be seen in any of Cadws' defined significant views from the Park, which are all in the opposite direction to the proposed turbines. The appeal site is not in the essential setting of the Park. The closest turbine would be between 1.9 and 3.9 Km from the identified critical viewpoints within the Park.

The proposal would not be visible from the Castle or any of the listed buildings nearby. The turbines would not be seen in conjunction with the Castle (or Conservation Area as a whole). The Council and appellant agreed that the harm would be very small.

The proposal is concentrated in a relatively small portion of the wide sweep of the plateau well beyond the Park boundary. There are already

vertical structures in that area in the form of pylons, albeit smaller than the proposed turbines. The visual impacts would be reduced by the deletion of one turbine from the scheme. The context is again important:

- There are clear views from the Castle of the steelworks and the evidence was that this has not affected the historic interest of the Castle or Park to a significant degree.
- There has been no attempt to screen the industrial development from view by additional planting around the boundary of the Park.
- The construction of the M4 has physically and indirectly affected the Park.
- The refined SSA F area is adjacent to the site and 100 m turbines within the refined area were suggested as acceptable in the study. They could have a similar impact on the Park and setting of the Castle.

The Inspector concluded that in all these circumstances, the level of harm would be very small.

The Overall Planning Balance

There is clear policy support for the provision of further renewable energy at a national level. EN-1 states that substantial weight should be given to the contribution that any scheme would make.

The proposal would have an installed capacity of 10 MW and the evidence was that the proposed turbines can be readily connected to the electricity grid network. This is a significant benefit of the scheme which must weigh heavily in its favour. However, the Council considered that there was sufficient capacity in the pipeline to meet the Minister's target. However given that some of the schemes have not yet been approved the Inspector placed little weight on the possibility of the Minister's maximum being slightly exceeded. There is also the other argument of whether wind farms outside SSA F but within 5 km of the boundary should be counted towards the Ministerial maximum MW output for SSAs. All these factors lead the inspector to conclude that this matter is not determinative in this appeal.

Policy IE6 of the Unitary Development Plan supports proposals for the creation of renewable energy provided their impacts are acceptable. The other policies referred to have similar tests regarding the acceptability of

impacts (Policies 19, ENV1, ENV3, ENV19, GC1 and GC 2). The test is whether the proposal complies with the development plan as a whole, but Policy IE6 is the most relevant policy to the proposal. EN-1 states that it will not be possible to develop the necessary energy infrastructure without there being impacts and refers to there being significant residual impacts as described previously.

In terms of benefits, the Inspector attached weight to the site's location close to SSA F, and that the site is well-placed to speedily contribute to the target for wind energy production, as well as the potential shortfall across Wales in achieving future Welsh Government targets in this respect.

Policy IE6 aims to deliver renewable energy and the proposal would meet this objective. Furthermore the Inspector identified that several site specific circumstances would ameliorate the adverse impacts of the proposal.

- Firstly, the proximity of the site to existing major infrastructure and industrial development.
- Secondly, the presence of a line of electricity pylons on the site.
- Thirdly, the nearest settlements' location close to the bottom of a steep slope reduces the impact of the turbines by partially screening them from view.
- Fourthly, the proximity of the refined boundary of SSA F.
- Lastly, the removal of Turbine 2 from the scheme would reduce the impact on heritage assets.

The particular relationship of the reduced development to its surroundings led the inspector to conclude that the degree of harm arising from the identified landscape and visual impacts, and impacts on heritage assets and their settings would be outweighed by the benefit of the scheme in terms of wind energy generation. The scheme would therefore accord with Unitary Development Plan Policies 19, ENV1, ENV3, ENV19, GC1 and GC 2 and national planning policies. Thus, on balance, it would be in accord with Policy IE6 and the development plan as a whole.

Other Matters

Mining Resources and Subsidence

An objection was received from Tata Steel UK Ltd as conditional underground mining licence holders for an area of coalfield of approximately 80 Km². The objection refers to the risk of subsidence at the site which in turn might lead to an extensive area around the site being designated a subsidence exclusion zone. There was no evidence that the area had been surveyed and mining methods or viability explored. The method of working chosen will determine the risk of subsidence and so the proposal may not be affected. The Council also referred to the imposition of conditions requiring mitigation measures to safeguard the proposed turbines and the economic potential of the minerals reserves.

The other factor of note in this case is that there is no planning permission and there have been no recent discussions with the Local Planning Authority, furthermore the minerals reserves in this area have not been surveyed.

The Inspector concluded that the wind farm would be a temporary development and therefore it is to be expected that the coal reserves could be worked without restriction in the future. The evidence suggests that these matters, where they arise can be addressed by suitable conditions.

Ecology

The ES and Supplementary Environmental Information (SEI) considered the impacts of the proposal on ecology. The Biodiversity Officer and Natural Resources Wales raised no objection subject to the proposed mitigation and enhancement measures as part of a Habitat Management Plan which could be secured by condition and a s106 agreement.

Transport

The traffic and transport effects of the proposal were considered in the ES and the Council confirmed that the effects were acceptable and could be controlled by conditions. However the delivery of Abnormal Indivisible Loads (AILs) was a particular concern of the Head of Engineering and Transport. As part of the Council's preparation for the appeal, the Head of Engineering and Transport agreed that the need for a trial run could be addressed by the imposition of a Grampian condition ie no development could take place until the trial run had been undertaken and the results approved by the Local Planning Authority. The Inspector accepted this suggested way forward.

Noise and shadow flicker

Overall, the noise levels could be controlled by the agreed conditions suggested by the main parties. The standard conditions are necessary because of the tonal quality of the noise generated and to ensure monitoring and compliance in the event of complaints.

In relation to shadow flicker, it was agreed that appropriate mitigating measures could be ensured by conditions requiring that the proposed turbines would be turned off during periods when shadow flicker may occur. These measures would address the concerns regarding the potential effect on the occupiers of the properties.

Other objections raised during the application process have been addressed in the Council's consideration of the proposal in the report to Committee. The Council concluded that there would not be a significant effect on the living conditions of local residents. This was also the conclusion of the Inspector.

Conclusion

Having considered all relevant matters raised, the Inspector concluded that the appeal for a reduced scheme consisting of 4 turbines should succeed because on balance the degree of harm that would be caused would be outweighed by the benefits resulting from the scheme in terms of wind energy generation.

Appeal Ref: A2015/0003 **Planning Ref:** P2013/0762

PINS Ref: APP/Y6930/A/15/3006199

Applicant: Nigel Thomas Plant Hire Ltd.

Proposal: Demolition of existing dwelling and construction of two pairs of semi-detached dwellings, land infill and associated works

Site Address: Dan-Y-Graig House, 36 Swansea Road Road, Pontardawe, Swansea, SA8 4AL

Appeal Method: Written representations

Decision Date: 8th July 2015

Decision Code: Dismissed

The three main issues in the determination of this appeal concerned the effect of the proposed development on the character and appearance of the area; the effect on highway safety along Swansea Road; and whether the appeal proposal should make a contribution towards affordable housing.

Character and appearance of the area

The inspector acknowledged the site would need to be raised by up to 3.2m by depositing 4000 tonnes of material and the construction of substantial engineering works. The Inspector concluded that these proposals would significantly alter the topography of the site and the proposals would materially increase its prominence particularly when viewed from the lower lying and open playing fields located to the south. The Inspector concluded that the proposals would result in an unsympathetic and incongruous form of development that would cause material harm to the character and appearance of the area.

Effect on highway safety along Swansea Road

The Inspector considered that the proposed development would incorporate inadequate visibility for vehicles exiting the site and fails to provide an adequate turning area within the site. Furthermore, it was

noted by the Inspector that the proximity of the appeal site to the existing access between Derw Road and Swansea Road would further increase existing conflict in this area to the detriment of both pedestrian and highway safety. The Inspector also noted that there had been two recorded personal injury accidents within close proximity between 2004 and 2013. The Inspector concluded that the proposed development would severely compromise highway safety along Swansea Road.

Contribution towards affordable housing

The Inspector noted that Policy H4 of the UDP and the adopted SPG seeks a 20% contribution towards affordable housing. The Inspector also noted that the appeal proposal makes no provision for such a contribution and that a viability Assessment was provided in an attempt to justify this.

However, the Inspector considered, that the viability information supporting the proposal lacked detail and had not been adequately articulated and, for this reason, concluded that the lack of any contribution towards affordable housing remains unjustified.

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SECTION B – MATTERS FOR INFORMATION

DELEGATED APPLICATIONS

DETERMINED BETWEEN 30TH JUNE 2015 AND 20TH JULY 2015

1	App No. P2014/0141	Type Outline
Proposal One detached split level dwelling (Outline with details of access, layout and scale to be determined)		
Location Land adjacent to, 16 Morgan Street, Trebanos,		
Decision Approval with Conditions		
Ward Trebanos		

2	App No. P2014/0885	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 7 (Landscaping Scheme) of Planning Permission P2014/0314 granted on 05/09/14.		
Location Plot 6B, Brunel Way, Baglan Energy Park, Briton Ferry, Neath		
Decision Approval with no Conditions		
Ward Briton Ferry West		

3	App No. P2014/0952	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 7 (Surface water drainage, carriageway longitudinal and vertical details and street lighting) of application P2014/0046 granted on 23/06/14.		
Location Land At Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot, SA12 6LD		
Decision Approval with no Conditions		
Ward Aberavon		

4	App No. P2015/0039	Type Full Plans
Proposal Alterations to existing supported housing units to include the creation of one additional residential unit, new entrance pergola, detached bin store and solar panels to roof and bin store. (Amended plans deleting proposed on street parking spaces to front of Michaelstone Court).		
Location Michaelstone Court, Michaelstone Terrace, Cwmavon, Port Talbot, SA12 9AW		
Decision Approval with Conditions		
Ward Bryn & Cwmavon		

5	App No. P2015/0080	Type Full Plans
Proposal	Retention of engineering operation to change the use of land from gardens serving Nos. 85/86 New Road to car park (Amended plans received 22/06/15)	
Location	Land to the rear of, 85 & 86 New Road, Skewen, Neath, SA10 6HG	
Decision	Approval with Conditions	
Ward	Coedffranc West	

6	App No. P2015/0118	Type Householder
Proposal	Single Storey side and rear extension.	
Location	17 Owens Lane, Godre'r Graig, Swansea, SA9 2DQ	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

7	App No. P2015/0133	Type Householder
Proposal	Two storey side extension plus part two storey part single storey rear extension.	
Location	20 Beechwood Avenue, Neath, SA11 3TE	
Decision	Approval with Conditions	
Ward	Neath North	

8	App No. P2015/0137	Type Householder
Proposal	First floor and single storey rear extensions.	
Location	7 Bronywawr, Pontardawe, Swansea, SA8 4JY	
Decision	Approval with Conditions	
Ward	Pontardawe	

9	App No. P2015/0142	Type Full Plans
Proposal	Replacement of flat roof with ridged roof.	
Location	124 Briton Ferry Road, Neath, SA11 1AT	
Decision	Approval with Conditions	
Ward	Neath East	

10	App No. P2015/0170	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 2 (External Materials) of Planning Permission P2014/0314 granted on 05/09/14.	
Location	Plot 6B, Brunel Way, Baglan Energy Park, Briton Ferry, Neath	
Decision	Approval with no Conditions	
Ward	Briton Ferry West	

11	App No. P2015/0204	Type Full Plans
Proposal	Construction of 1 dwelling, associated car parking and engineering works. (Amended proposal as previously approved under P2014/0576)	
Location	Plot 31, Pearson Way, Neath, SA11 2EJ	
Decision	Approval with Conditions	
Ward	Neath East	

12	App No. P2015/0315	Type LawfulDev.Cert-Prop.
Proposal	Window to front elevation at first floor. (Certificate of Lawful Development - Proposed)	
Location	9 Grove Lane, Penrhiwtyn, Neath, SA11 2EN	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

13	App No. P2015/0334	Type Householder
Proposal	Replacement double garage	
Location	9 Golf Road, Sandfields, Port Talbot, SA12 6RH	
Decision	Approval with Conditions	
Ward	Sandfields East	

14	App No. P2015/0351	Type Householder
Proposal	Two storey side extension	
Location	4 Albion Road, Baglan, Port Talbot, SA12 8BY	
Decision	Approval with Conditions	
Ward	Baglan	

15	App No. P2015/0354	Type Vary Condition
Proposal	Variation of Condition 3 (Timing of installation of advance car parking capacity signage) of Planning Permission P2013/0863 (Approved on the 13/11/13)	
Location	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath, SA11 3EP	
Decision	Approval with Conditions	
Ward	Neath North	

16	App No. P2015/0366	Type Householder
Proposal	Single storey rear extension.	
Location	275 Delffordd, Rhos Pontardawe, Swansea, SA8 3EP	
Decision	Approval with Conditions	
Ward	Rhos	

17	App No. P2015/0389	Type Householder
Proposal	Retention of outbuildings.	
Location	5 St Peter's Place, Clos Yr Hen Ysgol, Pontardawe, Swansea, SA8 4AZ	
Decision	Approval with no Conditions	
Ward	Pontardawe	

18	App No. P2015/0393	Type Householder
Proposal	Retention of detached outbuilding	
Location	48 Lake Road, Sandfields, Port Talbot, SA12 6AF	
Decision	Approval with Conditions	
Ward	Sandfields East	

19	App No. P2015/0403	Type Change of Use
Proposal	Change of use from Day Centre for people with learning difficulties to a private residential dwelling (Use Class C3) with 7 bedrooms.	
Location	Port Talbot Local Day Service, 48 Pen Y Cae Road, Port Talbot, SA13 2EH	
Decision	Approval with Conditions	
Ward	Port Talbot	

20	App No. P2015/0405	Type Householder
Proposal	Construction of a hardstanding for vehicle parking.	
Location	43 Wern Bank, Briton Ferry, Neath, SA11 2NB	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

21	App No. P2015/0426	Type Full Plans
Proposal	Replacement stable building.	
Location	Brithdir Farm, Drummau Road, Skewen, Neath, SA10 6NR	
Decision	Approval with Conditions	
Ward	Coedffranc North	

22	App No. P2015/0429	Type App under TPO
Proposal	Works to tree protected by Tree Preservation Order T169/A1 to remove branches from main trunk of Oak Tree.	
Location	Swn Y Nant, Pine Valley, Cwmavon, Port Talbot, SA12 9NE	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

23	App No. P2015/0430	Type Householder
Proposal	Single storey rear extension	
Location	12 Llys Cambrian, Godre'r Graig, Swansea, SA9 2EY	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

24	App No. P2015/0434	Type Householder
Proposal	Two storey side extension and raised patio and steps to rear elevation	
Location	100 Glannant Way, Cimla, Neath, SA11 3YN	
Decision	Approval with Conditions	
Ward	Cimla	

25	App No. P2015/0443	Type Householder
Proposal	Retention and completion of detached granny annexe.	
Location	14 Winifred Road, Skewen, Neath, SA10 6HY	
Decision	Approval with Conditions	
Ward	Coedffranc West	

26	App No. P2015/0447	Type App under TPO
Proposal	Works to Oak tree T1 (G516) covered by Tree Preservation Order T179/W1 - reduce canopy by 2.5 metres	
Location	Land to rear of, 2 Ten Acre Wood, Margam, Port Talbot SA13 2SU	
Decision	Approval with Conditions	
Ward	Margam	

27	App No. P2015/0451	Type Householder
Proposal	Two storey rear extension	
Location	54 Pen Y Cae Road, Port Talbot, SA13 2EH	
Decision	Approval with Conditions	
Ward	Port Talbot	

28	App No. P2015/0452	Type Householder
Proposal	Single storey rear outbuilding.	
Location	60 Neath Road, Resolven, Neath, SA11 4AH	
Decision	Approval with Conditions	
Ward	Resolven	

29	App No. P2015/0458	Type Discharge of Cond.
Proposal	Details pursuant to condition 15 (Land Contamination assessment) of Planning Permission P2014/1109 (Approved on the 02/03/15)	
Location	Land at Evans Road, Melyn, Neath	
Decision	Approval with no Conditions	
Ward	Neath East	

30	App No. P2015/0462	Type Householder
Proposal	Single storey side/rear extension incorporating new pitched roof to garage	
Location	3 Serecold Avenue, Skewen, Neath, SA10 6ED	
Decision	Approval with Conditions	
Ward	Coedffranc West	

31	App No. P2015/0464	Type Householder
Proposal	Side dormer extension	
Location	8 Linden Close, Bryncoch, Neath, SA10 7UW	
Decision	Approval with Conditions	
Ward	Bryncoch North	

32	App No. P2015/0472	Type Householder
Proposal	Single storey rear extension	
Location	20 Brynteg Street, Bryn, Port Talbot, SA13 2SD	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

33	App No. P2015/0473	Type Householder
Proposal	Part replacement of flat roofs with hipped roofs	
Location	Westwards, 36a Ty'n Yr Heol Road, Bryncoch, Neath, SA10 7EA	
Decision	Approval with Conditions	
Ward	Bryncoch North	

34	App No. P2015/0478	Type LawfulDev.Cert-Prop.
Proposal	Single storey side and rear extension (Certificate of Lawfulness Proposed)	
Location	8 Church Crescent, Blaengwrach, Neath, SA11 5SL	
Decision	Issue Lawful Dev.Cert.	
Ward	Blaengwrach	

35	App No. P2015/0481	Type Householder
Proposal	Single storey front extension	
Location	137 High Street, Glynneath, Neath, SA11 5AP	
Decision	Approval with Conditions	
Ward	Glynneath	

36	App No. P2015/0486	Type Householder
Proposal	Front porch and two storey rear extensions	
Location	46 Llantwit Road, Neath, SA11 3LB	
Decision	Approval with Conditions	
Ward	Neath North	

37	App No. P2015/0487	Type Full Plans
Proposal	Two storey side extension	
Location	23 Cwrt Yr Eos, Coed Hirwaun, Port Talbot, SA13 2UQ	
Decision	Approval with Conditions	
Ward	Margam	

38	App No. P2015/0499	Type Hedgerow Removal
Proposal	Removal of 150 metre length of hedgerow and associated bank	
Location	Tyn Y Cellar, Water Street, Margam, Port Talbot, SA13 2PD	
Decision	Approval with no Conditions	
Ward	Margam	

39	App No. P2015/0502	Type Householder
Proposal	Single storey rear extension	
Location	26 School Road, Jersey Marine, Neath, SA10 6JE	
Decision	Approval with Conditions	
Ward	Coedffranc West	

40	App No. P2015/0533	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawfulness (proposed) to change the use of part of the existing garage/store into a kitchen	
Location	126 The Highlands, Neath Abbey, Neath, SA10 6PE	
Decision	Issue Lawful Dev.Cert.	
Ward	Dyffryn	

41	App No. P2015/0536	Type Householder
Proposal	Single storey rear extension	
Location	34 Border Road, Sandfields, Port Talbot, SA12 7EE	
Decision	Approval with Conditions	
Ward	Sandfields West	

42	App No. P2015/0545	Type Discharge of Cond.
Proposal	Details pursuant to Conditions 2, 8, 10,15 (Service bay layout, landscaping, street lighting and external materials:Mesh screen) of Planning Permission P2013/0863 (Approved on the 13/11/13)	
Location	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath	
Decision	Approval with no Conditions	
Ward	Neath North	

43	App No. P2015/0550	Type App under TPO
Proposal	Works to 3 trees covered by Tree Preservation Order T314/W10 comprising of pollarding (removal of upper branches) of willow, removal of alder to 2 metre stump and removal of dead birch tree	
Location	15 Pant Y Rhedyn, Coed Hirwaun, Port Talbot, SA13 2SZ	
Decision	Approval with Conditions	
Ward	Margam	

44	App No. P2015/0552	Type LawfulDev.Cert-Prop.
Proposal	Lawfull Development Certificate (Proposed) for a Conservatory on the rear elevation.	
Location	27 Elias Drive, Bryncoch, Neath, SA10 7TG	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch North	

45	App No. P2015/0554	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (proposed) for a single storey rear extension, and rear dormer extension.	
Location	Former Cymmer Afan Post Office, 128 Margam Street, Cymmer, Port Talbot, SA13 3ED	
Decision	Issue Lawful Dev.Cert.	
Ward	Cymmer	

46	App No. P2015/0556	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for a single storey side extension	
Location	3 Back Drive, Lonlas, Neath, SA10 6SB	
Decision	Issue Lawful Dev.Cert.	
Ward	Coedffranc North	

47	App No. P2015/0557	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawful development for a proposed building incorporating car port and store	
Location	2 Mynydd Bach, Rhiwfawr Road, Rhiwfawr, Swansea, SA9 2RA	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Cwmllynfell	

48	App No. P2015/0558	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate (proposed) for a single storey side extension	
Location	91 Bryn Catwg, Cadoxton, Neath, SA10 8BH	
Decision	Issue Lawful Dev.Cert.	
Ward	Cadoxton	

49	App No. P2015/0612	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	35 Hodgsons Road, Godre'r Graig, Swansea, SA9 2DL	
Decision	Issue Lawful Dev.Cert.	
Ward	Godre'rgrraig	

50	App No. P2015/0617	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 2 (external materials) of Planning Permission P2015/0143 granted on 22/06/15.	
Location	Plot 1, Adjacent To, 26 Waungron, Glynneath, Neath, SA11 5AS	
Decision	Approval with no Conditions	
Ward	Glynneath	

51	App No. P2015/0622	Type Discharge of Cond.
Proposal	Details in association with Condition 2 of Planning Permission P2015/0123 (Approved on the 26/06/15) in respect of Materials	
Location	Garthmor Phase 4, Off Pearson Way, Neath, SA11 2EJ	
Decision	Approval with no Conditions	
Ward	Neath East	

52	App No. P2015/0639	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for a single storey side extension	
Location	18 Brynheulog Road, Croeserw Cymmer, Port Talbot, SA13 3RR	
Decision	Issue Lawful Dev.Cert.	
Ward	Cymmer	

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