

**Neath Port Talbot County Borough Council**  
**Cyngor Bwrdeistref Sirol Castell-nedd**

**Democratic Services**  
**Gwasanaethau Democrataidd**

## **Decision Notice**

**PLANNING - URGENCY ACTION , TUESDAY, 28TH APRIL, 2020**

Please see below approval of decision as follows:

Variation of condition 3 and 4 to allow for a further 3 years to submit the reserved matters application of planning application P2017/0132 approved on 28th March 2017

That the above planning application be approved, in line with officers' recommendations, subject to the conditions contained in the circulated report.

Yours sincerely

p.p Chief Executive

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## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2020/0189</b>	<b><u>DATE:</u> 17/03/2020</b>
<b>PROPOSAL:</b>	Variation of condition 3 and 4 to allow for a further 3 years to submit the reserved matters application of planning application P2017/0132 approved on 28th March 2017
<b>LOCATION:</b>	Land Adjacent to 10 Elias Road, Bryncoch
<b>APPLICANT:</b>	Mr Alan Richard Lockyer
<b>TYPE:</b>	Section 73 – Variation of Condition
<b>WARD:</b>	Bryncoch North

### **PLANNING COMMITTEE URGENCY ACTION: COVID-19**

Due to the Covid-19 pandemic, meetings of the Planning Committee (along with all other Council meetings) have been suspended. Accordingly, this application is now brought forward for determination as a 'Planning Committee Urgency Action' and will be determined in accordance with the [Council's agreed procedure](#).

### **BACKGROUND**

This application is reported to Planning Committee under the Council's delegated arrangements because the application has been submitted by an Elected Member of the Council (Neath North Ward).

### **SITE AND CONTEXT**

The application site is located on land adjacent to 10 Elias Road, Bryncoch.

The application site is an irregular shaped parcel of land measuring approximately 0.023 hectares in area. It is relatively flat in profile, has a maximum width of 10m at the front reducing to 6m at the rear, and an overall depth of 31m. Pedestrian and vehicular access to the site is via Elias Road, an unmade track. The site is bounded by residential dwellings to the north, east and west, and the access track to the south. The site currently forms part of the garden area of Number 10, and is occupied by a small domestic shed and garage with some shrubs and hedges.

The site is located within the settlement limits as defined by the adopted Neath Port Talbot Local Development Plan (LDP).

## **DESCRIPTION OF DEVELOPMENT**

This Section 73 application seeks to vary Condition 3 and 4, which granted outline planning permission. P2017/0132 approved on 28<sup>th</sup> March 2017 for a two storey residential dwelling.

Condition 3 states *“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”*

Condition 4 states: *“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.”*

The applicant has submitted an indicative layout and scale parameters. These illustrate the demolition of the existing garage and shed, and replacement with a single detached dwelling fronting onto the unmade part of Elias Road. The dwelling will measure between 5m - 5.5m wide, 8 - 9m in depth and 7 - 9m high. Replacement parking for the donor property is proposed to the east of Number 10, with parking for the proposed dwelling on a new driveway to the east of the site.

## **PLANNING HISTORY**

The application site has the following relevant planning history: -

- P2013/0191 Detached dwelling (Outline) approved 7<sup>th</sup> May 2013
- P2017/0132 Two storey residential dwelling (Outline with all matters reserved)

## **CONSULTATIONS**

**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

**Biodiversity Unit:** No objection

**Welsh Water:** No reply therefore no observations to make

**Footpaths Section:** No objection subject to protection of footpath.

## REPRESENTATIONS

The neighbouring properties were consulted on 17/03/20 with a site notice displayed on 17/03/20.

In response, to date no representations have been received

## REPORT

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

## Planning Policies

When determining a variation of condition application under Section 73 of the Town and Country Planning Act, it allows the Local Planning Authority to consider not only the condition to which the application relates, but also any other material change in circumstances since the original permission was granted.

In this case, there has been no change in Development Plan Policy since the approval of the previous application being considered under the Local Development Plan.

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

In particular it seeks to promote resource efficient settlement patterns that minimise land take and urban sprawl, locate developments so as to minimise the demand for travel, ensure that all communities have good quality housing for their needs, promote access to shopping, education, employment, health, community, leisure and sports facilities and open

space, which in turn contribute towards health and well-being outcomes.

### *National Policy/Guidance*

- Planning Policy Wales edition 10
- Technical Advice Note 12: Design

### *Local Policy*

The Development Plan comprises the Neath Port Talbot Local Development Plan (2011 – 2026) (LDP) which was adopted in January 2016 and within which the following policies are of relevance: -

### Strategic Policies

- **Policy SP3** Sustainable communities
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

### Topic based Policies

- **Policy SC1** Settlement limits
- **Policy EN7** Important Natural Features
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

### *Supplementary Planning Guidance:*

The Parking Standards SPG was approved in October 2016 and is of relevance to this application.

### EIA AND AA SCREENING

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

### ISSUES

The main issues for consideration with regards to this planning application are the principle of residential development at this site – having regard to the previous approval for a dwelling on this site and

any material changes in site or Policy circumstances - together with the impact of the proposal upon visual and residential amenity, and highway and pedestrian safety having regards to prevailing planning policies.

### Principle of Development

Outline planning permission was most recently granted for a dwelling on the site on 28<sup>th</sup> March 2017 under the Neath Port Talbot Local Development Plan.

Having regard to the previous approvals, it is considered that there have been no material changes to site or policy circumstances, with the proposal considered to be of an appropriate scale, comprising an infill site where the general principle of a residential development within settlements is generally acceptable subject to an assessment of the acceptability in terms of other policies within the LDP.

### Impact on Visual Amenity

As previously stated above, this is a Section 73 application for a previous outline permission with all details held in reserve. As such, there are no formal details on the appearance or scale of development available.

However, the site is considered to be capable of accommodating a dwelling which will safeguard the character and appearance of the surrounding area. These details will be submitted and assessed at reserved matters stage. It should also be noted that there have been no physical changes to the site since the granting of the last planning permission. As such it is considered there would be no unacceptable impact in relation to visual amenity subject to the imposition of the previous planning conditions.

### Impact on Residential Amenity

The parameters and indicative plan remain the same as previously agreed. It should also be noted that there have been no physical changes to the site since the granting of the last planning permission. As such it is still considered that a sympathetically designed and sited dwelling could be constructed without having an unacceptable adverse impact upon neighbouring properties subject to the imposition of the previous planning conditions.

It should be noted, as it was on the previous application that the final design may need to be designed so that habitable room windows are sited on the front and rear elevations only at first floor level, with adequate means of enclosure around the proposed dwelling.

### Parking and Access Requirements and Impact on Highway Safety

Members should note that Number 10 currently benefits from historic vehicular access rights over the unmade part of Elias Road. The proposed development would provide off-street car parking for the donor property on a driveway to the east of the dwelling, with off-street parking for the new property also on a new driveway to the east. There has been no change in what was proposed previously. As such the Head of Engineering and Transport (Highways) has re-assessed the submitted information, and has no objection to the proposal subject to the imposition of the conditions they recommended previously.

Subject to the above, the development is considered to be acceptable in terms of highway and pedestrian safety.

### Drainage

The Head of Engineering and Transport (drainage) has advised that they have no objection to the proposed development subject to recommendations in relation to watercourses and ditches, land drainage and site drainage. It is considered that the proposal would be acceptable in terms of drainage subject to the above recommendations being imposed as suitably worded conditions.

It should be noted whilst not a planning consideration, from 7<sup>th</sup> January 2019 all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in [Schedule 3 of the Flood & Water Management Act 2010](#). A note will be added to advise the applicant of such a requirement.

Welsh Water has not commented on this application however they previously had no objection to the proposal subject to a condition to prevent no surface water and/or land drainage connecting to the public sewer, this can be re imposed.



## Ecology

The Local Authority's Ecologist has no objection to the proposal as such the previously condition relating to nesting sites for birds will be re imposed. The application is therefore considered acceptable in terms of biodiversity.

## Footpaths

The Local Authority's Rights of Way Officer has advised that Footpath ANB.17 skirts the site, and has recommended that the Public Right of Way shall be protected at all times; a suitably worded condition can be imposed to ensure their recommendation is implemented.

## CONCLUSION

The decision to recommend 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 Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

Having regard to the previous planning permission at the site, it is considered that there has been no material change in Policy or site circumstances such that there remains no objection to the principle of a residential development for the construction of one dwelling, which would also have no detrimental impact upon residential amenity, on the character and appearance of the surrounding area, or on highway and pedestrian safety. Accordingly, the proposed development accords with Policies SP3,SP15,SP20,SP21,SC1,EN7,TR2 and BE1 of the Neath Port Talbot Local Development Plan.

## RECOMMENDATION

Approval with conditions

### Conditions:-

#### Time Limit Conditions

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to

and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application was made for outline planning permission.

- 3 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than 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 shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of 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.

#### List of Approved Plans

- 5 The application shall be built in accordance with the following plans and documents:

Location Plan

Block Plan (annotated)

Reason

In the interest of clarity

## Pre-Commencement Conditions

- 6 No development shall take place until the access track leading to the development has been widened to a minimum width of 4.5 metres and surfaced and drained using porous materials in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained in accordance with the approved scheme.

Reason  
In the interest of highway and pedestrian safety and to ensure adequate access is provided to the site.
- 7 As part of the first reserved matters applications details of the floor level of the development, including cross-sections of the site, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these agreed levels.

Reason  
To ensure the development respects local character, in the interest of visual amenity
- 8 As part of the reserved matters required by Condition 1, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason  
In the interest of the visual amenity of the area.
- 9 As part of the first reserved matters application details of the proposed means of enclosures to all property boundaries shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosures shall be erected on site prior to the occupation of the associated dwelling, and retained as such thereafter.

Reason  
In the interests of the visual amenity of the area and the amenities of the occupiers of proposed and existing dwellings.
- 10 As part of the reserved matters required by Condition 1, If the construction hard surface area of the development is under 100m<sup>2</sup> then a detailed drainage scheme for foul, land and surface water, which shall ensure that the drainage of any adjoining land is not

interrupted or otherwise adversely affected by the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented on site prior to occupation of the dwelling and retained as such thereafter.

Reason

In the interest of adequate drainage.

- 11 Notwithstanding the submitted information, no development shall take place until three no. replacement off-street car parking spaces have been provided for the donor property (10 Elias Road), measuring a minimum width of 3.6m and a minimum length of 15.6m (three tandem spaces). The parking spaces/driveway shall be surfaced in porous material or a provision must be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwelling and shall be retained open and free for parking use, and permanently maintained so that it continues to comply with the above requirements.

Reason

In the interest of highway and pedestrian safety.

#### Action Conditions

- 12 Prior to occupation of the dwelling hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason

In the interests of biodiversity to mitigate against the loss of potential bird nesting/foraging habitats

- 13 Notwithstanding the submitted details, the reserved matters required by condition 1 shall include provision for one off-street parking space per bedroom (up to a maximum of three), which shall have a minimum width of 3.6 metres and a minimum length of

10.8m for two tandem spaces or 15.6m for three tandem spaces. The parking spaces shall be provided prior to first use of the dwelling hereby approved, and shall be surfaced in porous material (or a provision must be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwelling) and shall be retained open and free for parking use, and permanently maintained so that they continue to comply with the above requirements.

Reason

In the interest of highway and pedestrian safety

### Regulatory Conditions

- 14 No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason

In the interest of adequate drainage.

- 15 Foul water and surface water discharges shall be drained separately from the site.

Reason

In the interest of adequate drainage.

- 16 No surface water from within the curtilage of the dwelling shall be allowed to flow out onto the public highway or be connected into the highway drainage system.

Reason

In the interest of highway and pedestrian safety and adequate drainage.

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

Reason

In the interest of Highways and pedestrian Safety and adequate parking provision is provided and retained

18 Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be maintained each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter.

Reason

In the interest of highway and pedestrian safety

19 The Public Right of Way shall be protected at all times and any damage caused to the Right of Way shall be rectified to the satisfaction of this authority. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Council's Countryside Team.

Reason

To protect the public right of way