

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

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

<b><u>APPLICATION NO:</u> P2014/0913</b>	<b><u>DATE:</u> 09/10/2014</b>
<b>PROPOSAL:</b>	<b>Reserved matters for 79 residential dwellings plus 5 retail units (Class A1) plus associated infrastructure, public open space and landscaping including details pursuant to the discharge of conditions 10 (Town Code Addendum for Phase 2 only) 40 &amp; 41 (Means of Enclosure temporary/permanent), 42 (Cycle/footpaths), 49 (Retaining structures), 50 (Drainage), 54 (Lighting), 61 (Detailed road/footway/cycleway design), 75 (Highway retaining structures), 77 (Noise Assessment), 87 (Phase Landscaping) &amp; 92 (Phase 1 Habitat Survey) of outline planning permission P2005/0393 (Approved on the 08/02/08)</b>
<b>LOCATION:</b>	<b>Phase 2a Coed Darcy, Llandarcy, Neath</b>
<b>APPLICANT:</b>	<b>Mr Ben Cook</b>
<b>TYPE:</b>	<b>Reserved Matters</b>
<b>WARD:</b>	<b>Coedffranc West</b>

### **Planning History:**

P2005/0393 Outline application for an urban village comprising approx. 4,000 dwellings; 41,200sq.m of business use; up to 3,000sq.m of retail (gross) and 8,000sq.m of other commercial, education, community facilities, highways, drainage, services, infrastructure, car parking and landscaping. Planning permission granted 8<sup>th</sup> February 2008.

P2010/0282- Junction and highway works- Approved- 3/11/10

P2011/0880- 302 residential dwellings and associated infrastructure and landscaping (Reserved matters following outline planning permission granted on the 8/2/08)- Approved, subject to a S106 – 30/05/12

P2014/0739- Application under S106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement associated with Planning Permission P2005/0393 (Approved on the 08/02/08)- To be considered elsewhere on this agenda.

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

The application was advertised on site and in the press.

Head of Engineering and Transport (Highway Section)- No Objection, Subject to conditions.

Head of Engineering and Transport (Drainage Section)- No Objection, subject to conditions.

NRW- No Objection.

Biodiversity Unit- No Objection, subject to conditions.

Coedffranc Community Council- No Objection.

Town Architect- Report provided on Compliance with Town Code and Masterplan.

Architectural Liaison Officer (SW Police)- Offer comment in relation to security, including crime prevention, security and natural surveillance.

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

Outline planning permission was granted under planning application reference P2005/0393 in August 2008, subject to conditions and a S106 agreement, for the development of an Urban Village comprising approx. 4,000 dwellings; 41,200sq.m of business use; up to 3,00sq.m of retail (gross) and 8,000sq.m of other commercial, education, community facilities, highways, drainage, services, infrastructure, car parking and landscaping.

This reserved matters application seeks approval of the details for 79 residential units and 5 retail units (Use Class A1) and associated infrastructure on Phase 2 of the Coed Darcy Urban Village Development, together with the discharge of a number of pre-commencement conditions imposed upon the outline planning permission. The site lies to the west and south of the existing Phase 1 residential development, approved under planning permission P2012/0880. It is accessed via the main site access from the B4290 (Alterations to which were approved under Planning Application P2010/0282, Approved on the 3<sup>rd</sup> November 2010),

The application site is split into two distinct areas, separated by a section of temporary highway. The western section lies adjacent to the existing apartment block constructed as part of Phase 1. The eastern section lies to the south of the existing rock faced cliff running east west, and it will infill a section of the site bounded by phase 1 to the east and south.

The existing rockface feature provides the southern boundary of the site, and the site slopes down to the north and west, linking to the main spine road running through the site, and proposed village centre.

The site has undergone significant remediation and clearance as part of the ongoing site wide remediation following the closure of the refinery. Apart from the rockface, there are no existing areas of vegetation or any buildings or structures present.

The outline planning permission for this site has a number of strategic planning condition, that have previously been discharged by the Local Planning Authority. Phase specific conditions follow, requiring compliance with the overarching strategic conditions. Where these impact upon this application and development, reference is made within the report.

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

The application seeks reserved matters approval for 79 dwellings, and 5 commercial units, together with the associated infrastructure and public open space. In addition the details submitted address the requirement of conditions imposed on the outline planning permission, including;

Condition 10- Town Code.

Condition 40- Permanent Boundary Details.

Condition 41- Temporary means of enclosure.

Condition 42- Cycle and Pedestrian Routes,

Condition 48- Existing and Proposed Ground Levels.

Condition 49- Existing and Proposed Retaining Structures.

Condition 50- Phase Specific Drainage.

Condition 54- External Lighting scheme.

Condition 61- Detailed road/footway/cycleway design.

Condition 72- Pedestrian Crossing Facilities.

Condition 75- Highway retaining works.

Condition 77 – Noise assessment

Condition 87- Phase specific landscaping.

Condition 92- Extended phase 1 habitat survey.

The site as a whole has an approved Masterplan, and a Town Code. The Masterplan defines this area for residential development, and mixed use commercial development, where the site bounds the main strategic link road as it enters the main town square. The Town Code sets out design and layout related issues, together with detailed matters such as external materials, finishes and boundary treatments, scale and proportion.

As part of the approved Town Code, an addendum, allowing a relaxation in the external material was approved for Phase 1 only. This primarily related to the roofing material, where the use of a specified artificial slate would be allowable. The applicant again wishes to allow a variation in the Town Code (Condition 10 of outline planning permission P2005/0393) to allow an addendum to be used for this Phase 2 development. The main changes again relate to roofing materials, but also includes the use of Upvc windows.

The development can be split into two distinct sections, the first proposes a continuation of the commercial development along the main strategic road leading to the proposed village centre, which will accommodate residential apartments on the upper floors, and a residential area, to the west, linking into the existing phase 1 residential development.

#### Apartment blocks/Commercial units. (Blocks D & E)

The apartment blocks propose two, three storey buildings, linked via single storey sections, to provide a continuous means of enclosure along this strategic link road, and reflecting the connectivity provided by the existing apartment block that can be seen as you enter the site. They are linear in form, and will incorporate projecting rear wings. At ground floor these buildings will accommodate 5 retail units, and on the upper 2 floors a total of 19, two bedroom apartments are proposed. All of these apartments are to be managed by a Registered Social Landlord as affordable housing units.

The commercial units range in scale from 74 sqm to 89.9sqm, and it is considered that a mix of retail (Class A1), office use (Class A2), and limited hot food/café uses (Class A3) may be appropriate. All but one of the residential units are located on the upper floors, and these units can be accessed via the front, and rear. To the rear, due to changes in level across the site, these buildings appear two storey, in scale. Car parking areas will be located to the rear of each block and will be accessible via the rear elevation of the building, together with a link to the strategic highway to the north.

The apartment block E (Plots 70-79) incorporates a traditional appearance, being rendered, with an artificial slate roof, with a ridged design. Gables are

proposed on the front elevation, together with a slight variation in the building line to break up the massing of the elevation, and providing a more vertical emphasis along this prominent frontage. This reflects the design of the apartment block approved under phase 1 of this development, to which it will adjoin. At ground floor the use of large glazed “shopfronts” and a blue engineering brick provides a more robust and commercial aesthetic, and reflects the progression along this frontage towards the town square and village centre.

Apartment block D (Plots 61-69) proposes a similar form of development, again offering a three storey frontage, with a two storey elevation at the rear. The projecting rear wing, wraps around the corner of the plot, and provides enclosure to the rear car parking and amenity areas, The eastern end of this block connects to Block E, with a single storey ridged roof section, thus maintaining a strong connected means of enclosure to the street. The remainder of the front elevation maintains a traditional design, again providing glazed “shopfronts” to the ground floor.

The western end of this block provides a variation in the design, including a full height glazed section, rising three floors, and serving the internal stairwell. Beyond this, the ground floor includes a residential unit in addition to those on the upper floors, and the use of natural pennant stone to this corner at ground floor level, wrapping around the corner of the building and rising up to chimney level provides a distinct and strong corner feature which includes a projecting wood clad bay window. This ensures that this visually prominent corner is sufficiently articulated.

Thirty one off street car parking spaces are proposed to the rear of blocks D & E, for occupiers of the apartments (1 per unit) plus spaces for staff and visitors. In addition to this dedicated parking provision lay-bys will be incorporated into the highway fronting the two blocks, which will provide loading and parking opportunities for the operators and customers respectively. Indicative locations for a pedestrian crossing point and bus stop locations are also proposed fronting these blocks.

#### Residential development (Plots 1-60)

This phase of the development comprises a total of 60 residential units, and a section of public open space. A total of 9 house types are provided within this phase, and these range from 2 bed FOG (Flat Over Garage) units to large detached 4 bedroom units. A total of three, 2 bed houses are again provided within this area as affordable housing units.

## House types

H3B706 (17 No. 2 Bed units on Plots 2, 9-14, 16, 17, 24, 25, 32, 33, 58 & 59)

A two storey dwelling, measuring 5.3m wide, by 8.8m deep, with a ridged roof to a height of 8.4m, some of which incorporate a chimney detail to the side gable. The front door is recessed, providing a screened internal bin storage area. The ground floor projects forward from the first floor, with a flat, parapet roof. The dwellings are painted rendered, and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. These house types are proposed as semidetached pairs, or link units with other house types.

H3B839 (18 No. 3 Bed units on Plots 3-7, 27-29, 40, 41, 52, 51, 53- 56, 57 & 60) A two storey dwelling, measuring 5.1m wide, by 9.7m deep, with a ridged roof to a height of 8.8m. The dwellings are painted rendered and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have simple flat projecting canopies over the front doors, and large full height glazing to the first floor. These house types are proposed as detached, semidetached pairs, or link units

H3B938 (2 No. 3 Bed units on Plots 30 & 39)

A two storey detached dwelling, measuring 9m wide, by 6m deep, with a ridged roof to a height of 8.5m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have simple flat projecting canopies over the front doors, and integrated engineering brick enclosures to the frontage for bin storage. A variation of this house type (H3B938B) is provided on plots 1, 15, 20 & 31. This has the addition of a large gable feature to the side elevation, incorporating a chimney. These are located on key corner plots within the site, and feature a bolder colour to the render.

H4B1099 (2 No. 4 Bed units on plots 36 and 37)

A two storey detached dwelling, measuring 6.3m wide, by 10m deep, with a ridged roof to a height of 8.6m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have a gable front featuring a bold colour render, and full height glazing to the ground floor.

#### H4B1475 (11 No. 4 Bed Units on Plots 35, 38 & 42-50)

A two storey dwelling, measuring 9.7m wide, by 9.3m deep, with a ridged roof to a height of 8.7m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have projecting gable features, incorporating chimneys, and a projecting single storey bin store in stone work, with a flat roof projecting to form a canopy over the front door. A full height glazed window feature is built into the front elevation. These are proposed as single units and semi-detached pairs.

#### Fog 1 (2 No. 2 bed apartments over garages on Plots 8 & 34)

A first floor unit, within a two storey block incorporating 2 ground floor garages, but allowing vehicular access beneath the unit. It measures 12.5m wide by 6.6m deep, and has a ridged roof to a height of 7.8m. It is externally finished in blue engineering brick at ground floor, with colour coated wood cladding to the first floor. Again the roof is finished in artificial slate, with white fascia and black rainwater goods. These are proposed as detached buildings or adjoining other house types. A variation on this type (Fog 2) proposes three garages at ground floor, this is located on Plot 26.

#### DQR2B (3 No. 2 Bed Units on Plots 21-23)

A two storey link property, measuring 5.8m wide by 8.3m deep, and with a ridged roof to a height of 8.4m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have simple flat projecting canopies over the front doors, and full height glazing to the ground floor.

#### Layout

The eastern section of the site fronts onto the section of public open space provided as part of this phase. This area of land slopes steeply down towards the north and east, and will be landscaped to provide intermittent level areas and intersecting walkways, together with stepped walkways, linking the roadway in the north to the upper levels of the site. This provides “desire line” pedestrian access from the upper plateaus to the lower levels where pedestrian crossing and bus stops are provided, together with access to the proposed primary school site and village centre.

Plots 42 to 48 are large 4 bedroomed semi-detached properties, fronting onto a shared drive that are afforded views over this open space. These properties are two storey, and are designed to be symmetrical matching pairs, with projecting gable features to the front elevations. Garages are set back between these

properties, to provide parking and the openings between these pairs of properties are narrowed through the provision of pillars and walls to ensure a sense of private space and enclosure. Again these properties are traditional in appearance, offering good proportioned glazing, rendered elevations, chimneys and artificial slate ridged roofs. Projecting flat roof canopies, enclose bin storage areas to the frontages making them an integral part of the design, they are to be finished in stonework, and the front garden areas are enclosed by low walls and pillars, again to match the dwellings.

To the south, backing onto these plots, 14 further dwellings (Plots 39-41 & 50-60) are proposed, creating a perimeter block. Vehicular access will be directly off the secondary access road to the east of this block, adjacent to the public open space and runs up to the southern boundary, where it continues east, running parallel to the existing rock face.

The properties along this frontage provide a mixture of detached and semi-detached two storey houses, and again are provided with off street car parking, to the front, sides, and within garages. On the corner plots of this perimeter block properties are designed to be dual aspect, to ensure that there are no blank elevations to public vantage points.

In addition to the public open space a strategic pedestrian link is to be provided linking phases 1 and 2 by providing a set of steps down over the rock face. This access creates an important sustainable link between the residential areas and the proposed village centre and associated community uses, including the proposed primary school, which is to be located on the lower level. The link will enable residents to access these community and complementary uses on foot without having to rely on either private or public transport. The applicant has provided a plan detailing the proposed pedestrian and cycle linkages and connectivity as part of this application, in accordance with the requirements of Condition 42 of the Outline Planning permission.

The steps have been designed to reflect the character of the immediate area, and the rock face within which they sit. As such they are to be finished in natural stonework, and will have low level integrated lighting for security. A suitably worded condition will be imposed ensuring that this link is delivered as part of the phased delivery of the residential units within this phase, and that full construction details are provided.

To the west of this block, two further residential perimeter blocks are provided, separated by a mews style courtyard, through which pedestrian access is provided to the north and the secondary access road leading to the village centre. These blocks again provide strong frontages onto the highway and



public vantage points, with strong corner buildings, utilising the design of the dwellings at these locations, and also a bolder colour render to provide key visual markers and focal points within the development.

The public realm area within the mews incorporates a shared surface arrangement and maintains both permeability through the phase whilst also maximising natural surveillance of parking areas, and incorporating landscaping to provide an accessible yet safe and pleasant environment.

### **Material Considerations:**

The material issues in the determination of this application are slightly different than those considered on typical residential developments, as there are matters which relate to the compliance of the proposals with the approved Masterplan and Town Code for the Coed Darcy Urban Village. These matters have been considered at both pre-application stage and during the consultation process. Reference to these issues are, where appropriate, set out within the following appraisal. In addition, design and visual amenity, highway and pedestrian safety, biodiversity and ecology, sustainability, affordable housing, and viability are all considered.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan.

Policy LL1- Llandarcy Urban Village.

The site is allocated under Policy LL1 of the Neath Port Talbot Unitary Development Plan. The site has the benefit of outline permission, and an approved Masterplan and Town Code.

ENV4- Proposals affecting international and national sites for Nature Conservation and Species protected by European or UK legislation.

ENV5- Nature Conservation.

ENV16- Contaminated Land.

ENV17- Design.

H4- Affordable Housing.

T1- Location, layout and accessibility of new proposals.

RO3- Provision of open space to serve new residential developments.

The site is allocated as part of the larger LL1: Llandarcy Urban village Policy, and accord with the masterplan with regard to land uses. As such the proposals accords with the broad objectives of the development plan, in terms of land uses. Specific reference to policy where relevant is made within each section of the following report.

### **Habitat Regulations, and Environmental Impact Assessment Regulations.**

The proposed development is a reserved matters application for a phase of development on a much larger outline permission. The outline planning permission was supported by an Environmental Statement. As required by the EIA Regulations, the reserved matters application has been screened under the Environmental Impact Assessment Regulations 1999. This screening concludes that the proposed development does not require the submission of an Environmental Statement.

The application has also been considered under the Habitat Regulations. A test of likely significance has been undertaken due to the potential impacts of any decision upon Crymlyn Bog. Such assessment has concluded that an appropriate assessment is not required.

### **Masterplan and Town Code Compliance.**

Coed Darcy urban village has an approved Masterplan. Within the Masterplan, land uses, strategic infrastructure, densities, and overarching strategic issues are set and defined. The location of community development such as schools, community buildings and other requirements of the S106 legal agreement are also defined and indicative locations set out.

This application site lies within an area designated for residential use part of which adjoins the entrance to the proposed town square, which will lie to the north and east of the site boundary. As such it provides an important link between the residential areas and the commercial heart of the emerging village.

The approved Town Code sets out the design principles for the site as a whole, (limited to residential development only at this time), and offers guidelines on the design of development including highways, public realm, scale, character and materials. As previously stated, the applicant proposes an addendum for this phase, to allow for the use of alternate materials. These are considered in the Town Architects report.

The Town Architect has submitted a report on the compliance of this phase of development with the approved Masterplan and Town Code. This report has been considered in full by the Coed Darcy Ltd Board, which has voted to agree for the application, subject to conditions, to be formally determined by the Local Planning Authority. This is a requirement of the S106 legal agreement for the site, and part of the Town Architect's function and role.

The Report highlights areas where this phase of development would not comply with the Town Code. This report is summarised as follows;

### **Non-compliant design**

*PVC (upvc) windows* – These are included within the Town Code. The Town Code position is based on two principle concerns, sustainability, and frame sizes. The first of these cannot be overcome. The second can be overcome if the casement details are thin enough, as most windows do not have transomes. Samples have been provided, and these need to be seen in more detail.

*PVC rainwater goods, soffits and fascias* – again these do not conform. However these match those used within Phase 1 and they have been used reasonably successfully.

*Timber cladding to FOG units* – Non-compliant. However this can be acceptable, subject to samples being provided.

*Aluminium windows to retail units* – Non-compliant, though there is no objection given the use and location.

*Retail unit ground floors* – No confirmation has been provided on the potential of adaptability for conversion to other uses in the future.

*GRP doorway canopies* – Non-compliant. Similar proposals have been included in phase 1, but not successfully. Samples are to be provided.

*Front boundaries* – The major problem in phase 1 is handled far more confidently in this phase. A number of differing treatments are suggested, including railings and low rendered walls. The latter is non-compliant, but these are acceptable.

*Parking courtyards* – We need to ensure they all include landscaped strips viewed from the public realm.

The development of such a large site in phases requires an iterative process, where lessons learned from previous phases are taken forward into the design of the next. It is clear from discussions with the Town Architect, and the developers of this phase, that this scheme has taken on board and aims to address some of the key issues identified under phase 1. These include window sizes and boundary treatments, and the need for on site quality control to ensure build quality is seen as paramount.

A condition is to be imposed requiring sample panels of key elements of the construction, together with additional samples associated with the upvc windows to ensure that the proportions and the finish are acceptable, and to ensure that the concerns raised by the Town Architect are addressed. In addition, and outside of this process, on site meetings will be held with the key stakeholders, to ensure that levels of quality are maintained, and where necessary improvements considered.

### **Visual Amenity:**

As clarified previously, the site holds a relatively unique position within the County Borough, having an approved Masterplan and Town Code. These overarching documents form a level of control over important elements of the development proposals, which are subsequently submitted to the Authority for determination. In addition, there is an independent Town Architect overseeing these submissions, who is employed by the Coed Darcy Board to ensure that the Masterplan and Town Code are adhered to. As such, through a number of pre-application workshops, the design and layout of the development has been considered and refined, taking into consideration those comments provided by both the Local Planning Authority, other consultees, and the Town Architect.

It is considered that through the consultation process, and a number of iterations, the development has reached a point where it substantially complies with the Town Code. As such the overall character, design and external appearance of the site is considered to be acceptable, and certain elements of the scheme provide a unique form of development within the County Borough.

The external materials broadly match those set in the Town Code, and a previously approved addendum. Artificial slate will be used for all roof finishes, render is the predominant finish for dwellings. Brickwork is used sparsely, and comprises of a blue engineering brick. Pennant stone feature elements are also incorporated as a design feature to break up the render and add further visual interest. Means of enclosure are provided to front elevations, and these generally match the dwelling to which they serve. The use of walls and railings provide a mixture of formal and informal areas, ensuring that a

more formal character is maintained along the primary street frontages, and a more informal character defined within the secondary and tertiary streets.

The provision of three storey apartment block buildings as a continuation of the main route into the town square, providing commercial units at the ground floors, builds upon the strong frontage to this strategic route, that will ultimately lead through the entire site.

The use of high quality surfacing materials for the public realm, and control over signage and street lighting will ensure that not only the buildings themselves are designed well, but that the public realm is of a distinct quality to ensure that a sense of place and character are achieved over subsequent phases.

The inclusion of an area of public open space, provides a soft edge to the development, and the landscaping and pedestrian route created through this area will provide important linkages but also an area of informal amenity space.

Overall the proposals generally conform to the requirements of the Town Code and reference is made within this section of the report dealing with this specifically. Also in general design and visual amenity terms it is considered that the proposals are acceptable. Suitable conditions would be imposed upon any permission issued in respect of these external materials, including the requirement for test panels and details of these materials to be approved for both the dwellings, and the hard surfacing elements of the public realm.

### **Residential Amenity:**

The development due to its high quality design and layout will ensure that a safe, pleasant and sustainable place to live and work is created thus securing high levels of residential amenity for potential occupiers. Furthermore due to its location within the early phases of this development, there are limited impacts upon the amenity of adjoining properties.

The properties currently under construction to the south are located at a higher level on the top of the rock face, and set back off this elevation, beyond the shared drive. The proposed staircase link will provide a strategic pedestrian access between these phases. To the east, the existing dwellings front a highway and section of green space, through which a pedestrian link drops down to the public open space. The properties in the vicinity of this boundary face north and south, and as such there are no overlooking issues, and due to these properties being at a lower level no overbearing or overshadowing issues.

Within the site generally any front garden areas are small, providing strong frontages to the highway, but with means of enclosure to create defensible spaces to front windows. Rear gardens are generous, and due to the creation of perimeter blocks, will benefit from natural light. Those properties in the mews areas are of a higher density, but with the inclusion of landscaping the outlook to these properties is not dominated by car parking.

As such, it is considered that the proposed development will create a high quality environment for future occupiers whilst also safeguarding the residential amenities of existing occupiers.

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

The highway layout and design are to be assessed against the level of control and design requirements set out within the Masterplan, and the Town Code. These set out specific design principles to ensure a self regulating 20mph zone once you enter the Coed Darcy Development. This is to be achieved without the need for signage beyond the commencement of this zone, and without the requirement for speed bumps and other obvious traffic calming measures. This is achieved through the use of horizontal highway deflection, use of the built form to reduce onward visibility, and provision of on street parking to control speeds along the primary and secondary highway networks. The tertiary roads are designed as shared “mews” type zones, where the speeds of vehicles are reduced through built form and design.

Parking is controlled via a condition placed upon the outline planning permission for the site as a whole, which restricts parking to an average of 1.5 spaces per residential unit for the site as a whole. Parking on this phase averages 1.5 spaces per unit.

In addition the following conditions of the outline planning permission are relevant;

- Condition 42- Cycle and Pedestrian Routes
- Condition 54- External Lighting scheme
- Condition 72- Pedestrian Crossing Facilities.
- Condition 75- Highway retaining works.

This phase of development includes the primary and secondary highway network which will in time link into the wider site wide public transport network. In addition a temporary section of the primary network, where it runs through the main town square is proposed. The alignment of this section may be amended under future applications.

This phase connects to roads within phase 1, which have already been provided with bus stops. This phase will also result in the creation of a looped route which will further facilitate accessible and efficient public transport links through the site.

The Head of Engineering and Transport, Highway Section offers no objection, subject to conditions.

As Members are aware there is currently a S106 agreement in place for this site that requires the provision of the Southern Access Road, and a strategic link road through the site prior to the occupation of the 301<sup>st</sup> dwelling. This application, if approved, will increase the number of dwellings with reserved matters approval in excess of this number. Members will also be aware that there is an application before you requesting changes to this S106 agreement, and part of this requests a change to the delivery of the SAR and the strategic link road.

The revised triggers will allow for up to a maximum of 440 units to be built on site, prior to the opening of the SAR, and the applicant would need to ensure that this was delivered by 31<sup>st</sup> March 2017 in order to achieve their projected build rates for the site as a whole.

To ensure that the SAR is delivered, and that this application corresponds to the revised commitments from the developer in the proposed S106 revisions, it is considered relevant and necessary that the developer enter into a Highways Agreement (a section 38 or 278 agreement) prior to the issue of this planning permission. This will secure the works to construct the viaduct and highway network which comprises the SAR, and which will extend from the junction off Ffordd Amazon to the boundary of the southern development area of Coed Darcy (which will allow housing to be constructed in the southern area of the site). The agreement will be signed with a surety/guarantor agreement prior to the issue of any planning permission for further development at this site.

This surety will provide the Authority with more confidence that the provision of this critical infrastructure will not be renegotiated post-decision, and after the development of further housing on this site has been granted. At this time, due to the transition between the existing S106 and proposed changes, there is a need for certainty on delivery.

Therefore the planning permission should only be issued when this agreement is signed, to secure the delivery of this strategic infrastructure.

### **Ecology (including trees & protected species):**

There are no areas of specific ecological interest within the development phase which has been remediated up to a level to allow for development to take place. This development phase does however provide an area of open space which is to be planted in accordance with a submitted scheme. In addition it is proposed to undertake planting within each plot, and within the public realm including street trees. The applicant has provided a Landscape Strategy, and a Landscape Compliance Statement (Rev 2) which sets out how the proposals comply with the previously approved strategic landscaping for the site as a whole.

### **Affordable Housing.**

Policy H4 of the Neath Port Talbot Unitary Development Plan refers to affordable housing provision. The Authority has also adopted Supplementary Planning Guidance for the provision of affordable housing. In this case the matter is further defined by the S106, signed as part of the outline planning permission for the site. There are no conditions imposed upon the outline permission, but the requirement for affordable housing is set out within the aforementioned legal agreement.

Members may be aware that phase 1 of this development did not provide affordable housing, but was subject to a viability assessment, and a S106 agreement to assess viability on an annual basis. It was made clear by the Authority at that time that this position would not be repeated on future phases, and that affordable housing provision on this site was essential to achieve a sustainable development, but also to address the needs of the population within the Borough.

Members will also be aware that the authority is currently considering changes to the existing S106 that include a proposed change to the way in which affordable housing is delivered on this site. These changes do not affect the total number of affordable units to be delivered, and this remains as a minimum of 20% of the units developed.

In this phase the applicant is providing 27.8% affordable housing which is over and above the 20% requirement. This includes 3, two bed houses, and 19, two bedroom apartments. Discussions have taken place with Housing Strategy and the Registered Social Landlords (RSLs) who operate in this Borough, and they consider the provision acceptable, and are eager to enter into further discussions to be represented on this phase. These units will be provided to the appointed RSL at 42% open market value, in line with the current S106 requirements.



A condition will be imposed ensuring the delivery of these affordable housing units, as the open market housing is developed.

### **Drainage /Sewerage.**

The applicant has provided Technical Note reference TN-000145, Rev 1.1, including drawing 5041216-ENG-DWG-0001670, in order to comply with the requirements of Condition 50 of the outline planning permission. This scheme is in line with the strategic drainage strategy for this catchment. However, the applicant clarifies that further detail is required on some of the temporary drainage solutions in order to avoid constraining the build out of this phase. As such, whilst the principles set out are considered acceptable, a condition will be imposed requesting that these details are provided prior to the first occupation of any dwelling.

### **Conclusion:**

The proposed development provides both additional residential development at this site, and commercial development. The design and layout of the development substantially complies with the adopted Town Code, and subject to the submission of acceptable samples and the construction of sample panels, the proposed variations to the adopted Town Code can be considered acceptable. The proposals include the creation of commercial units that will start to allow for the introduction of retail and other supporting uses to provide a more sustainable and mixed use development, and will introduce another area of open space, and a key pedestrian link between phases 1 and 2.

As such it is considered that the proposed development is acceptable in terms of design, layout, visual amenity, residential amenity and highway and pedestrian safety. As such the development accords with Policies LL1, ENV4, ENV5, ENV16, ENV17, H4, T1 & RO3 of the Neath Port Talbot Unitary Development Plan.

### **Recommendation.**

Approve, subject to conditions, and upon the signing of a Highways Agreement (a section 38 or 278 agreement) prior to the issue of this planning permission. This is to be in place for the works to construct the viaduct and highway network (SAR) from the junction off Ffordd Amazon to the boundary of the southern development area of Coed Darcy. The agreement will be signed with a surety/guarantor agreement prior to the issue of any planning permission for further development at this site.

## **Conditions:**

(1) All dwellings shall be finished externally in accordance with Drawing No. PL005D, and all garages serving those dwellings shall be finished in materials in accordance with Drawing No. 7658-PL30B.

### **Reason**

In the interests of clarity, design and visual amenity.

(2) All permanent boundary treatments shall be erected/constructed in accordance with the details as defined on Drawing No's 7658-PL06D & 7658-PL54C. These shall be erected/constructed in accordance with the approved details prior to the occupation of each associated dwelling, and retained as such thereafter.

### **Reason**

In the interests of visual amenity, and security and to comply with the requirements of Condition 40 of outline Planning Permission P2005/0393.

(3) Notwithstanding conditions 1 and 2, and the details submitted, prior to the use of that material or construction of that detail on site, sample panels for the proposed brickwork, stonework, render, including windows, corner detailing and mortar joints, together with roof verge, eaves, chimney and canopy design and detailing shall be constructed on site, inspected by the Local Planning Authority and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

### **Reason**

In the interests of design and visual amenity and to ensure compliance with the approved Town Code.

(4) All public realm hard surfacing shall be carried out in accordance with those details and materials as set out on Drawing No's 7658-PL53C, and PL07G,

### **Reason**

In the interests of design and visual amenity and to ensure compliance with the approved Town Code.

(5) Service meter boxes shall be located in accordance with Drawing No.s 7658 PL10 Rev F and PL60 Rev B. Bin store locations shall be provided in accordance with Drawing no. 7658 PL09 Rev F. These details shall be fully implemented prior to the occupation of the associated dwelling and retained as such thereafter.

Reason

In the interests of visual amenity, and to accord with the requirements of the adopted Town Code.

(6) The development hereby approved shall be undertaken in accordance with the proposed levels, as set out on Drawing No,s P13-268-303E and P13-268-305A

Reason

To accord with the requirements of Condition 48 of Outline Planning Permission P2005/0393, and in the interest of visual amenity and design.

(7) Notwithstanding the proposed levels, cross-sections, retaining works, and boundary treatments submitted and hereby approved, for all rear gardens with a gradient steeper than 1 in 12, a scheme shall be submitted to and approved in writing by the Local Authority, which shall demonstrate where a gradient of 1:12 cannot be achieved for the total length of garden area, how the relevant non-compliant section of garden shall be graded, screened and/or retained, to ensure that a 1:12 gradient is maximised. This scheme as approved shall be fully implemented in accordance with these approved details, prior to the first occupation of the associated dwelling.

Reason

In the interests of residential amenity, and design.

(8) No external flues, vents and utility boxes shall be located on the elevation of any dwelling fronting any highway or footpath, unless in accord with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and design and to accord with the adopted Town Code.

(9) Unless otherwise agreed in writing by the Local Planning Authority all street signage shall be fixed to buildings, or a means of enclosure in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling within that street.

Reason

In the interests of visual amenity, and design.

(10) Construction phasing shall be undertaken in accordance with Drawing No. SK17.

Reason

In the interests of clarity.

(11) The public open space shall be landscaped and open for public use no later than the first planting season following the first occupation of any dwelling located on Plots 42-49. The landscaping and layout of the public open space shall be completed in accordance with Drawing 1554/04F, and any trees or plants which within a period of five years from the completion of the development die, or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual and public amenity, biodiversity and sustainable connectivity within the site.

(12) Prior to the occupation of any dwellings within construction phase 3 (Plots 36-38 & 39-41) as defined on Drawing SK17. The cliff face staircase as set out on Drawing PL16 REV C shall be constructed in accordance with these approved details and shall be open for public use thereafter. Notwithstanding these details and prior to these works taking place full construction details, including external materials and integrated lighting details shall be submitted to and approved in writing by the Local Planning Authority. The stair case shall be constructed in accordance with these approved details.

Reason

In the interests of amenity, and to ensure that the connectivity of the site, and impacts of these works are fully integrated within the construction programme.

(13) No dwelling within this phase of development hereby approved shall be occupied until a binding contract is in place between the applicant and the selected RSL to transfer all of the affordable dwellings proposed within this phase of development, as identified on Drawing No. 7658-PL61 Rev B (Plots 61 to 79, and Plots 21-23) to that RSL. A copy of this signed contract shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling.

No residential dwellings within construction phases 8, 9, 10 & 11, as identified on Drawing No. SK17, shall be occupied until such time that all of the affordable housing apartments located within blocks D & E (Construction Phase 7, Plots 61-

70) are constructed, available for occupation and transferred to the selected RSL in accordance with the binding contract referred to above.

No residential dwellings within construction phases 10 and 11, as identified on Drawing No. SK17, shall be occupied, until such time that the dwellings on plots 21-23 are constructed, available for occupation and transferred to the selected RSL in accordance with the binding contract referred to above.

Reason

To accord with the provisions and requirements of Part 3 of the S106 agreement and to ensure that a percentage affordable housing units are provided together with the open market housing.

(14) Prior to the first occupation of any property it shall be connected to the main sewer.

Reason: In the interests of amenity.

(15) Surface water and land drainage shall be carried out in accordance with Drawings 5088491/R5080/500C, 510C, 520C & P13-268-301E, 302E, 304B & 306A.

Notwithstanding these details and in accordance with Technical Note 5041216-ENG-TN-000145, and drawing No. 5041216-ENG-DWG-0001670, prior to the first occupation of any dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed temporary Phase 2 drainage solutions 'NSR' including;

- A hydraulic model assessment of the NSR, pre and post phase 2 temporary drainage solution catchment contribution.
- Proposed NSR pumping strategy and associated NSR water level considerations.
- Pre-NSR temporary attenuation solutions.
- Temporary surface water drainage network solutions.
- a programme of works or phasing.

This scheme as approved shall be fully implemented in accordance with the approved details, and timescales for implementation.

Reason : In the interests of amenity, clarity, and to ensure that the strategy hereby approved is fully implemented in accordance with condition 50 of outline Planning permission P2005/0393.

(16) The highways and associated drainage shall be completed in accordance with those details submitted on Drawing No's 5088491/R5080/100C, 500C, 510C, 520c, 530c, 700c, 710C, 720C, 730C, 740C, 750C, 760C, 770C, 1100C & P13-268 308 Rev A.

Reason: in the interests of clarity, and to accord with the requirements of Condition 61 of Planning Permission P2005/0393.

(17) Prior to the first occupation of that dwelling, or the first use of any commercial unit, the car parking to serve that property shall be constructed and available for use in accordance with the approved layout as set out on Drawing Number PL03 Rev P, and PL50 Rev F.

Reason : In the interests of highway and pedestrian safety, and amenity.

(18) The section of Highway and associated footways, as identified on Drawing No. 5088491/R5080/700 Rev C as 'enabling works' are temporary only, and shall not form a permanent alignment of this section of the strategic highway. These works shall be completed to binder course level as a minimum prior to the first occupation of any dwelling served off this highway, or any public access, whichever is the sooner.

Reason: In the interests of clarity, and to ensure that future phases of development can be considered that may affect the alignment of this strategic highway.

(19) Notwithstanding the details submitted the carriageway adjacent to Plot 15 shall be widened to a minimum of 5.5m in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the rock feature/planting area, ensuring that this has a height no greater than 600mm. The approved scheme shall be fully implemented on site as part of Construction Phase 10, as defined on Drawing No. SK17.

Reason: In the interests of Highway and Pedestrian Safety.

(20) Prior to the occupation of any dwelling a scheme shall be submitted to prevent vehicles from parking on the footways on Road 50, fronting construction Phases 5, 6 & 8 and the un-named road adjoining the western boundary of Plot 1, as defined on Drawing SK17. This scheme as approved shall be fully implemented in accordance with these details prior to the first occupation of any dwelling fronting that section of footway, and retained as such thereafter.

Reason : In the interests of Highway and Pedestrian safety.

(21) Street lighting shall be fully implemented in accordance with Drawing No's 5088491/R5080/1300C, LE.1802/1300/01/C. Any variation on the location and specification for the lighting, if required at technical approval stage, shall be submitted to and approved in writing by the local Planning Authority prior to the implementation on site, and shall be retained as such thereafter.

Reason

In the interests of highway and pedestrian safety, and to accord with the requirements of conditions 54 and 61 of Outline Planning permission P2005/0393.

(22) All street lighting columns within a shared surfaced area shall be provided with column protection in accordance with the approved Town Code Specification.

Reason

In the interests of highway and pedestrian safety, amenity and design.

(23) Notwithstanding the details submitted and prior to the construction of any dwelling on Plots 3 & 4, Plots 20 to 23 and Plots 31 to 33, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing security lighting to be provided to the rear pedestrian access routes. This scheme, and the provision of lockable gates to these access routes, as approved, shall be fully implemented on site prior to the first occupation of any dwelling served off that access route and retained as such thereafter.

Reason

In the intertests of public safety and security, and the amenity of residents.

(24) The layout and design of the strategic cycle and pedestrian routes as defined on Drawing PL14C shall be fully implemented in accordance with the details hereby approved as part of the phased construction of the development.

Reason

To accord with the approved masterplan, strategic footway and cycle strategy, amenity and sustainability, and to accord with the requirements of Condition 42 of Planning Permission P2005/0393.

(25) All highway retaining works shall be undertaken in accordance with P13-268-305, 309 & 310.

Reason

In the interests of clarity and to comply with the requirements of Planning Condition 75 of Outline Planning Permission P2005/0393.

(26) Unless otherwise agreed in writing by the Local Planning Authority all pedestrian crossing facilities and bus stop locations, as detailed on Drawing No. PL62A, shall be fully implemented on site prior to any occupation of any dwelling fronting that crossing facility or bus stop. If at technical approval stage the location of these facilities are amended, a scheme shall be submitted to and approved in writing by the Local Planning Authority for these revised locations prior to their implementation on site.

Reason

In the interests of highway and pedestrian safety, and to accord with the requirements of Condition 72 of Outline Planning Permission P2005/0393.

(27) The 5 commercial units located on the ground floor of blocks D and E as shown on drawing No's PL50F, PL51E & PL56E shall be used for A1, A2 or A3 Uses and for no other purpose including any other purpose in any other Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In order that other changes of use can be assessed in the interests of amenity.

(28) No more than 2 No. hot food and drink (Class A3) uses shall be permitted within the 5 commercial units located on the ground floor of blocks D and E, as shown on drawing No's PL50F, PL51E & PL56E. Of these A3 uses no more than 1 unit can be a hot food takeaway use and these A3 uses shall not be located adjacent to each other.

Reason

In the interests of the amenity of neighbouring residential development, and the vitality, viability and attractiveness of the emerging village centre.



(29) Customers shall not be permitted entry to any hot food and drink (Class A3) premises between 23.00 hours and 07.00 hours and shall not be served or remain on the premises between 23.30 hours and 07.00 hours.

**Reason**

In the interest of the amenities of residents living in the vicinity of the application site.

(30) Prior to the first use of any commercial cooking facilities within any of the ground floor commercial units within Blocks D & E, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the means of extraction and odour control. This scheme shall be wholly contained within the fabric of the building, and shall not require the installation of any additional external flues, and vents. The scheme shall provide full technical specification, including noise and vibration mitigation, together with odour control. The scheme as approved shall be fully implemented on site prior to the first use of the unit for which they serve, and shall be maintained as such, in accordance with the manufacturers specifications thereafter. Any replacement system shall be of a similar or better specification.

**Reason**

In the interests of the amenity of adjoining residential properties, and the visual amenity of the area as a whole.

(31) Prior to the first use of any commercial unit within Blocks D & E hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a signage/advertisement strategy for these units. All future advertisements on these premises shall comply with the approved signage/ advertisement strategy.

**Reason**

In the interests of visual amenity, and to ensure that the proposed signage across these units reflects the principles of the Town Code.

(32) Notwithstanding condition 11, all planting, seeding or turfing comprised in the approved details of landscaping as set out on drawing No's 1554/03E, 1554/03D & 1554/06A shall be carried out in the first planting and seeding season following the occupation of the buildings within that construction phase, as set out on Drawing No. SK17, or the completion of the development hereby permitted, whichever is the sooner. Any trees or plants which within a period of five 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 the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990, and Condition 87 of Outline Planning permission P2005/0393.

(33) All tree protection measures shall be in accordance with the approved town code specification. Where tree guards are to be provided, these shall be Marshalls, Ollerton flared top tree guards, coated black.

Reason

In the interests of clarity, visual amenity, and to accord with the approved town code.

(34) Notwithstanding the details submitted, and prior to the commencement of development on the superstructure of any dwelling. Revised parking and landscaping details including alterations to the hard surfacing, removing the Tegular Concrete Sets from the parking areas serving Plots 21 to 23, and revised hard landscaping proposals to the frontages of Plot 61 shall be submitted to and approved in writing by the Local Planning Authority. These schemes as approved shall be fully implemented in accordance with these approved details prior to the occupation of the aforementioned properties.

Reason

in the interests of the amenity of residents.

(35) Temporary means of enclosure shall be provided in accordance with Drawing No. PL63. These means of enclosure shall be provided on site prior to the occupation of any dwelling fronting that boundary.

Reason

In the interests of visual amenity, residential amenity and public safety and to accord with the requirements of Condition 41 of Planning Permission P2005/0393.

(36) Notwithstanding the details submitted in Technical note 5041216-ENG-TN-01318 Rev R1 and Drawing No. 5041216-ENG-DWG-001728 Rev D. Prior to the construction of the superstructure within;

- a) Zone 1: Any dwelling on Plots 50 to 60, and Plot 39.
- b) Zone 2 :Any dwelling on Plots 15-23 and Plot 38.

Full details of all works to the rock face shall be submitted to and approved in writing by the Local Planning Authority, including existing and proposed cross sections extending to the front face of those properties opposite the zone of work and the provision of sample sections of any retaining structures for approval which are to be constructed on site. These details as approved shall be fully implemented prior to the first occupation of any dwelling within that Zone, and shall be retained as such thereafter.

Reason

in the interests of visual amenity and the amenity of adjoining residents.

#### REASON FOR GRANTING PLANNING PERMISSION

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

The proposed development is acceptable in terms of design, layout, visual amenity, residential amenity and highway and pedestrian safety. As such the development accords with Policies LL1, ENV4, ENV5, ENV16, ENV17, H4, T1 & RO3 of the Neath Port Talbot Unitary Development Plan.