



## **PWYLLGOR CYNLLUNIO**

**10.00 AM - DYDD MAWRTH, 8 MEDI 2020**

### **O BELL TRWY TEAMS**

## **RHAID GOSOD POB FFÔN SYMUDOL AR Y MODD DISTAW AR GYFER PARHAD Y CYFARFOD**

### **Rhan 1**

1. Datganiadau o fuddiannau
2. Gwneud cais am ymweliad(au) safle gan y ceisiadau a gyflwynwyd

### **Adroddiad/au Pennaeth Cynllunio a Diogelu'r Cyhoedd**

#### **Adran A - Materion i'w Penderfynu**

#### **Ceisiadau Cynllunio wedi'u hargymell ar gyfer Cymeradwyaeth**

3. Cais Rhif. P2020/0195 - Heol y Glyn, Glyn-nedd  
(*Tudalennau 5 - 52*)  
Datblygiad Preswyl - Amrywiad ar amodau 2 (Deunyddiau Allanol), 11 (Darparu Ynys Ffug) ac 17 (Rhaglen Fesul Cam Gwaith Adeiladu Heol Fynediad) a diwygiadau i gynllun y safle a manylion peirianeg cais P2010/0562 (a oedd yn amrywio caniatâd P2003/1330) ar dir i'r de o Heol y Glyn, Glyn-nedd.
4. Cais Rhif. P2020/0556 - 3 Clos Dewi Sant, Bryn  
(*Tudalennau 53 - 58*)  
Garej Dwbl ar wahân a Grisiau Mynediad Cysylltiedig yn 3 Clos Dewi Sant (Llain 22), Bryn SA13 2RZ.

5. Eitemau brys  
(Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ol disgrisiwn y Cadeirydd yn unol ag Adran 100B (4) (b) o Ddeddf Llywodraeth Leol 1972.

**S.Phillips**  
**Prif Weithredwr**

**Canolfan Ddinesig**  
**Port Talbot**

**Dydd Mercher, 2 Medi 2020**

## **Aelodaeth Pwyllgor:**

**Cadeirydd:**           **S.Paddison**

**Is-Gadeirydd:**       **S.Pursey**

**Aelodau:**           Councillors C.J.Jones, D.Keogh, R.Mizen,  
S.Bamsey, R.Davies, S.K.Hunt, A.N.Woolcock,  
C.Williams, S.Renkes a/ac M.Protheroe

**Aelod Cabinet:**     Councillor A.Wingrave

## **Gwneud cais i siarad yng nghyfarfod y Pwyllgor Cynllunio**

Mae gan y cyhoedd hawl i fynd i'r cyfarfod ac annerch y pwyllgor yn unol â gweithdrefn gytunedig y cyngor sydd ar gael yn [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning).

Os hoffech siarad yn y Pwyllgor Cynllunio ynghylch cais yr adroddwyd amdano i'r pwyllgor hwn, mae'n rhaid i chi:

- Gysylltu â'r Gwasanaethau Democrataidd yn ysgrifenedig, naill ai drwy'r post yn: Y Ganolfan Ddinesig, Port Talbot SA13 1PJ, neu'n ddelfrydol drwy e-bostio: [democratic.services@npt.gov.uk](mailto:democratic.services@npt.gov.uk).
- Sicrhau eich bod yn gwneud eich cais i siarad ddau ddiwrnod gwaith cyn dyddiad y cyfarfod fan bellaf (erbyn 2pm ar y dydd Gwener blaenorol os yw'r cyfarfod ar ddydd Mawrth).
- Nodi'n glir rif yr eitem neu'r cais rydych am siarad amdani/o a chadarnhewch a ydych yn cefnogi'r cais neu'n ei wrthwynebu.
- Rhoi eich enw a'ch cyfeiriad (a fydd ar gael i'r cyhoedd oni bai fod rhesymau penodol dros gyfrinachedd).

Sylwer, dim ond un person sy'n gallu siarad ar ran pob 'categori' ar gyfer pob cais h.y. y gwrthwynebydd, y cefnogwr, yr ymgeisydd/asiant, y Cyngor Cymuned/Tref. Ceir manylion llawn yng ngweithdrefn gytunedig y cyngor.

Yn ogystal, os yw gwrthwynebydd yn dymuno siarad, hysbysir yr ymgeisydd/asiant gan y cyngor.

Os ydych yn dymuno trafod unrhyw agwedd ar siarad cyhoeddus, ffoniwch dîm y Gwasanaethau Democrataidd ar 01639 763313.

## **Cyflwyno sylwadau ar geisiadau cynllunio yr adroddir amdanynt i'r pwyllgor**

Os ydych yn dymuno cyflwyno sylwadau ar gais a gyflwynir i'r Pwyllgor Cynllunio hwn, sylwer bod rhaid i'r Adran Gynllunio dderbyn y rhain erbyn 2.00pm ar y dydd Gwener cyn cyfarfod y pwyllgor fan bellaf (yn seiliedig ar y cyfarfod dydd Mawrth arferol). Os nad yw'r cyfarfod ar ddydd Mawrth, dylid eu derbyn erbyn 2.00pm ar y diwrnod gwaith olaf ond un cyn y Pwyllgor Cynllunio fan bellaf.

Caiff sylwadau a dderbynnir yn unol â phrotocol y cyngor eu crynhoi a, lle y bo'n briodol, gwneir sylwadau arnynt ar ffurf Taflen Ddiwygio, a ddsberthir i aelodau'r Pwyllgor Cynllunio drwy e-bost ar y noson cyn cyfarfod y pwyllgor, a'i chyflwyno ar ffurf copi caled yn y cyfarfod.

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

|  |   |
|--|---|
| <b><u>APPLICATION NO:</u> P2020/0195</b> | <b><u>DATE:</u> 28/02/2020</b>  |
| <b>PROPOSAL:</b>                         | Residential Development - Variation of conditions 2 (External Materials), 11 (Provision of Ghost Island) and 17 (Phased Programme of Works for Construction of the Access Road) and amendments to the site layout and engineering details of application P2010/0562 (which varied permission P2003/1330). |
| <b>LOCATION:</b>                         | Land South of Heol Y Glyn, Glynneath  |
| <b>APPLICANT:</b>                        | Enzo Homes Ltd  |
| <b>TYPE:</b>                             | S73 - Variation of Condition  |
| <b>WARD:</b>                             | Glynneath   |

### BACKGROUND

The application is brought before the Planning Committee due to the complexity of the issues involved in the determination of the application and the degree of concern in relation to these issues that have been raised by local residents.

The Ward Members for the area, Cllr Del Morgan and Cllr Simon Knoyle, have also submitted comments on the application which are set out within the report and requested that the application be determined by the Planning Committee for these reasons.

### SITE AND CONTEXT

The application site is located on an irregularly shaped parcel of land to the south eastern side of Heol Y Glyn (A4109), which has a site area of approximately 2.75ha. The site is included within the residential settlement boundary for Glynneath, and is allocated for residential development by the Local Development Plan (Policy H1/LB/27 refers).

The application site slopes down from its highest point in the north eastern corner to the lowest along the southern western boundary of the site with dwellings located off Brynhyfryd and Woodland Park. There is an existing vehicular access onto the site from Heol Y Glyn. The application site currently has no built development located within it, with only a broken hard surfaced area located around the site access.

Following the grant of planning permission under application P2003/1330 for residential development, the (previous) applicants began to deposit fill material onto the site to facilitate the extensive groundworks that were approved as part of the planning permission. The fill material that was imported onto the site was largely left within a stockpile area predominately within the central eastern portion of the site, and due to the amount of time that has passed since the deposit of the material, vegetation has self-seeded the stockpile and wider area of the site.

The northern boundary of the application site with Heol y Glyn includes mature trees and scrub growth which screen much of the site, with the exception of the current site access. Existing residential dwellings are located to the other boundaries of the site. Some of the dwellings located along the eastern boundary of the application site, and accessed from Waungron have been constructed since the 2003 planning permission was granted.

The most recent consent was an approval in July 2010 (P2010/0562) which was also submitted under section 73 to vary the wording of certain conditions on the original and subsequent planning applications. These details are set out within the Planning History section below. This application has been required because, while the consent has been implemented (and is therefore extant), previous works at the site were in breach of a number of conditions, and therefore such matters require regularising.

Since the last of the fill material was deposited on site, no further physical works have taken place.

The original applicant on P2003/1330 and the subsequent applications (until the current submission) was Cuddy Group which entered administration in July 2018. The site was subsequently purchased by the current applicants Enzo's Homes Ltd.

## DESCRIPTION OF DEVELOPMENT

The current application seeks to regularise the situation in relation to the works that have taken place on site and allow for the variation of the wording of conditions 2, 11 and 17 on planning permission P2010/0562. The application also seeks to amend details of the approved development's site layout.

The current application seeks permission for "Residential Development - Variation of conditions 2 (External Materials), 11 (Provision of Ghost Island) and 17 (Phased Programme of Works for Construction of the Access Road) and amendments to the site layout and engineering details of application P2010/0562 (which varied conditions on permission P2003/1330)."

For Members information, the relevant conditions of P2010/0562 permission are as follows:

- 2) Unless otherwise agreed in writing, the external materials to be used in the development shall be as agreed under planning application P2010/0184 on 06/05/10.  
Reason  
In the interests of the visual amenity of the area.
- 11) Unless otherwise agreed in writing, no development other than the first 15m of the site access road to form a near level platform as required by condition 20 shall be undertaken on site until the ghost island right turn lane has been provided in accordance with a scheme, which shall first be submitted to and approved in writing by the Local Planning Authority. This scheme shall include street lighting of and the approaches to the junction, anti-skid surfacing, high

visibility junction signs, slow markings on road and any other requirements highlighted by the Local Planning Authority.

Reason

In the interests of Highway Safety.

- 17) Unless otherwise agreed in writing, work shall not commence beyond the first 15m of the highway as required by condition 20, until a phased programme of works for the construction of the access road shall be submitted to and approved in writing by the Local Planning Authority. The phased programme of works shall include geotechnical surveys of each of the identified phases and the works shall be carried out in accordance with the agreed details. The first phase shall include details of the minimum length of 50m of access road together with boreholes for the first 60m, taken at 10m intervals, showing the ground conditions under the proposed part of the road taken along the centre line and measures proposed to overcome deficiencies, and this shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent phases shall take boreholes a minimum length of 10m beyond the part of the highway to be constructed, and no part of the highway shall be constructed in excess of the submitted and approved length.

Reason

In the interests of highway safety and structural stability, in view of the tipped material on the site.

The application also includes proposals to amend the approved layout of the development. These amendments include the reduction in the number of approved dwellings down from 81 to 80, the removal of all of the approved garages from the scheme and the repositioning of certain elements of the development. The revised plans have also shown some minor reductions in the location of the application site's red line to ensure that the area enclosed within the application site are within the applicant's ownership. These reductions in the site area are predominately located along the north eastern side boundary with the existing dwellings of Avalon, 28 and 30 Waungron; along a section of the eastern boundary with the existing dwellings 25a, 26, and 27 Waungron and along the southern boundary with 30-36 Brynhyfryd

The mix of housing type for both the approved and proposed schemes are shown in the table below.

| <b>HOUSE TYPES.</b> | <b>APPROVED</b>   | <b>PROPOSED.</b>   |
|---------------------|---|--|
| A                   | <b>26</b> Terrace and semis - 3 bed/2 storey              | <b>21</b> Terrace and semis – 3 bed, 2 storey dwellings. |
| A1                  | <b>13</b> = Terrace and semi - 2 bed/1 and a half storey. | <b>12</b> Terrace – 2 bed, 2 storey dwellings.           |
| A2                  | 0   | <b>4</b> Terrace - 3 bed, 2 storey dwellings.            |
| B                   | <b>11</b> Terrace - 3 bed/2 and a half storey.            | <b>12</b> Terrace – 3 bed, 2 and half storey dwellings   |
| C                   | <b>6</b> Semi and detached - 3 bed/2 storey.              | <b>6</b> Detached – 3 bed, 2 storey dwellings.           |

|               |   |  |
|---------------|---|--|
| D             | 6 Semi and detached - 4 bed/2 storey.             | 7 Detached – 4 bed, 2 storey dwellings.  |
| E             | 4 Detached - 4 bed/2 storey.                      | 3 Detached – 4 bed, 2 storey dwellings.  |
| F             | 9 Detached – 3 bed split level 2 storey.          | 9 Detached – 4 bed, split level 2 storey to front and 1 storey to rear dwellings             |
| G             | 6 Detached – 4 bed split level 2 and half storey. | 6 Detached – 4 bed, split level 2 storey to front and 1 and a half storey to rear dwellings. |
| <b>Total.</b> | <b>81</b>   | <b>80</b>  |

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

### NEGOTIATIONS

Discussions were held with the applicants prior to the submission of the current application to try to establish the information required to support the proposal.

Revised plans have been submitted throughout the application to try to address issues raised during the course of the application process.

### PLANNING HISTORY

The application site has the following relevant planning history: -

- **P2016/0974** Variation of conditions 11 (Ghost Island Right Turn Lane Scheme), 17 (Programme of Works for Access Road) and 27 (Cessation of Tipping Operations) of planning permission P2010/0562 granted on 01/07/10. Refused 01/08/18.
- **P2010/0562** Variation of Condition 11 of planning permission P2010/0260 granted on 23/04/10 to allow the provision of the 15m near level platform in accordance with Condition 20, prior to the provision of the ghost island right turn lane. Condition Approval 01/07/10.
- **P2010/0303** Details to be agreed in association with condition 22 (re Archaeologist) of planning permission P2003/1330 granted on 12/07/05. Approval 23/04/10.
- **P2010/0260** Variation of condition 17 of planning permission P2003/1330 granted on 12/07/05 to allow phased submission of geotechnical surveys – Conditional Approval 23/04/10.
- **P2010/0184** Agree details associated with condition 2 of planning permission P2003/1330 granted on 12/07/05 regarding external materials. – Approved 06/04/10.



- **P2010/0039** Agree condition 9 (re. knotweed removal) of planning permission P2003/1330 granted on 12/07/05. – Approval 28/01/10.
- **P2007/0253** Details relating to condition 27 (scheme for redesign of plots 24 to 27) of previous planning consent P2003/1330. Conditional Approval 11/05/2007.
- **P2007/0252** Details relating to condition 10 (Landscaping) of Previous Planning Consent P2003/1330. – Approved 11/05/07.
- **P2003/1330** Residential Development – Conditional Approval 12/07/2005.
- **P1997/1040** Compliance with condition 4 of application N1990/0129 drainage details – Approved 30/03/1998.
- **P1997/0968** Compliance with conditions 2 and 3 of application N1990/0129 Highway Details – Approved 30/03/98.
- **N1990/0129** 44 number dwellings roads and sewers. Conditional Approval 29/09/91.

## CONSULTATIONS

**Glynneath Town Council:** Is concerned about resident's reports of illegal tipping of chemical waste on the site and of its historical use as a domestic and industrial landfill site since the 1940's. The Town Council would like to see a thorough investigation of the land for actual and potential contamination of the site down to its natural ground level.

**Dwr Cymru Welsh Water:** No objection subject to conditions 8, 24 and 25 remaining imposed on any planning permission given.

**Natural Resources Wales:** They have reviewed the application and did not request the conditions on the application and therefore they have no adverse comments.

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

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

**Contaminated Land:** Has raised concerns in relation to the submitted information, but has no objection to the development subject to conditions to secure the submission of revised details.

**Environmental Health and Trading Standards:** No objection to the submitted Construction Environmental Management Plan.

**Biodiversity:** Object to the principle of the culverting of the watercourse on the site but acknowledge the extant planning permission that exists for the residential redevelopment of the site including the culverting of the watercourse and as such

have requested amendments to the submitted Construction Environmental Management Plan and the imposition of conditions to mitigate the impacts of the proposed development.

**Tree Officer:** No objection to the submitted details subject to conditions.

## REPRESENTATIONS

The neighbouring properties were consulted on 11 March, 26 June 2020 and 31 July 2020. In addition, site notices were displayed around the site on 12 March, 26 June 2020 and 31 July 2020.

In response, to date 80 representations have been received, with the issues raised summarised as follows: -

- The proposal would add to the existing flooding/highway drainage problems which are experienced in the vicinity of the development during heavy rain to the detriment of the residents in terms of their mental health and wellbeing. Climate change will increase rainfall. It is also considered that the development could result in flooding to Aberdare Road and Ynys Las. The flood risk in the area would be increase by culverting and building over the stream, water runoff from the higher ground will settle and flood the lower existing houses. They state that new drainage works have been done recently to improve the situation and are concerned that heavy rain and mud from the development will block the new drainage system. The existing highway drainage for Bryhyfyrd is located within a culvert that runs under the garden of No. 60 Brynhyfyrd and they are concerned that the highway drain will be unable to drain into the stream once it has been culverted and that the water will have nowhere to go. The residents from 30 Waungron state that a further highway drain also crosses the back corner of their site before discharging onto the development site and running off down the eastern edge of the site to the bottom corner. The existing residents believe that the draining within the area of Brynhyfyrd and Waungron does not meet the current demand with water regularly streaming down it and want to know what sustainable drainage measures have taken in regards to water disposal. They also stated that the development of the application site would result in a substantial increase in surface water as well as the loss of the natural soakaway of the site. They state that they would expect that NPTCBC would have an alternative arrangement for this additional surface water and would not expect the current drainage system that services Woodland Park to be used. They state that the development is contrary to policies SP1 and BE1 and that it fails to provide evidence of taking into account the increase in surface water and does not seek to protect the natural waterways that run through the landscape. They have also stated that it would be impossible for the on-site drainage scheme to capture all the rainfall.
- They object to the culverting of the stream as they believe that it would increase the danger of carcinogens and toxic waste illegally dumped on the site from effecting residents. They also state that the stream is a Site of Importance for Nature Conservation (SINC) and considered to provide habitat

for a range of species. They state that the submitted Ecological Appraisal Report provides evidence that culverting the stream would have a negative impact on the natural wildlife of the area. They have reiterated the recommendations of the report that the stream is retained in its current state (i.e. open, and not culverted), and protected from the effects of the development during construction and operational phase. They state that the report recommends a drainage plan to inform appropriate protection of the stream and any ditches/associated features beyond the site and that a minimum 7m vegetated buffer is required to protect the watercourse for Otter and Water Vole. A method statement and mitigation plan should be prepared in order to protect amphibians during site clearance and construction. The report states that Planning Authorities must seek to maintain and enhance biodiversity in exercising their function. This means that developments should not cause any significant loss of habitat or population of species, locally or nationally and must provide a net benefit for biodiversity.

- They refer to a Geo-technical Report in 2008 produced for Cuddy Group. They have quoted “It is assumed that no development of the area to the south west of the site, adjacent to the stream will take place.” (20080500a-DO-TFIR-Geo-rpt.Cuddy 9.1). They believe that the report shows that there is no evidence of stable ground for building on in this location quoting “No made ground was identified in TP8 (close to stream) where peat was present from ground level to the full investigation depth of 3.04m (20080500a-DC-TFIR-geo-rpt.Cuddy 4.5). They continue on to refer to point 4.5 in the report “The weakness of the underlying mudstone may be related to the proximity of the fault that runs through the site (the stream is above the fault line) (20080500a-DC-TFIR-geo-rpt.Cuddy 4.5). The development shows 3 properties within this area being built on raised ground 5m higher than the current levels, with the ground then sloping down to the boundaries of 60, 58, 56 and 66 Brynhfryd. They believe that this would move the current flood plain from behind these properties to the actual properties themselves.
- The last full approved permission with conditions was made on 01/07/10 and there is no evidence of the development beginning since 2005 and only tipping of industrial waste has occurred since 2010. There has been a 10 year gap since then without approval of planning permission. There has also been considerable alteration to the shape of the site and the makeup of the ground. They believe that in 2016 this necessitated a cessation of tipping order. Therefore the permission for P2003/1330 must be considered to have lapsed because the previous developer was unable to meet this condition, and there is no extant planning permission.
- Concerns have been raised about what has been buried on the site due to its (alleged) use as an industrial landfill without adequate repeat testing to determine the suitability of the site for building upon or testing for chemicals. They believe that the commercial waste resulted from the demolition of the Old Neath Hospital, Briton Ferry. They allege that the previous owner scheduled lorries to the site during the hours of darkness to dispose of their loads and the material was covered over immediately. They allege that the material included asbestos (large metallic barrels which they believe contain asbestos and

chemicals) and hazardous substances and materials which were pushed into the ground. They also state that the site is known locally as the tip and that it has been used as either a municipal or commercial dumping ground, as far back as the 1940's. One resident recalls the site being used as an ash tip by Neath Rural District Council from the late 1950s through to the 1970s and that they used to play on the natural wetlands that adjoined the tip. They continued on to state that this all stopped once the Cuddy Group bought the site in the late 1990's and removed the red ash from the site leaving a void. They allege that the void was then filled by demolition waste. Once this work finished the industrial waste was then brought onto the site and smothered the wetlands and caused the flooding issues. They believe that the landfill site is too high to be built on. They allege that chemical substances can be seen on the ponded water on the site and that the site has not been worked for 3-4 years. They would like confirmation that there would be no disturbance of toxic material should building work commence.

- They believe that the development is contrary to policy EN8. They are not satisfied that the site has been thoroughly investigated. They state that the submitted report need only be compared to the 2010 and 2008 Geotechnical surveys to see that the survey carried out in 2019 was inadequate. They continue on to state that a letter from Geotechnology to the Cuddy Group dated 27 May 2010 stated that the land needed improvement before any road could be built. There is no evidence of such improvements or plans to do so. They allege that the chemical testing was incomplete and superficial. The chemical testing took place only at a depth of 50cm and only tested deeper once to 1m and twice to 2m. They do not believe that this is a large enough sample and that samples should be taken from a greater depth and from regular intervals. They believe that the site has previously been confirmed to have high levels of zinc, arsenic and benzo(a)pyrene. They also state that the chromium testing which distinguishes between Cr(III) and Cr(VI) is unaccredited and therefore unreliable. They believe that this is important as Chromium (III) is relatively safe at the levels of chromium described, however chromium (VI) at this level is extremely dangerous and can cause cancer. There has been hundreds of tonnes of material disposed of on the site, which could be tens of metres deep. They expect there to be significant earth moving works to create the correct land contours prior to the building works being carried out which would expose the deeper material.
- They are concerned that dust clouds will form over the summer and cause a hazard particularly if the land being moved is contaminated, which would form a fine contaminated dust particles creating a direct hazard to their family and which would mean that they will not be able to dry clothes on lines and cars and windows will be filthy.
- They are concerned that a number of the residents are elderly and do not have access to the online portal, noting also the restrictions on movement during the pandemic. They believe that the planning process is not quick and that the application is being nudged along taking advantage of the limited access/contact people have to access the portal to make their objections during the Covid-19 situation.

- Concern expressed that the proposed ground levels are too high and that the proposed houses are located too close to the existing dwellings (only 5m from existing bedroom windows). The culverting of the stream would mean that the houses would be built back to back with the existing houses and will result in a serious loss of privacy and that the new houses and car parking areas will overlook the street and existing houses.
- There would be excessive noise and disturbance from the tipping and construction right up to their boundaries.
- There are currently several trees situated mainly around the perimeter of the site. Along the boundary of the site with 30 Waungron the roots of these trees provide considerable and substantial support for the stability of their made ground, as well as providing an element of privacy and protection from the elements. They understand that all the trees on the site are protected by a Tree Preservation Order and would expect the Council to consult with any residents effected by any tree removal. They state that they have no confidence with the new landowner that any TPOs will be respected due to their previous record on a site in Swansea. If the TPO is ignored they expect NPT to take further action and impose very significant financial penalties on the landowners. The loss of the trees and shrubs would also resulting in a loss of shelter and nesting sites for a variety of birds and wildlife, including green woodpeckers, great-spotted woodpecker, kingfishers, magpies, jackdaws, coal tit, blue tit, nuthatch, bullfinch, house sparrow, blackbird, dove, crow, wood pidgeon, robin, song thrush, long tail tit, wren, swift, starling, red kite, seagull, nightjars (heard) and buzzard, as well as small mammals, bats, hedgehogs and squirrels. Due to the height of the development without the existing trees the proposed development would overlook the residents and would have an adverse effect on their privacy. They would like the trees retained or replaced and added to, to preserve the character of the land, while also providing connectivity to adjacent habitats.
- The site has been incorrectly identified by the Council as Housing Development, as its main historical use has been industrial landfill.
- The construction works may cause damage to their properties in particular to foundations and structures, as they state that previous operations on the site have already damaged paths and walls.
- They state that there is a history of rat infestation in the area of Woodland Park and Brynhyfryd, they are concerned that this may return.
- The additional houses will result in an increase in traffic in the area. They estimate that 80 houses would result in 180 cars on a very busy unsafe, poor vision road. Increasing traffic using the Inter Valley Road is going to be dangerous. Coming out of Woodland Park junction is hazardous at present without the increase of traffic from this estate. They state that turning right is basically pot luck due to the speed of traffic travelling down the hill, who ignore the flashing signs to slow down. A resident requested that if the development

were to go ahead that a traffic mirror to be placed adjacent to the opposite side of the junction with Woodland Park to improve vision up hill. They have suggested that there will be a 50% increase in accidents.

- With so many houses there will be young children on site, so there should be an adequate play area on site, without them having to cross an unsafe road.
- They are concerned that if the development ensues their health will be severely affected.
- The submitted plans show incorrect heights. The height 68.80 shown (identified on an attached plan circled in red) is actually 66.80 as per the height in the other circle, these points are at the same height on the land itself. This means that the lower levels of these plots 33-35 will be at the same height as his bedroom windows.

An email has also been received from **Jeremy Miles MS** on behalf of a local resident. The views expressed by the local resident can be summarised as follows:

- The current developer of the land have been found guilty recently of felling of protected trees in one of their developments in Swansea. He notes that the area of land which they occupy is a vital habitat for wildlife, home to protected species. He has provided photographic evidence of the wildlife on the site. He believes the developer cannot be trusted by the community to do the right thing and would like assurances that this will be considered during the planning application.
- He also outlined that there is significant evidence that, the previous owners of the land, Cuddy, used the site for illegal tipping of chemical waste and its historical use as a domestic and industrial landfill site for many years.
- The resident says that the residents paid for an independent survey which showed that there was toxic waste in soil samples taken. He insists that there must be a thorough investigation of the site with deep drilling to ascertain where the waste is buried and what the waste is before any housing development takes place.

An email has also been received from the Local Ward Member – **Cllr Del Morgan** whose concerns and requests for specific items to be included in conditions should the application be approved can be summarised as follows:

- He recalls that the original planning permission for the site was back in mid 1980s with a subsequent permission put in place in 2003 (amended in 2010). The current application includes implications surround how the site will look and feel when complete. Some of the houses will be nearer to existing dwellings than hitherto proposed, but it is the wider issue of the location of all the proposed dwellings to take into account all three dimensions that concerns him the most.

- While the site was controlled by Cuddy Group, a significant amount of material was dumped on site, with no full record of monitored levels of imported waste, other than the verbal claim by the then developer. He concurs with long standing residents that the volume of waste imported to the site will have superseded the amount 1980s planning permission would have allowed.
- He asks that an agreement be entered into with the current development to agree a level of waste material that will be taken off site prior to the development, which would partially restore the build levels to what was original (1980s) planned. He also asks that the Planning Authority is extremely diligent in applying controls over the eventual site contours to prevent excessive loss of privacy to existing householders. He also requests conditions for further test boring to the full depth of the spoil to the original ground level so that the public have full confidence that the site does not contain rogue materials of any description.
- He has been regularly lobbied by local residents in relation to the existing flooding within the area. The Council has already undertaken some works to improve the drainage at the Woodland Park location, but he feels that it is important that any new build does not add to the potential for further flooding. He also requests that any watercourse that have been diverted are restored to their original location and that a condition is applied the developer should supplement its plans for piped drainage with additional on surface runoff channels so that the effect of extreme weather events can be mitigated, since the construction of the new dwellings will mean a reduction in the natural drainage characteristics for the area.
- He also questions whether a ghost island in respect to the A4109 would provide sufficient road safety, given the need for wide vehicles passing along the road and the resultant increase in vehicles turning into and out of the completed site. He also understands that there will be a pedestrian and emergency access into Woodland Park. He asks that this is robustly conditioned to ensure only emergency access and that there is concern that some of the residents of the new properties may be tempted to park their vehicles in Woodland Park and walk through, which would inevitably lead to parking issues and potential road safety issues at the junction of Woodland Park and the A4109.
- He also requests that the mature trees on site are retained as far as practicable and that the Authority is rigorous in its negotiations with the applicant in relation to new tree planting as this is important for existing residents and to create an attractive surrounding for the new site.
- In conclusion, he states that on balance he would be happy to see the housing site developed, properly and attractively, provided that all of his concerns are taken on board. The alternative, he recognises would be a situation of reverting to the position arrived at by the Cuddy Group over a decade ago, which is an extant planning permission with incomplete or unsatisfactory characteristics. He urges the Planning Authority to ensure that the site is checked to ensure that it is appropriate for the building of houses and that the

levels and contours of the land are correct and that any excess material dumped there by the previous owners is removed. He also asks that any diverted watercourses are rectified prior to construction.

An email has also been received from the Local Ward Member – **Cllr Simon Knoyle** whose comments can be summarised as follows:

- Development within Glynneath is badly needed, he would welcome, promote and will assist with anything which would enhance their Community.
- He would want to see all relevant and required processes and procedures followed at all times to ensure any development is granted correctly and properly.
- This Residential Development has been discussed and debated for many years, it would bring with it much needed additional housing to Glynneath but also has concerns and issues which have been raised by its site boundary neighbours and wider residents of Glynneath. The concerns raised include impacts to the surrounding environment, adjoining land owners and the wider community of Glynneath, if it can be shown that the Planning Officers have identified these and that the site owners have addressed these concerns and this can be identified to those who are scrutinising the application then it will be for them to determine whether the application is approved following the guidelines set out. For the application to be granted, the Committee Members must be completely satisfied with the documentation provided to them.

## REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.



PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 2: Planning and Affordable Housing.
- TAN 5: Nature Conservation and Planning.
- TAN 10: Tree Preservation Orders.
- TAN 11: Noise.
- TAN12: Design.
- TAN 15: Development and Flood Risk.
- TAN 16: Sport, Recreation and Open Space.
- TAN 18: Transport.
- TAN 21: Waste.

### Local Planning Policies

The Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

#### *Strategic Policies*

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP20** Transport Network

#### *Topic Based Policies*

- **Policy SC1** Settlement limits
- **Policy H1** Housing Sites
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy TO4** Walking and Cycling Routes
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features.
- **Policy EN8** Pollution and Land Stability
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

### *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Affordable Housing](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Design](#) (July 2017)
- [Landscape & Seascape \(May 2018\)](#) (May 2018)
- [Biodiversity and Geodiversity \(May 2018\)](#) (May 2018)

### EIA and AA Screening.

The application seeks permission under Section 73/73A of the Planning Act and as such is classed as a subsequent consent under the EIA Regulations. The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such, the application does not require screening in accordance with the requirements of Schedule 3 of the Regulations.

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

### Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, on highway safety, the impact upon flood risk and the existing drainage network, impact upon Biodiversity and Trees; and Contaminated Land.

### Principle of Development

The application site lies within the residential settlement boundary for Glynneath (as identified on plan below) and therefore residential development is, as a matter of principle, acceptable subject to compliance with other LDP policies.

In addition, the site has a history of permissions for residential development dating back to 1990, with the current planning permission first granted consent under planning application P2003/1330 on 12 July 2005.

Subsequent to this two further planning permissions were granted under applications P2010/0260 to vary the wording of condition 17 and P2010/0562 to vary the wording of Condition 11.



P2010/0562 is the most recent consent for the development, this being extant as it is accepted that development was 'implemented' through creation of the access and through the importation of a large amount of fill material to facilitate the approved changes in levels across the site, such material having been deposited (also under a license issued by Natural Resources Wales) in the central eastern area of the site, forming a large visually prominent stockpile.

The application site is also designated under Policy H1/LB/27 of the Neath Port Talbot Local Development Plan as a housing allocation site (the allocation shown in orange on the plan above). The allocation identifies the site as an area of 2.7 ha and estimates that 81 dwellings could be constructed, which accords with the planning consent for the site.

As such, the principle of residential redevelopment of the site has been established for approximately 30 years, has continued through its incorporation in the settlement boundary, and there remains an extant planning permission for development of the site (albeit this application seeks to address breaches of certain conditions on the earlier consent). Accordingly, rather than the principle of residential development, it is for this application to consider the specific impacts of the development assessed against the requirements of the other development plan policies within the context detailed above.

### *Density*

Policy BE1(8a) states that development should make the best and most efficient use of land available through being of appropriate density taking into account the character and appearance of the area. The policy continues on to explain that normally a minimum density of 30 dwellings per hectares should be achieved in Valleys strategy areas.

The site area of the development is 2.75ha with a total of 80 dwellings proposed which would create a minimum density of 29.1 dwellings per ha. While this is slightly below the density required in the policy, it is considered to be comparable to the approved density of 29.5 dwellings per ha. and acceptable having regard to the specific site context and constraints.

Impact on Visual Amenity

The application site is an area of open scrubland with a large stockpile of fill material located within the central eastern portion of the site. The application site is located along the south eastern side of Heol Y Glyn (A4109), which along this section is largely a tree lined carriageway with occasional dwellings located along its length.



Both the approved site layout scheme and the current proposal show the new dwellings located along Heol Y Glyn as backing onto the carriageway and accessed only from within the development site. It is noted that along the northern section of the site's boundary with Heol Y Glyn, from the existing site access to the northern corner of the site, the development area is located at a significantly lower level than the road and footway, with a mature copse of trees located between the development area and the main road. However, in order to achieve the required vision splay and footway, the majority of the trees would need to be removed, and would need to be replaced as part of a landscaping scheme.

While the proposed layout / levels in this area would mean that the development would have limited connection both physically and visually with the existing streetscene along Heol Y Glyn, it is considered that due to the nature and appearance of this section of Heol Y Glyn, together with the size and design of the development

it would create its own sense of place and character over time. Nevertheless, a condition is recommended for imposition to ensure adequate boundary treatment is used to enclose the rear gardens of these properties, which along with a robust landscaping scheme would ensure that any visual impact on Heol y Glyn would be mitigated.

The proposed internal layout of the site is very similar to that of the approved development. The site has a centrally located access road which enters via the existing point of access off Heol Y Glyn. The estate road then continues in a south easterly direction, where a 'T' junction connects with a further estate road that would run in an east/west direction almost parallel to the southern boundary of the application site. A third estate road is shown connecting at the eastern end of this road and projects in a northerly direction towards the northern corner of the application site. Proposed dwellings are shown to be located to either side of these roads, and off shared driveways. The houses are shown to be a mix of terrace, semi-detached pairs and detached properties that are a mixture of split level and full two storey and two and a half storey houses. The split level houses are shown to be predominately located in the row of houses that would back onto Heol Y Glyn, plus on plots 66 and 67, with the dwellings being two storey on the front elevation facing into the site and single storey or one and a half storeys on the rear facing Heol Y Glyn.

The proposed development, due to its steeply sloping topography and the existing housing layout within the immediate surrounding area would be visible from the existing well established residential areas of Brynhyfryd, Waungron and Woodland Park. However it is considered that the proposed development would have an appropriate design and layout that would be both in keeping with the character and appearance of the development itself, as well as that of the immediate and wider area.

It is therefore considered, that subject to the imposition of suitable conditions the proposed development would have no detrimental impact upon the character and appearance of the surrounding area, such that it would accord with Policy BE1 of the Local Development Plan.

#### Impact on Residential Amenity

While the proposed development seeks permission for the rewording of conditions 2, 11 and 17, it also seeks permission to make certain amendments to the site's approved layout. As part of the revised layout the number of dwellings is proposed to be reduced from 81 to 80 dwellings and it is also proposed to remove the approved garages from the scheme, these would be largely replaced with additional car parking spaces.

The majority of the current proposed site layout is similar to that of the approved scheme, however there have been a few alterations. Nevertheless, it is considered that the internal relationships between the proposed dwellings is typical of that of a modern housing development particularly on such a steep sloping site. While in certain locations within the site there will be significant changes in ground levels between dwellings, which would require the use of split level dwellings and retaining

structures, the proposed dwellings would all have an acceptable relationship with the other proposed dwellings with no unacceptable impacts through overlooking, overshadowing or overbearing impacts on each other.

While many of the proposed dwellings would have large rear garden areas there are a few plots which are shown to have significantly smaller or constrained amenity areas, such as plots 32, 36, 55 and 75. However all of the dwellings on site have been shown to be provided with a patio area and each of the restricted plots are considered to have a sufficient amount of private amenity area to serve a dwelling of its size. However on such plots where amenity areas are already restricted (and/or to protect nearby properties from the impacts of 'permitted' development which are best assessed by a formal planning application) it is proposed to remove permitted development rights for extensions, dormer extensions and outbuildings.

The submitted plans have been amended throughout the application processes to establish an acceptable drainage scheme and relationship between proposed and existing dwellings. As a result of these alterations the originally-proposed ground levels have been reduced, particularly within the southern area of the site. The proposed development would still require significant levels of site re-profiling, but following these amendments - which improve the relationship with adjoining properties, as discussed below - the applicants have indicated that the current level of fill material that was imported onto the site by the previous owners is no longer required. They have indicated that over half of the quantity of fill material will be removed from the site. While this will generate additional vehicular movements, the removal of fill and creation of lower levels in part will be of benefit to the overall scheme and impacts on adjacent properties.

Having regard to the above, the following is a comprehensive assessment of the proposed relationship between the existing dwellings that adjoin the application site boundary and the dwellings that are proposed as part of the development scheme:

- In the northern corner of the application site a split level dwelling is shown to be located on **plot 22** adjacent to the side boundary of an existing bungalow called Avalon. The existing bungalow is a low level property that has been constructed on a platform that appears to be at a similar ground level to that of the Inter Valley Road onto which it fronts. The rear garden then drops away to the rear of the bungalow with much of its rear garden area located at a lower level. The bungalow also has what appears to be two small rear additions. The proposed dwelling on plot 22 is shown to be a house type F. This is a four bedroom dwelling, which is shown to back onto the Inter Valley Road, with two storeys to the front and single storey to the rear. The house has an entrance hall, two bedrooms and shower room located on the ground floor and a further two bedrooms, a family room, bathroom and kitchen diner location on the main first floor, which will have direct access onto the rear garden. The house type is shown to have one side facing window, which would serve a bathroom and would be conditioned to be obscure glazed to prevent any overlooking to the existing bungalow. Plot 22, is shown to be located 6m at its closest to the side elevation of Avalon and would project out approximately 3.6m past the rear elevation of the existing bungalow. Due to the distance between the properties and their relative position, it is considered that there would be no

overshadowing or overbearing impacts upon the residential amenity of the occupiers of the existing Avalon bungalow.

- The proposed dwelling on **plot 23** is shown to be a house type E, which is a double fronted two storey dwelling, with hall, family room, living room, kitchen, diner and utility on ground floor and three bedrooms, bathroom and an en-suite on the first floor. When the original layout for the site was approved in 2003, there was no property on the adjoining site at 30 Waungron. The house that has subsequently been constructed is a large detached dwelling which flanks at an angle towards Waungron, which means that its rear elevation is angled towards the boundary of the application site. While the dwelling on 30 Waungron is located on a higher ground level, the original site layout showed the dwelling approved on plot 23 backing onto its side boundary at an approximate distance of 11.5m. The current proposed layout shows the proposed dwelling on plot 23 angled more in a north easterly direction, this is to angle it away from the rear garden area of the existing dwelling at No.30, with a minimum distance of 3m and a maximum distance of 9m to the side boundary of No. 30. The closest windows at first floor would serve an en-suite bathroom (side elevation) and a bathroom and landing window within the rear elevation. A condition would ensure that these windows are obscurely glazed and would ensure that there would be no unacceptable loss of privacy to No. 30 Waungron. Number 30 Waungron at its closest would be located approximately 15m from the closest point of the proposed dwelling on plot 23, which would be a sufficient distance to ensure that the proposed dwelling would not result in any harmful impact through overshadowing or overbearing to the rear garden area of the existing dwelling.
- The proposed dwelling at **plot 24** is shown to be house type D and would flank onto the front side boundary of Number 30 Waungron and land to the rear of number 28 Waungron, which appears to be in use as a commercial yard area. The proposed dwelling would be located approximately 17m from front corner of number 30 and 8.5m from the closest point of the detached outbuilding structure that is located within the land to the rear of number 28 and approximately 43m from the dwelling house itself at Number 30. It is therefore considered that proposed dwelling would not result in any unacceptable overlooking, overshadowing or overbearing impacts on the residential amenity of either Nos. 30 or 28 Waungron.
- The proposed dwellings on **plots 26 and 27** are shown to be house type C, which are two storey dwellings that would back onto the rear boundaries of number 28 and 27 Waungron. Both proposed dwellings are shown to have an en-suite bathroom window and a bedroom window which would face towards the rear elevations of the existing dwellings. However the proposed dwellings would be located at their closest approximately 48m from the closest point of the existing dwellings which would be sufficient distance to ensure that there would be no overlooking, overshadowing or overbearing impacts upon these existing dwellings. The proposed dwelling on **plot 29** is shown to flank onto the rear boundary of No. 27 Waungron at a distance of approximately 46.5m which would again be considered sufficient to ensure that there were no

unacceptable impact upon the residential amenity of the occupiers of number 27 Waungron.

- A terrace row of three dwellings are shown to be located on **plots 30-32**. Plots 30 and 31 are shown to be house type A1 and plot 32 is shown to be house type A2. Plots 30 and 31 would have a single bedroom window within their first floor rear elevations while plot 32 is shown to have two bedroom windows within its first floor rear elevation. These dwellings are shown to back onto the eastern boundary of the site which is adjoined by Nos. 25a and 26 Waungron. Plots 30 and 31 are shown to have long rear gardens with their rear boundaries located a minimum of approximately 16m from their rear elevation and would be located approximately 22m from the closest point of the dwelling at Number 26 Waungron, which would be sufficient to ensure that there would be no overlooking, overshadowing or overbearing of this existing dwelling. The submitted details also indicate that the existing dwelling at 26 Waungron has a finished floor level that would be over 4m higher than the finished floor levels proposed for this terrace row of houses.



- The application site boundary to the rear of plot 32 pinches into the site in a northerly direction and cuts across the rear of the proposed dwelling at a distance of only 3m for about half the width of the property. The application site boundary then continues out in an easterly direction along the side boundary between numbers 25a and 26 Waungron. The boundary would run across a set of patio doors to the dining area of plot 32. A condition is recommended to be imposed to ensure that the rear boundary to the property in this location is constructed at 2m in height to screen the outlook from the patio doors and kitchen window at ground floor and that the master bedroom window located at first floor is relocated to the side elevation. To ensure that there would be no overlooking to the rear garden area of No 25a Waungron. The proposed dwelling on Plot 32 is also shown to be located approximately 18m from the single storey rear elevation of No 25a Waungron and 22m from the main two storey rear elevation of the existing dwelling. The submitted details indicated that No. 25a Waungron is again located at a higher ground level than plot 32, with the existing dwelling being located approximately 3m higher than the proposed dwelling. These distances are therefore considered sufficient to ensure that there would be no overshadowing or overbearing to this existing dwelling.
- **Plots 33-35** are another terrace row of three dwellings, with plots 34 and 35 being house types A1 and plot 33 being house type A. Number 25 Waungron is a bungalow that faces in a southerly direction, with its side elevation facing towards the rear of plot 33. Plot 33 is a two storey dwelling that is angled slightly in a south easterly direction. The rear corner of the proposed dwelling is located approximately 4.5m from the application site boundary and 23m from the closest point of the existing bungalow, which would be located at a higher



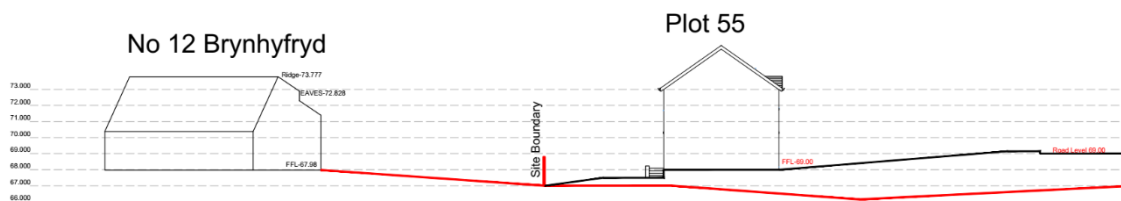
level than the proposed dwelling (again approximately 4m higher than the proposed finished floor levels of the new dwellings). Due to the angle of the properties, the differences in ground levels and the distance between them, it is considered that there would be no unacceptable overlooking, overshadowing or overbearing impacts on the existing dwelling at 25 Waungron.



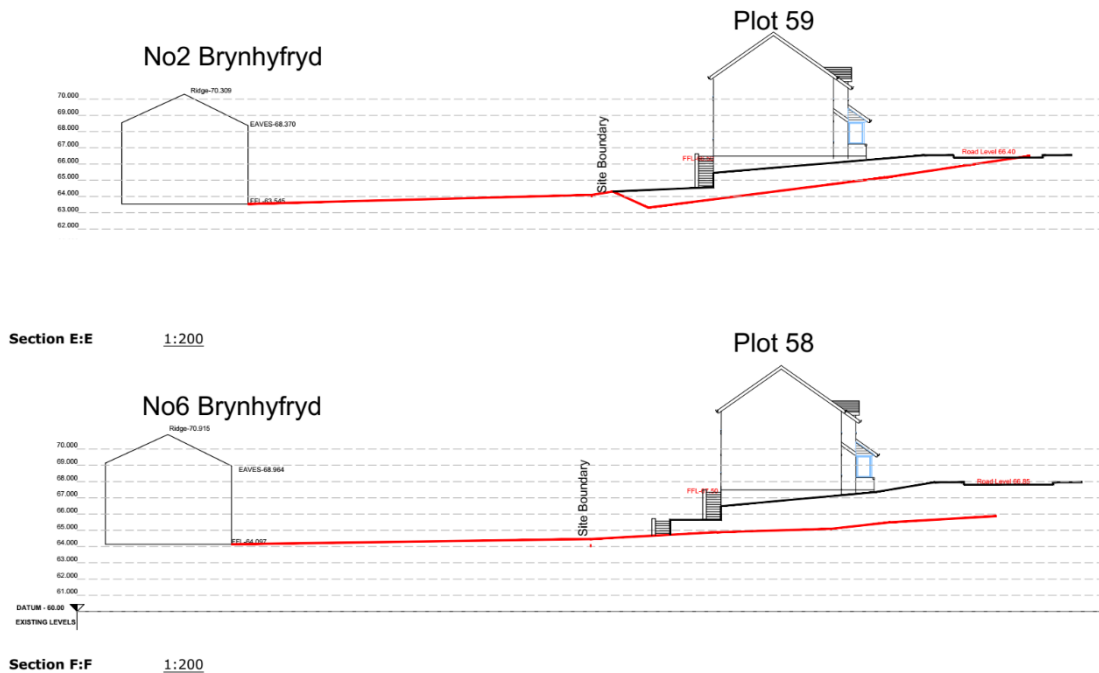
- Plot 35** is shown to be a two storey dwelling with a kitchen window and door at ground floor and a bedroom window at first floor. The closest adjacent existing dwelling is located towards the south and is number 66 Brynhyfryd. The existing dwelling is a two storey detached house with a two storey rear projection. The proposed dwelling would be located at its closest approximately 8m from the application site boundary and approximately 18m from the closest point of the existing dwelling itself. The proposed finished floor level for the proposed dwelling is stated to be over half a metre lower than that of the existing dwelling. Due to the positioning of these dwellings, together with the distance between them, it is considered that there would be no adverse impact through overshadowing, overbearing or overlooking. As such, there would be no adverse impact upon the residential amenity of the occupiers of the existing dwelling.
- The existing dwelling at numbers 56 and 58 Brynhyfryd are a pair of semi-detached dwellings which would also back onto the flank elevation of **plot 35**. The proposed dwelling is shown to be located approximately 24m from the closest point of these existing dwellings. There are no windows proposed in the side elevation of plot 35. As such given the distance between the properties as well as the indicated ground levels, it is considered that there would be no overlooking, overshadowing or overbearing of these existing dwellings from the proposed dwelling on this plot.
- Plots 36 and 37** are a semi-detached pair of two storey dwellings and are also shown to be House type A1. They would face in a north/south direction, backing onto the side boundary of number 56 Brynhyfryd. While number 56 Brynhyfryd is a two storey semi-detached dwelling, it is located approximately 2m lower than the road level of this part of Brynhyfryd. The proposed dwelling on plot 36 is located at its closest approximately 15m from the rear corner of number 56. The revised plans show that the proposed dwelling would have a finished floor level approximately 0.27m higher than the existing dwelling and with a rear patio level that would be slightly lower than it. As such it is considered that the proposed development subject to conditions to ensure appropriate boundary treatment would have no adverse impact upon the residential amenity of the occupiers of the adjacent existing dwelling.

- The proposed dwelling on **plot 37** would be located further from the rear garden area of number 56 Brynhyfryd and is shown to be angled more towards the front of the dwelling and the turning head. The proposed dwelling is shown to be located a minimum distance of approximately 15m from the closest point of number 56 and at a similar ground level to that of the adjoining dwelling. As such, the proposed dwelling on plot 37 would not result in overbearing, overshadowing or overlooking to the existing dwelling at 56 Brynhyfryd.
- **Plots 38 to 41** are shown to be a terrace row of 4 properties, with the two centrally located dwellings being two storey houses of type A and the two end of terrace properties being House type B, which are two and a half storey houses with the third storey located within the roof space. This group of four properties would be located adjacent to the turning head of Brynhyfryd and would be angled slightly towards the front of number 54 Brynhyfryd. At their closest point these dwellings would be located 15m from the application site boundary and 20m from the front corner of number 56 Brynhyfryd and 26m from the front corner of number 54 Brynhyfryd. Considered the existing and proposed ground levels between these properties, together with the proposed distances, it is considered that these proposed dwellings would have no unacceptable impact through overlooking, overshadowing or overbearing upon the existing dwellings.
- Number 54 Brynhyfryd is a previously extended two storey dwelling that flanks on to the southern boundary of the application site. It is also located on a higher ground level to that of the existing road to the front of the property. It is proposed to construct a terrace row of three dwelling (plots 42-44) on land to the north of this property. **Plot 42** would be a two and a half storey house (house type B) and the other two proposed dwellings in this terrace row are shown to be house type A. At their closest the proposed dwellings would be located approximately 24m away from the existing dwelling for plot 42 and 28m for **plots 43 and 44**. It is considered that these distances, together with the existing dwelling being located at a ground level that would be over 1.5m higher than the finished floor levels for the proposed dwellings would be sufficient to ensure that there would be no unacceptable impact upon the residential amenity of the occupiers of the existing property.
- The existing dwellings at numbers 30 through to 36 Brynhyfryd all back onto the application site boundary. They are also located on what appears to be the highest point of land along Woodland Park and Brynhyfryd. The proposed dwellings on **plots 45 through to 52** would be located within the area of the application site that adjoins these existing property's rear gardens. Of these proposed dwellings the plot closest to the application site boundary is plot 48 at a distance of 16m and a distance of 23m to the existing dwelling, number 34 Brynhyfryd. Due to the distance between these dwellings, as well as the existing and proposed ground levels, it is considered that the proposed development would have no adverse impact upon the residential amenity of these existing properties.

- The existing properties located from 2 to 18 Brynhyfryd are a mixture of detached and semi-detached houses. The existing ground levels within this area rise up from number 2 to the highest existing property at number 18. The proposed terrace row of **plots 52 to 55** would back onto the southern boundary of the site which adjoined by the existing dwellings on number 12 through to 18. Number 18 would be located at its closest approximately 39m from the rear elevation of the proposed dwelling on plot 52; with number 16 located approximately 34m away, and number 14 located approximately 28m away. These distances, when considered together with details for the proposed dwellings would be sufficient to ensure that there would be no adverse impacts through overlooking, overshadowing or overbearing upon these existing dwellings.



- Nevertheless the proposed dwellings shown on **plot 55** would be a two storey end of terrace dwelling and is shown to be located approximately 5.5m from the closest point of the application site boundary. The closest existing dwelling would be number 12 Brynhyfryd, which would be located approximately 24m away from the closest point of the proposed dwelling. The proposed dwelling on plot 55 would be sited at an angle to the site boundary and would face towards the rear of the detached garage locate to the side of the rear garden of the existing dwelling. The proposed dwelling would be located on a ground level just over 1m higher than that of the existing property. It is therefore considered that subject to a condition to secure the provision of suitable boundary treatment, the proposed development would have no unacceptable impact upon the residential amenity of the occupiers of the existing dwelling.
- The proposed dwellings shown on **plots 56 and 57** are both detached two storey house type C's. Plot 56 is shown to be located 11m from the application site boundary, while plot 57 is show located at is closest approximately 9m from the application's red line boundary. At their closest the proposed dwellings would be located approximately 30m from the closest point of numbers 10 and 12 Brynhyfryd. Plot 57 would also back towards the existing dwelling at number 8 Brynhyfred, which is a semi-detached dwelling. At its closest the existing dwelling would be located approximately 25m from plot 57. It is therefore considered that subject to a condition to ensure the provision of suitable boundary treatment, the proposed development would have no unacceptable impact upon the residential amenity of these existing dwellings.



- The last two proposed dwellings located adjacent to the southern boundary of the application site are **plots 58 and 59**. These are both proposed to be house type D which is a two storey 4 bedroom dwelling. At their closest plot 58 would be located 25m from the rear elevation of number 8 Brynhyfryd and 30m from the rear of number 6, while the proposed dwelling on plot 59 would be located approximately 29m from the rear elevations of numbers 2 and 4 Brynhyfryd. These existing dwellings are located at a much lower ground level than the other existing dwellings along Brynhyfryd. As such the proposed dwellings are shown to be located at a ground level approximately 3.4m higher than that of numbers 6 and 8 Brynhyfryd and 3m higher than number 2 and 4. However given the distances between the existing and proposed dwellings, and also having regard to the extant consent at the site, it is considered that subject to a condition requiring details of screening to the proposed rear patios and suitable rear boundary treatments the proposed development would not result in any unacceptable overbearing, overshadowing or overlooking impacts on these existing dwellings and would have no unacceptable impact upon the residential amenity of the occupiers of the existing properties.

### *Construction Impacts*

In relation to noise, dust and disturbance associated with the construction works, it is accepted that all construction works have a degree of noise and disturbance associated with them. Nevertheless, these impacts are temporary in nature and can be managed and mitigated to acceptable levels through the imposition of conditions and the application of an appropriate Construction Environmental Management procedures.

The applicants have submitted a proposed Construction Environmental Management Plan (CEMP) in support of their application, and the Environmental Health Officer has considered the submitted information and has noted that the proposed CEMP covers

most potential Environmental Impacts to air, land and water. He states that he is satisfied with the information in relation to dust and smoke control measures and although the information on noise control could be expanded a little further, he concludes when considered as part of the overall CEMP the noise controls are sufficiently robust for this development. Similarly the measures proposed for the suppression of dust during construction works are more than reasonable.

#### *Residential Amenity Conclusion*

Having regard to the above, it is concluded that subject to the imposition of a range of conditions, the residential amenity of the existing dwellings can be safeguarded both during construction and post-occupation, and that the proposed development would both be acceptable in its own right and in any event have no greater adverse impact upon the residential amenity of the occupiers of the existing dwellings located within the immediate and wider area, over and above that of the approved extant planning permission. Accordingly the development would comply with Policy BE1 of the Local Development Plan.

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

The development is to be accessed off Heol y Glyn with (as previously proposed) a ghost island arrangement. Details of the same will still be required by condition to ensure the safety of road users., and the Highway officer has agreed that these highway works should be implemented before occupation of any property.

The proposed amendments to the development include the removal of the previously approved garages from the scheme and their replacement with car parking spaces. The revised proposal also shows amendments to the originally approved pedestrian and cycle way that connected the western point of the internal estate road to the existing garage courtyard located off Brynhyfryd and Woodland Park. This access point was also approved as an emergency access to the site for vehicles (for example should any engineering works be required to the application site's access or estate road).

A previous amendment to the scheme showed this pedestrian/cycle/emergency access point as a zig-zag track that would be unable to take vehicles due to the need to secure a maximum gradient of 1 in 12. However, the most recent revisions to the proposed site resulted in the lowering of the previously proposed ground levels. This also removed the requirement for a zig-zag pedestrian and cycle track and allowed the original straight track to be proposed. A condition is recommended to require the submission of the construction details for this track, together with proposed lighting, drainage and means to ensure that the track is only used by vehicles at times of emergency (such as bollards or barrier).

The Head of Engineering and Transport (Highways) has considered the submitted details together with those of the approved development and has stated that subject to the imposition of suitably wording conditions, including amended wording for conditions 11 and 17, which the applicants have proposed to amend, he would have no objection to the proposed development as there would be no greater impact upon

the highway or pedestrian safety of the existing road network over and above that of the approved development scheme.

### Biodiversity and Trees

The application site is currently protected by a Tree Preservation Order – T92/A1 – mixed deciduous trees dated 10/08/1990. Nevertheless, any planning permission which is subsequently granted permission for the redevelopment of the site would approve any works to trees expressly granted by the planning permission. As such, it is noted that planning permission was granted by P2003/1330 for the residential redevelopment of the site and allowed works for the removal of trees from the central areas of the site. Most of these trees were removed prior to the fill material being brought onto site, with the majority of the trees that are remaining located around the boundaries of the site, particularly along the boundary with Heol y Glyn and along the southern boundary. The applicants have submitted two tree reports to support the current applications, these being a Pre-Development Tree Survey and Assessment and a Tree Constraints Plan. Both reports were prepared by TDA Environmental and Landscape and Design and are dated May 2020.

The submissions indicate the removal of 12 individual trees, 1 tree 'group' and 3 areas of 'woodland'. However, it is noted that of these 12 individual trees, the trees to the west of the access (trees 9 to 12) appear to be outside of the development site, and only no. 9 is considered by their own submissions to require removal (Ash dieback). It is also possible that the odd tree in W1 might be able to be retained if not affected by the new footpath (though unknown this should not be discounted at this stage), although the remainder of the trees would require removal due to the significant changes to levels as part of the development.

The Council's Arboriculturist has reviewed the submitted report and has stated that he is satisfied that the application can proceed as specified in the submitted reports, noting that the Ash trees to be felled are deteriorating due to Ash dieback. He also specified that all works must be carried out where possible in accordance with 'BS3998:2010 Tree Work – Recommendations' and 'BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations.'

Having regard to the above, it is regrettable that trees are to be lost as part of the development, but it is nevertheless considered necessary to impose a condition which as part of the requirement for a detailed landscape plan requires consideration of levels (along with boundary treatment) and the retention wherever practicable of trees along the boundary, together with robust new planting (the existing recently-submitted plan not identifying sufficient replacement planting in this area or consideration of potential retention) along the northern boundary.

The Council's Biodiversity Officer has stated that they agreed with the recommendations of the applicant's Ecologist that the watercourse should remain unculverted (the culverting of the watercourse is discussed below) and that the Drainage Scheme should be amended accordingly. However, they also accept that the extant planning permission gave consent for a scheme including the watercourse to be culverted and as such the principle of this aspect of the development has already been established and could be implemented under the original permission. In light of

this they recommended amendments be made to the submitted Construction Environmental Management Plan (CEMP) and recommended the imposition of conditions that would help to mitigate the impacts associated with the proposed culverting scheme.

It is therefore considered that the proposed development would have no greater impact upon the trees and biodiversity remaining on the site, over and above those of the extant planning permission, and that subject to the conditions referred to above the development would have no unacceptable impacts.

### Flood Risk / Drainage

The application site is not identified within TAN15: Development and Flood Risk – Developer Advice Maps (DAM) as being located within a flood risk area. However the Council is aware of issues in relation to the south eastern corner of the application and the adjacent land where localised flooding has occurred, associated with the existing land and highway drainage arrangement within this area. While it is understood that some drainage improvement works have been carried out by the Authority in recent time, these were to address the pre-existing situation. It should also be noted that the existing extant planning permission for the residential redevelopment of this site included details of the culverting of the existing watercourse on the site. As such, the principle of the culverting of the watercourse has already been established. Nevertheless, prior to the start of the culverting works, the applicants will be required to submit an Ordinary Watercourse Consent (OWC) application to the Council (as drainage authority).

While the applicants cannot be required to address the pre-existing drainage problems within the immediate and wider area, they are required to ensure that the works proposed by their proposal on the application would not result in a worsening of the current situation. The Council's Drainage Officers reviewed the initial submitted drainage scheme and requested additional information to justify the assumption that the submitted design of the scheme had been based upon. This information resulted in the original proposal being revised to allow for a reduction in the restricted discharge rate and a resultant increase in the size of the on-site storage capacity. In response, to the revised drainage scheme, the Drainage Officer has raised no objection subject to the imposition of suitably worded conditions.

Dwr Cymru Welsh Water were also consulted on the application and revised plans and similarly raised no objection subject to conditions 8, 24 and 25 relating to the required foul sewerage connection from the host permission being re-imposed on any subsequent consent that maybe given.

It is therefore considered that subject to these conditions the proposed development would have no adverse impact upon the existing drainage environment within the immediate and wider surrounding area.

## Contaminated Land

It is noted that a significant amount of concern has been expressed by local residents about contamination of the site and potential implications of the same and this development on the surrounding area. The implication is that development should not be allowed on contaminated sites. However, members of the Committee will be aware that much of NPT is covered by contamination, whether large or small, and it is the role of the Planning Authority through the planning process to address land contamination to ensure sites are safe and suitable for use after development has been completed. This is undertaken in full consultation with the Council's specialist officers on land contamination matters, and Natural Resources Wales (NRW) as a statutory consultee.

Accordingly the Council's Contaminated Land Officers have reviewed the history for the site and all of the submitted information, and while raising no objection to the principle of developing this site, have raised the following concerns in relation to the information submitted in support of the application:

- The submitted Terra Firma Geo-Technical & Geo-Environmental Report (May 2019, Rpt No. 15232/2) does not provide enough information to fully characterise the ground conditions on the site. Similarly it is considered that the submitted Preliminary Risk Assessment, also known as the desk study aspect of the report did not include site walkover photos to help the reader of the report to better visualise the layout of the site. This should have been included as standard. The report noted that large areas of the site is covered by stockpile material however no history, dates or discussion was given to how the stockpile came to be on the site. It is understood that this material was imported by the former site owners - Cuddy Group, but no further information is provided or whether any attempt has been made to gain documentation from Cuddy or Regulators about the site activity. This information is important as the previous Site Investigation (SI) occurred in 2008. Between 2008 and now activities could have occurred on the site that could make the 2008 SI out of date.
- Section 2.4.1 of the submitted report noted superficial deposits of peat in the south of the site. These peats deposits could be a source of methane, but do not appear to have been included in the initial Conceptual Site Model (CSM) and subsequent Site Investigation (SI). As such the peat deposits need to be investigated further and included within any revised submitted information.
- From the 2008 SI only 6 shallow soil samples were taken for laboratory testing for only a limited chemical sampling suite and no asbestos screening. The 2019 SI by Terra Firmer had a broader chemical sampling suite and did undertake asbestos screening, however again only limited sampling at depth were undertaken and were localised to a small proportion of the site with only 13 sample locations. Large portions of the site to the south, the west and the north were not sampled in the 2008 or 2019 SI. Given that both the 2008 and 2019 SI were limited, the site as a whole has not been sufficiently investigated, therefore more SI works will be required. Given the unknown nature of the made ground, it's significant made ground depth and the potential need for the



site to be re-profiled any new SI should take samples at varying depths and not limit itself to mainly the shallow soils. Similarly the previous two SI's have not fully described and modelled the depth of the made ground across the whole site. A full rationale as to how the sampling location and frequency were derived in accordance with guidance needs to be given.

- With regards to the Generic Assessment Criteria for Cyanide used in the report derived from 'CLEA guidelines', Terra Firma need to provide their sources for how its value was derived. This will be especial if there are cyanide values above the limit of detection.
- With regards to Ground Gas monitoring, no information was given as to how and why these monitoring wells were selected for gas monitoring and no information was given about the response zones. As with the soil sampling a clear detailed methodology needs to be provided on the design of the ground gas investigation in accordance with guidance. As stated above, the superficial peat deposits as a source of methane gas were not considered in the SI. The gas monitoring done to date has not been sufficient to understand the gas regime. It remains unclear if the monitoring was taken during falling barometric pressure to capture the worst case scenario. Furthermore data from BH4 and BH2 show extremely low readings for O2, the lowest being 5.3%, but there is no explanation given for the potential cause of depletion of O2 in the wells. This must also be addressed within any subsequent submitted report.

While the above indicates that the Council's specialist is not currently satisfied with the information submitted (to allow further development to proceed on site) – and noting the concerns that have been expressed locally - it is emphasised that there is no reason to object to the principle of residential development since the additional information supplied, along with any necessary remediation and verification of any required works to bring the site up to the standard required for residential use, can be controlled by the imposition of the Council's standard conditions in relation to contamination land, as set out at the end of this report. No further development would be allowed on site until satisfactory information has been submitted (and to this extent it is noted that additional investigation works are understood to have been commissioned and being undertaken at the site shortly).

### Section 106 Planning Obligations

Local Development Plan **Policy SP 4** (Infrastructure) states that “Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable”.

**Policy I1** (Infrastructure Requirements) then states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will

include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

The Community Infrastructure Levy Regulations 2010 came into force on 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> 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 this case, the proposal relates to a Section 73/73A application to amend the wording of three conditions on application P2010/0562 – conditions 2, 11 and 17 and to carry out amendments to the originally approved site layout and seeking to regularise the development, which was itself a section 73 application that sought permission to amend the wording of conditions on the original planning application for the site P2003/1330. It is noted that application P2010/0562 is an extant planning application which had no requirement for the provision of affordable housing (which in any event would not be required in this area under the LDP).

In respect of open space provision, it is noted that there was a requirement under the original application P2003/1330 for a contribution towards off-site leisure provision. However, no such contribution was secured under the subsequent section 73 permission P2010/0562, and given the extant consent it is not appropriate to seek such contributions in this case.

It is nevertheless understood that the applicant has been in discussion with some of the local residents and Councillors to secure a part of the site which was not proposed to be developed for use by the community. These discussions however have not involved the Planning Authority and it has not been proposed to be secured through the planning application process. As such this is not a material consideration in the determination of the current application.

### Other Matters

*Responses to matters raised in representations not covered in the report on the main issues.*

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

- The original planning permission included the proposal for the importation of fill material onto site to facilitate the re-profiling of the site to ensure that the required gradient of the roadways could be achieved. The importation of this

material was begun and constituted 'commencement' of the development. Accordingly, the development was commenced 'in time' and (while in breach of certain conditions – hence this application) Officers are satisfied that the permission is extant.

- In response to concerns about the covid-19 pandemic impacting upon residents ability to view and comment on the proposed development and the request for a public meeting, given the current restriction upon public meeting and gathering it would not be possible to hold a public meeting safely. However there have been three rounds of public consultation, and each time a number of site notices were placed in public locations around the site and within the immediate surrounding areas. In addition to this a wider number of properties were also sent letters, during each round of consultation which also included anyone who had objected during the earlier consultations. It is considered that this exceeds both the normal planning requirements as well as the additional guidance that has been put in place during the Covid-19 situation, and the significant number of representations and the involvement of both ward Councillors indicates that there is awareness of the development in the local area.
- In relation to the comment that the Authority had incorrectly identified the site as housing, whereas historically they state it was used for tipping; the site is identified within the Neath Port Talbot Local Development Plan as a Housing Allocation Site, which means that it was allocated for housing redevelopment and not as an existing residential area. The Council's records identified that the site may have potential historic ground contamination and the applicants submitted a Phase 1 contamination/ Desktop Assessment and ground investigation report which has been assessed by the Council's contaminated Land Officer and the comments are set out within this report.
- In relation to the concerns that were raised regarding potential damage that maybe caused to residents homes and properties, this is a civil matter and not a material planning consideration and cannot form part of the consideration of the current application.
- In response to the comment that the submitted details were vague and need to be made perfectly clear, any areas where additional information is considered to be required have been addressed through the imposition of conditions requiring the submission of detail within an appropriate timing.
- In relation to the concern that the proposal could result in a re-infestation of the area with rats, it is unclear as to why they believe that this may occur. However if this were to happen then residents could contact the Council's Pest Control Officer and Environmental Health.
- In relation to the developer's previous record in developing a site elsewhere, this is not a planning consideration and must not be taken into consideration in the determination of the current application. Comments in relation to the protection of trees and the biodiversity on the site have already been addressed in the report.

- In relation to the independent survey of the site that residents commissioned, Members are advised that the Council has not received any report on the findings of this independent survey and this is the only reference to it. Without the report and the information it was based upon we are unable to comment further in this regard. However the Council's Contaminated Land Officer has comments on the applicant's submitted report and has made a recommendation that permission may be granted subject to conditions which will require submission of further detailed information.
- In response to the request that the Council enters into an agreement with the developers to remove a proportion of the fill material that has been brought onto the site; the applicants have indicated that to achieve the proposed ground levels that they have shown on the submitted plans they would have to remove a proportion of the material that had previously been brought onto site. While an agreement is not proposed to be entered into, the developers are required to build the development in accordance with all approved plans, which would mean that any material in excess of this would have to be removed from the site.
- In response to the concerns that the proposed ghost island arrangements would be insufficient to ensure pedestrian safety when crossing the road. The Highways Officers have recommended a condition that would require the carrying out of all necessary Highways Safety Audits at the appropriate time as part of the development. Conditions are also proposed in relation to the pedestrian/cycle and emergency access track.

### *Review of Other Conditions*

As the application seeks permission for the variation of three of the conditions on planning application P2010/0562, it is also necessary to carry out a review of the other remaining conditions to establish whether the proposed application would necessitate the amendment of other conditions or the addition of further conditions to control the resultant development. It is also necessary for the assessment to consider whether there has been any other material changes in circumstances since the determination of the original application that must also be taken into consideration.

For example one such change in circumstances, relates to the Welsh Government's introduction of the formal Non-material Amendment Procedures that have been introduced since the determination of the original application. The guidance from Welsh Government is that since the introduction of this formalised procedure Planning Authorities should no longer use the 'unless otherwise agreed' *tail piece* within conditions, and should use the formal non-material amendment and minor material amendment procedures instead. As such it is recommended that these tail piece wording should now be removed from conditions 2, 9, 11, 17, 18, 20, 23 and 28.

It is also noted that conditions 6 – garage conversions and condition 7 – uses of garages are no longer required as the current application has sought the removal of all garages from the proposal. As such these conditions are recommended to be

removed. Similarly condition 1 of the permission is no longer required as permission was begun with the importation of the fill material onto the site and can also be removed from the permission.

However the applicants have indicated that they wish to implement the development in a phased approach and accordingly additional conditions are recommended for implementation which would require the submission of a phasing scheme prior to the continuation of any further development on the site. This condition would replace the previous condition 1.

An additional condition is also required to be added to the decision notice which specifies the plans and details that are approved as part of the planning permission and requires that the development be carried out in accordance with these details. This condition is now required by regulation to be included on all decision notices for full planning permission.

While the applicants have indicated that they wished to agree alternative material samples for the proposed development, they have not provided the required details of the make, manufacturer, product name and any colour specification. As such, it is proposed to amend the wording of condition 2 to require the submission of these details prior to their use on site.

Condition 3 of Decision Notice P2010/0562 is not required as condition 8 of permission fully details the foul drainage measures that are to be implemented on site prior to the occupation of any dwellings on site. It is not proposed to make any alterations to the current wording of condition 8. Similarly Dwr Cymru Welsh Water have also confirmed that they recommend that conditions 24 and 25 remain on the permission unchanged.

Condition 4 of P2010/0562 requires the submission of land drainage details and is proposed to remain unchanged.

It is proposed to amend the wording of the previous condition 5 which removed permitted development rights for means of enclosure from the approved development, to remove them from just the area forward of the principal elevation of the dwellings. This revised wording would made the condition more precise and reasonable.

Conditions 9 – Japanese Knotweed eradication, and condition 23 - archaeological watching brief refer to agreed condition details that have been previously agreed in accordance with submitted details. The current applicant has confirmed that he has reviewed these approved schemes and plans on implementing the details in accordance with the approved details. As such with the exception of the removal of the tail pieces from the wording of these conditions, they would remain unchanged.

While details were approved previously in accordance with condition 10 for the proposed landscaping scheme, due to changes in relation to the need for developments to enhance the biodiversity of an area it is proposed to re-impose the requirement for full details of a landscaping scheme to be submitted to and approved in writing by the local planning authority. It is also proposed to require a landscape

management plan to be submitted for approval as the local authority no longer adopts landscaping areas.

The wording of conditions 11 through to 15 and 19 are proposed to be amended by the Highway Officer to reflect changes that have been proposed by the current application.

No proposed changes are recommended to conditions 16 and 21 which will remain unchanged.

While the applicants proposed wording for condition 17 has not been accepted, minor alterations to the condition have been made to allow regularisation and continuation of the approved development. It is however proposed to remove condition 18 as its requirements have now been combined into the wording of condition 17 to make it more comprehensive. Similarly condition 20 is no longer required as it has been incorporated into the requirements of the newly wording condition 14.

The wording of condition 22 which required details of the proposed retaining walls to be submitted for approval is proposed to be changed to specify the specific details that are required for submission to make it more clear and precise as to the requirements of the condition.

Similarly condition 26 needs to be reworded to reflect the information submitted in support of the current application while condition 27 needs to be reworded to prevent the importation of any further fill material onto the site, and condition 28 is no longer required as new details have been agreed in relation to plots 24 to 27.

It should also be noted that throughout the above report the need for additional new conditions to manage details of the current proposed development have been recommended for imposition if planning permission is granted, for the reasons given in the appraisal.

## 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.

It is considered that the current proposed development represents an appropriate form of development that would subject to the imposition of appropriately wording conditions have no unacceptable impact on the character and appearance of the immediate and wider surrounding area; impact upon the residential amenity of the occupiers of the adjacent dwellings; would not adversely impact upon highway or pedestrian safety or the existing drainage network or increase the flood risk within the area; nor would it have an unacceptable impact upon the biodiversity or remaining trees on site, or the potential ground conditions of the site. Accordingly, the proposed

development is in accordance with Policies SC1, H1, AH1, OS1, TO4, EN6, EN7, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

### CONDITIONS

1. Prior to the continuation of any further works on site, full details of a phasing plan of works for the hereby approved development shall be submitted to and approved in writing by the local planning Authority. The proposed phasing plan shall fully detail the areas of the site including all roads and accesses that will be included in each of the phases of development, together with an estimated programme of works giving likely times for the start of each of the phases of development. The development shall be fully implemented in accordance with the approved details.

Reason.

To ensure that all required information is submitted at the appropriate point of development and that the development is carried out as approved.

2. The development shall be carried out in accordance with the following approved plans and documents:

#### Drawings:

- Proposed Site Plan – Planning Boundary – E-634 Drawing No. LP-01 dated 10/02/20.
- Proposed Site Layout – E-634 drawing No. 1 rev A dated 24/06/20 and submitted on 31/07/20
- Proposed Site Section – E-634 Drawing No. 11 Rev A dated 27/07/20 and submitted on 31/07/20.
- Initial Levels and Retaining Structures SK03 rev P13 submitted on the 31 July 2020.
- Proposed Drainage Layout 9610 Drawing no. 100 Rev P3 dated 28/05/20 and received 31/07/20 by CD Gray.
- House Type A1 and A2 – Drawing No. E-634.02 dated 09/01/20.
- House Type A and B – Drawing No. E-634.01 dated 07/01/20.
- House Type C – Drawing No. E-634.03 dated 27/11/19.
- House Type D – Drawing No. E-634.04 dated 06/02/20.
- House Type E – Drawing No. E-634.05 dated 09/01/20.
- House Type F – Drawing No. E-634.06 dated 11/11/19.
- House Type G – Drawing No. E-634.07 dated 14/11/19.

#### Supporting Documents:

- Pre-application Tree Survey and Assessment of Heol y Glyn by TDA dated May 2020 ref TDA/2549/TS&A/RhC/05.20.
- Tree Constraints Plan for Heol Y Glyn by TDA dated May 2020 ref TDA/2549/TCP/RhC/05.20.

- Drainage Surface Water – to ordinary watercourse by CD Gray dated 30/07/20 submitted 31/07/20. Job 9610.
- Ecological Appraisal Report: Land off Intervalley Road, Glynneath by I&G Ecological Consulting dated March 2020 – submitted 31/07/20.
- Enzos Homes Ltd – Construction Traffic Management Plan – Heol Y Glyn, Glynneath – dated 17/12/19.
- Construction Environmental Management Plan – dated 26/08/20 by Enzos Homes Ltd.
- Amphibian and Reptile Mitigation Strategy Working Method Statement – dated August 2020 by Amber Environmental Consultancy.

Reason:

In the interests of clarity.

3. The development hereby approved shall be constructed in accordance with the Materials Palette received 1<sup>st</sup> September 2020.

Reason

In the interest of the visual amenity of the area and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

4. Adequate provision, in accordance with a scheme to be first submitted to, and approved in writing by, the Local Planning Authority, shall be made for the drainage of the land. Such scheme shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected. The scheme shall be implemented prior to the occupation of each associated dwelling.

Reason

To ensure satisfactory drainage and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure forward of the principal elevation of each associated dwelling without the prior grant of planning permission in that behalf other than that granted permission by this consent.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted and to accord with policies SC1 and BE1 of the Neath Port Talbot Local Development Plan.



6. No dwellings shall be occupied until the necessary on site foul drainage infrastructure has been completed and:

i.) Connected to the existing 375mm public combined sewer at manhole SN86058501 as marked on the statutory sewer record plan (Dwg WW/01 attached; or

ii.) The essential improvements to the public sewerage system, in particular, the combined sewer overflows at High Street Ref: SN87069403, Godfrey Avenue Ref: SN87053901, Chain Bridge Ref: SN86059604 have been completed and this has been confirmed in writing by the Local Planning Authority.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

7. Any work on land containing Fallopija Japonica (Japanese Knotweed), Giant Knotweed or any Knotweed hybrid shall be undertaken in accordance with the scheme agreed under planning application P2010/0039 on 21/01/10.

Reason

In the interests of ecology and visual amenity.

8. Within two months of the date of this consent, a scheme for the ghost island right turn lane shall have been submitted to the Local Planning Authority for its approval in writing. This scheme shall be accompanied by a Stage 2 RSA and shall include details of a timetable for submission of the subsequent required stage 3 & 4 audits, all in accordance with DMRB GG119, together with details of street lighting of and the approaches to the junction, anti-skid surfacing, high visibility junction signs, slow markings on the road and any other requirements highlighted by the Local Planning Authority. No dwelling shall be occupied until such time as the ghost island right turn lane has been completed in accordance with the approved scheme.

Reason

In the interests of highway safety and to accord with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

9. Prior to the commencement of works on construction of the dwellings, the site roads (or roads for any phase of the development as may be agreed in accordance with condition 1 of this permission) shall be constructed up to and including binder course and all roads completed prior to occupation of the last dwelling.

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

10. Prior to occupation of any dwelling, a surfaced and lit footway shall be provided along the frontage of the property and linking to the nearest public highway.

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

11. Prior to work commencing on the construction of any dwelling a scheme in accordance with the requirements of NPTCBC guide to the layout of development roads for all internal roads at a scale 1:200 detailing :-

- a. Longitudinal and vertical carriageway alignment
- b. Cross sections every 20 metres.
- c. Surface water drainage proposals.
- d. Street lighting proposals.
- e. Construction details

Shall have been submitted to and approved in writing by the Local Planning Authority. This scheme as approved shall be implemented and constructed in accordance with NPTCBC Specification for the construction of roads for adoption prior to the occupation of any dwelling.

#### Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

12. All drives/parking spaces shall be surfaced in macadam, concrete or block paving to a maximum gradient of 1 in 9 with measures to ensure that no surface water run-off drains onto or over the highway, prior to occupation of each associated dwelling.

#### Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

13. Prior to the occupation of any associated dwelling, pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be provided each side of each access and maintained thereafter so that nothing over 600mm in height is erected or allowed to grow within the splay area.

#### Reason

In the interests of highway safety.

14. No further works on creation of the access road within the site until a phased programme of works for the construction of the access road has been submitted to and approved in writing by the Local Planning Authority. The phased programme of works shall include geotechnical surveys of each of the identified phases and the works shall be carried out in accordance with the agreed details. The first phase shall include details of a minimum length of 50m of access road together with boreholes for the first 60m, taken at 10m intervals, showing the ground conditions under the proposed part of the road taken along the centre line and measures proposed to overcome deficiencies, and this shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent phases shall take boreholes a minimum length of 10m beyond the part of the highway to be constructed, and no part of the highway shall be constructed in excess of the submitted and approved length. The ground investigation shall be carried out in accordance with the UK Specification for Ground Investigation and all works shall be implemented in accordance with

BS6031:2009 and to include The Specification for Highway Works (SHW) 600 series and as approved.

Reason.

This is required as the original ground investigations advised that *“materials have been placed without an engineering specification. Accordingly, the made ground will have to be improved to provide uniform, consistent and adequate support for the proposed carriageway”* and in the interests of highway safety and structural stability, in view of the tipped material on the site and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

15. Notwithstanding the submitted plans, prior to commencement of work on the construction of the combined cycle/footway/emergency link a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the combined cycle/footway/emergency link at a maximum gradient of 1 in 12 to Woodland Park and with a minimum width of 3m. The submitted scheme shall show how vehicular access is to be retained to the existing garages, cross sections showing construction details, signing, drainage, lighting and a proposed method to prevent site access from this path other than in emergencies when the main site access is unavailable. The combined cycle/footway/emergency link shall be fully implemented on site prior to the occupation of the last dwelling of the first phase of development, and shall only be used by vehicular traffic in emergencies when the main site access is unavailable.

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

16. No pedestrian or vehicular access shall be constructed from the properties onto Heol Y Glyn.

Reason

In the interests of highway safety and to accord with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

17. Prior to the construction of any retaining walls that do not form part of a building, full details of all such proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent of the proposed wall, the height with any variation across the length of the wall, structural calculations, materials and typical cross-sections through the walls. The proposed development shall be implemented in accordance with the approved details.

Reason

In the interests of safety and amenity and to accord with policy BE1 of the Neath Port Talbot Local Development Plan.

18. The archaeological watching brief shall be undertaken by the nominated archaeologist agreed under planning application P2010/0303 on 20/04/10 and in accordance with the approved details.

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 resources and to accord with policies SP21 of the Neath Port Talbot Local Development Plan.

19. No surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

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

Reason

To protect the integrity of the Public Sewerage System and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

21. Notwithstanding the submitted Pre-application Tree Survey and Assessment of Heol y Glyn by TDA dated May 2020 ref TDA/2549/TS&A/RhC/05.20 and Tree Constraints Plan for Heol Y Glyn by TDA dated May 2020 ref TDA/2549/TCP/RhC/05.20, no trees along or adjacent to the northern boundary of the site with Heol y Glyn shall be removed until such time as full landscaping and associated levels / boundary treatment and retaining wall details have been provided, together with the details of replacement planting under the landscaping condition 30, which shall seek to retain as far as practicable any individual trees or trees within woodland area W1. Thereafter, all approved works shall be carried out in accordance with BS 5837: 2012 – Design, Demolition and Construction and BS3998:2010 – Tree Work – Recommendations.

Reason

In the interest of visual amenity and to accord with policy BE1 of the Neath Port Talbot Local Development Plan.

22. If there is no intention for the road to be maintained at public expense A scheme shall be submitted detailing bilingual signs to be erected at the entrance of the development at its junction with the A4109 stating in English and Welsh 'PRIVATE ROAD WITH NO INTENTION TO DEDICATE UNDER S37 OF THE HIGWAYS ACT 1980', the scheme as approved shall be constructed as such prior to occupation of the first dwelling.

Reason

In the interests of clarity.

23. No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the hereby approved road, surface water drainage scheme and culverts within the development have been submitted to and

approved in writing by the Local Planning Authority in consultation with the Highway Authority. The drainage scheme shall thereafter be managed and maintained in accordance with the approved scheme, and the road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under S.38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason.

In the interests of highway safety and clarity.

24. Prior to work commencing on the culverting of the existing watercourse full details of a scheme to ensure that access arrangements for maintenance to the existing highway surface water drains identified on drg. no 100 rev P3 within plot 35 shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include all necessary easements required to enable access. The development shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason.

To ensure that access for maintenance purposes are secured to this important highway drainage apparatus and to accord with policies SP16, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

25. Prior to occupation of any dwelling the diversion and culverting of the existing watercourses identified on drawing No 100 rev P3 shall be carried out in full accordance with the approved details and shall be retained as such thereafter.

Reason.

To ensure the provision of adequate drainage facilities to serve the development and to accord with policies SP16, TR2 and BE1 of the Neath Port Talbot Local Development Plan. .

26. Prior to work commencing on the construction of any dwelling full additional details of the surface water drainage proposals identified on drg no 100 rev P3 shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include as a minimum the following details:

- Long sections to include pipe sizes and gradients.
- Manhole schedule.
- Attenuation Tanks and the specification.
- Gully type and locations.

The development shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason

To ensure the provision of adequate surface water drainage facilities to serve the development and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

27. Notwithstanding the submitted Construction Environmental Management Plan (CEMP), no further development shall commence until such time as an amended CEMP has been submitted to and approved in writing by the local planning authority. Such CEMP shall include full details of the site's construction compound, and incorporate all measures necessary across the site to protect the existing watercourse. The approved CEMP shall thereafter be fully implemented and complied with on site for the duration of the construction works.

Reason

To ensure adequate measures are implemented on site to protect the amenity of the area and the existing watercourse and to accord with Policies SP16, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

28. Any existing drainage pipe, land drain, highway drain or highway run-off entering, crossing or discharging onto the development site must be accommodated into the site's drainage scheme and shall be retained as such thereafter.

Reason.

To ensure the continued provision of appropriate land, highway and surface water treatment.

29. The approved development shall be implemented on site in full accordance with the hereby approved Amphibian and Reptile Mitigation Strategy Working Method Statement dated August 2020 by Amber Environmental Consultancy.

Reason.

In the interests of biodiversity and to mitigate the impacts of the development upon reptiles and amphibians and to accord with policy SP15 of the adopted Neath Port Talbot Local Development Plan.

30. Prior to the occupation of the first approved dwelling on site, and notwithstanding any submitted details to date, full details of a hard and soft landscaping scheme for the development shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall incorporate details of all trees to be retained (wherever practicable under condition 21) and shall contain a majority of native and/or wildlife friendly species and shall include the recommendation of section 5.10.3 of the I&G Ecological Appraisal Report: Land off Intervalley Road, Glynneath (March 2020), to include hedgerows should be incorporated into the landscaping, of native species only. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the

development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

31. Prior to the first occupation of any dwelling hereby approved, a landscape management plan, including management responsibilities and maintenance, for all landscaped areas other than privately owned domestic gardens, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas that lie outside of the curtilage of individual properties, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

32. No further development shall take place on site, including before any equipment, machinery or materials are brought on to the site, until tree protective fencing has been erected around the outer edge of the root protection zones for all trees to be retained on site as shown on drawing – Tree Constraints Plan TDA.2549.02 which was submitted as part of the Tree Constraints Plan Document ref TDA/2549/TCP/RhC/05.20. The protective fencing shall be retained on site until all construction works have been completed within that area and all equipment, machinery and surplus materials have been removed from that area of the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels shall not be increased or lowered within these areas.

Reason

To ensure adequate protection of all trees that are to be retained on site and to accord with policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

33. Prior to the first beneficial occupation of the dwellings 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

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

34. Any fencing that is installed on the site should contain fauna access gaps at the base which are sufficient to allow passage by small mammals such as hedgehogs (i.e.130mm wide by 130mm long square) or a continuous gap at the base of the fence of 130mm tall. At least one access gap is required in every run of fence.

Reason.

To ensure no adverse impact upon the free movement of small mammals through the site and to accord with policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

35. Prior to the start of works on the construction of the first dwelling a scheme to provide roosting opportunities for bats shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and shall be retained as such thereafter. The submitted scheme can include details such as the addition of manufactured bat boxes onto the building/trees or incorporation of manufactured bat bricks into the building.

Reason.

In the interests of ecology and biodiversity and as Bats are European protected species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended), and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

36. Notwithstanding the submitted details, no further development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

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

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local



Development Plan.

37. No further development shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

38. Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 37 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

39. 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

40. Notwithstanding the details submitted, prior to the first beneficial use of the dwelling on plot 22 the side facing bathroom window and on plot 23 the first floor side facing bathroom and rear facing bathroom and landing windows hereby approved, shall be fitted with obscured glazing, and any part of the window/s that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter,

Reason:

In the interest of the amenities of the adjoining property, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

41. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no outbuildings, extensions or dormer extensions shall be erected other than those expressly authorised by this permission and identified on the approved drawings on plots 32, 36, 55, 58, 59 and 75.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

42. Prior to the start of works on construction of plots 36, 37, 55, 56, 57, 58 and 59, full details of the rear and side boundary treatment and screening details to the hereby approved patio areas shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented on each associated dwelling prior to their first beneficial use and shall be retained as such thereafter.

Reason.

To ensure adequate protection of the residential amenity of the occupiers of the existing dwellings and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

43. The hereby approved development shall be constructed in accordance with all finished floor and ground level measurements as shown on drawing – Initial Levels and Retaining Structures SK03 rev P13 submitted on the 31 July 2020 and Proposed Site Section E-634 drawing no. 11 rev A dated 27/07/20.

Reason

To ensure that the development is constructed in accordance with the approved ground levels and in the interests of the residential amenity of the occupiers of the adjacent existing dwellings and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

44. Notwithstanding the submitted drawings, prior to the start of construction works on any dwellings, full details of the ground levels, sections and cross-sections, and retaining works to demonstrate the relationship between for plots 65 and 80 and plot 76 and the terrace row of plots 72 through to 75, shall be submitted to and approved in writing by the local planning authority. The approved development shall be constructed in accordance with the approved details.

Reason

In the interests of visual and residential amenity and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

45. Notwithstanding the submitted drawings, prior to the start of construction works on plot 32, revised plans shall be submitted to and approved in writing by the local planning authority, showing the relocation of the first floor rear bedroom window, to the south side elevation and full details of the means of enclosure to the rear boundaries which shall have a minimum height of 2m. The dwelling on plot 32 shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason

To ensure that there is adequate protection of the residential amenity of the adjacent existing dwelling and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

Mae'r dudalen hon yn fwriadol wag

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

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

|  |  |
|--|--|
| <b><u>APPLICATION NO:</u> P2020/0556</b> | <b><u>DATE:</u> 02/07/2020</b>                     |
| <b>PROPOSAL:</b>                         | Detached Double Garage and Associated Access Steps |
| <b>LOCATION:</b>                         | 3 Clos Dewi Sant (Plot 22), Bryn SA13 2RZ          |
| <b>APPLICANT:</b>                        | Mr Gareth Owen                                     |
| <b>TYPE:</b>                             | Full Plans   |
| <b>WARD:</b>                             | Bryn and Cwmavon                                   |

### **BACKGROUND**

Cllr Galsworthy requested on 26<sup>th</sup> August 2020 that the application be determined via Planning Committee as she disagreed with the decision of the delegated panel to refuse planning permission in respect of Visual Amenity (i.e. she considers the scheme to be acceptable). The Committee 'call-in' Panel agreed to report the matter to committee on such grounds.

### **SITE AND CONTEXT**

The application site is located at Number 3 (Plot 22) Clos Dewi Sant, Bryn, Port Talbot.

The application site measures approximately 0.0182 hectares in area. It is located to the north of the recently constructed dwelling at Plot 22 and would serve this dwelling. It was previously sloping in profile but has since been excavated to a flat area in order to construct the dwelling. It is bounded by Clos Dewi Sant access road to the north, residential dwellings to the east and west and the host dwelling to the south.

### **DESCRIPTION OF DEVELOPMENT**

This is a full planning application for the construction of a detached double garage and associated access steps to be used for the benefit of Number 3.

The proposed garage would be sited to the north (front) of the dwelling which is set behind and at a higher level with retaining wall in front. The garage would measure 6.4m wide by 6.14m in length and would reach a height of 2.54m. It is designed with a flat roof with a garden area proposed on the roof enclosed by 1m high steel and glass balustrading. The garage would be positioned so it is side-on to the road (with a blank elevation fronting the street), with the garage access door facing west with driveway in front. To the rear of the garage access steps are proposed to access the house and garden.

### **NEGOTIATIONS:**

The developer has been in discussions with the Local Planning Authority regarding the design of the garage as initial concerns were raised with the pitched roof design in terms of visual amenity. The roof has since been amended so it is flat with a garden area proposed above.

## PLANNING HISTORY

The application site has the following relevant planning history: -

|            |   |          |          |
|------------|---|----------|----------|
| P2019/0357 | Detached dwelling with parking and associated works including retaining walls | Approved | 11/06/19 |
|------------|---|----------|----------|

## CONSULTATIONS

**Head of Engineering and Transport (Highways Section):** No objection, but notes that the internal dimensions of a 'double garage' should be 6m by 6m.

**Head of Engineering and Transport (Drainage Section):** No objection, but notes that an amended SAB application will be required.

**CADW:** No objection.

**Natural Resources Wales:** No objection.

## REPRESENTATIONS

The neighbouring properties were consulted on 03/07/2020 with a site notice also displayed on 02/07/2020.

In response, to date, no representations have been received.

## REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### National Planning Policy

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

## Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

**Policy BE1** Design

**Policy TR2** Design and Access of New Development

## Supplementary Planning Guidance

The approved [Design SPG](#) is of relevance to this application.

## Issues

Having regard to the above, the main issues to consider in this application relate to the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

## Impact on Visual Amenity

It is noted that the previously approved scheme for the dwelling (P2019/0357) had a parking area to the front of the property with some landscaping and access steps up to the property (see CGI image below):



It is noted that the proposed garage would be located on the originally approved parking area and would be built up from this ground profile and also stand proud of the ground level of the properties on either side (see CGI image below). It is considered, however, that the proposed garage by virtue of its size (double garage) and siting to the front of the associated dwelling and adjacent to the highway/footpath would be an incongruous addition to the street-scene, to the detriment of the character and appearance of the surrounding area



Furthermore, the addition of a roof-terrace/garden area above the garage would result in the introduction of a seating area to the front of the dwelling, with the potential for associated paraphernalia such as tables, chairs, umbrellas etc. (which cannot be controlled by condition), which would also have a further detrimental impact upon the visual amenity of the street-scene, and the steel and glass balustrading would reinforce the applicant's intention to use this area for that purpose to get views of the valley below.

It is therefore considered that the overall proposal would have a detrimental impact on the visual amenity of the area and street-scene and would be contrary to the aims of Policy BE1 of the Neath Port Talbot Local Development Plan which requires "*high quality design*", and this is also echoed in the adopted Design SPG.

#### Impact on Residential Amenity

In respect of potential overbearing and overshadowing impacts, given the size and position of the proposed garage relative to surrounding neighbouring properties it is considered that it would not create any unacceptable issues in these regards.

Notwithstanding the above however, it is noted that the proposed roof-terrace/garden area above the garage would create a useable flat seating area to the front of the dwelling which is elevated, and the enclosure with glass and steel balustrading would reinforce the applicant's intention to use this area for that purpose to get views of the valley below.

Whilst it is noted that there was the potential to use the front area for sitting on the previous scheme, the new raised area would encourage its use for prolonged periods. It is therefore considered that this would result in unacceptable overlooking into the private amenity space of the properties below to the north, which are located off Owen Jones Way, as it would decrease the separation distance between them.

It is also considered that it would result in overlooking into the properties either side (Plot 21 and 23), as it would create a flat and elevated seating area compared to the lower 'parking area' on the previous scheme. As such, the proposal would be contrary to Policy BE1 of the Neath Port Talbot Local Development Plan and the Design SPG.



## Parking and Access Requirements and Impact on Highway Safety

It is noted that the garage measures 6m wide internally by 5.5m in length. Whilst this would be large enough to fit a car in, it is below the dimensions stated within the Parking Standards SPG. Notwithstanding this however, it is noted that there would be sufficient car parking on the driveway for 2 vehicles and, therefore, the garage would be considered the 'third' parking space together with potential for storage. As such, it is considered that the proposal would not have a detrimental impact upon highway and pedestrian safety.

## CONCLUSION

The proposed development, by virtue of its size and siting to the front of the associated dwelling and adjacent to the highway/footpath would be an incongruous addition to the street-scene, to the detriment of the character and appearance of the surrounding area. Furthermore, the addition of a roof-terrace/garden area on the roof of the garage would result in the introduction of a flat seating area to the front of the dwelling, with the potential for associated paraphernalia such as tables, chairs, umbrellas etc., which would also have a detrimental impact upon the visual amenity of the street-scene.

Finally, the proposed roof-terrace/garden area above the garage would create a flat and elevated seating area which would result in unacceptable overlooking into the private amenity space of the properties below to the north, which are located off Owen Jones Way, as it would decrease the separation distance between them. It is also considered that it would result in overlooking into the properties either side (Plot 21 and 23), as it would create a flat and elevated seating area compared to the lower 'parking area' on the previous scheme, to the detriment of their residential amenity in terms of overlooking.

The overall proposal is therefore contrary to Policy BE1 of the Neath Port Talbot Local Development Plan and the Design SPG, and refusal of the application is therefore recommended.

## RECOMMENDATION:      REFUSE

1. The proposed development, by virtue of its size and siting to the front of the associated dwelling and adjacent to the highway/footpath would result in the introduction of an incongruous addition to the street-scene, to the detriment of the character and appearance of the surrounding area. Furthermore, the addition of a terrace/garden area on the roof of the garage would result in the introduction of a flat and elevated seating area to the front of the dwelling, with the potential for associated paraphernalia such as tables, chairs, umbrellas etc., which would also have a detrimental impact upon the visual amenity of the street-scene. As such, the proposal would be contrary to Policy BE1 of the Neath Port Talbot Local Development Plan and the Design SPG.
2. The construction of the proposed garage with associated roof-terrace/garden area above would result in the create a flat seating area to the front of the dwelling, which would result in unacceptable overlooking into the private amenity space of the properties below to the north, which are located off Owen Jones Way, as it would decrease the separation distance between them. Furthermore, it would result in unacceptable overlooking into the properties

either side (Plot 21 and 23) from the elevated seating area which would encourage siting for prolonged periods compared to the previously approved scheme, to the detriment of their residential amenity. As such, the proposal is contrary to Policy BE1 of the Neath Port Talbot Local Development Plan and the Design SPG.