

<u>ITEM 2.2</u>	
<u>APPLICATION NO:</u> P2014/0248	<u>DATE:</u> 06/06/2014
PROPOSAL:	Detached dwelling and garage (outline)
LOCATION:	Land Adj To The Barracks, Off Queens Street, Pontrhydyfen, Port Talbot
APPLICANT:	Ms A Howells
TYPE:	Outline
WARD:	Pelelenna

Background Information:

Cllr Ellis requested on May 21st that the application be determined by the Planning and Development Control Committee as he considers that due to high level of public interest in the application it warrants full committee scrutiny. Cllr Ellis also requested that soil sampling and ground stability testing should be undertaken prior to the application being presented to committee.

Planning History:

The site has the following relevant planning history: -

- P2002/0967 – Outline for residential Development – Approved 14.8.2002
- P2006/1635 – Reserved Matters application for Residential Development (45 dwellings and associated highways & car parking). Granted permission 8/8/08.
- P2006/1637 – New access and retaining works – Approved 11.3.2008
- P2010/0810 – Variation of condition 4 of application P2002/0967 approved 11/11/03 regarding the period of time by which the developer must start development (Reserved Matters application P2006/1635 approved on 08/08/08). Finally disposed (Resolution to grant planning permission but no decision issued due to failure to enter into required legal agreement).

Publicity and Responses if applicable:

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

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

Countryside Section (Footpaths) – No objection

Natural Resources Wales – No objections

Contaminated Land section – No objections

The Coal Authority – No objections

Pelenna Community Council – concerns regarding the ownership of the access and that the access issues affect neighbouring properties

3 neighbouring properties were consulted and site notices displayed. In response, to date 246 letters of objection have been received, which are summarised as follows:

1. The applicant has already started work without permission.
2. It is claimed that the applicant is demonstrating intimidating behaviour to existing residents and visitors.
3. The applicant has stopped children playing sports due to blocking up of a designated footpath which could lead to more anti social behaviour in the area.
4. The development will affect community space, green space, wildlife, children and young persons' health by access to sporting facilities being prevented.
5. Loss of access to areas for walking and riding.
6. Other dwellings in the area have been demolished due to flooding.
7. Loss of local heritage such as carnival days.
8. The development will affect the aesthetics of the surrounding area as a tourist attraction.
9. Increased traffic and noise along the existing road.
10. The development will be an eyesore.
11. Further possible restrictions on a public right of way.
12. A full ecological study needs to be carried out during different seasons to fully assess the local flora and fauna.
13. Impact of further development on an area of outstanding natural beauty.
14. The development will affect the habitat of many animals including badgers and otters.
15. The development may cause problems with land stability in the area.
16. The danger caused by heavy plant in the area.
17. The development could overload the existing sewer system.

18. Highway safety due to the visibility and angle of the road.
19. Query why are alterations to the settlement boundaries of the Local Development Plan are being considered.
20. The site is not within an area allocated for development within the Draft Unitary development Plan. The site is outside the boundaries of the village of Pontrhydyfen and within open countryside contrary to current policy.
21. If this development was allowed it would set a precedent for future development
22. Objections to the application being dealt with as a delegated application as it is controversial and subject to may local objections.
23. The site is contaminated and that a more detailed environmental report should be obtained.
24. The land is of sentimental value which was a gift to mine workers.
25. The village does not need another dwelling.
26. The long term implications of the development of the site should be considered, the objector wants the green belt land to stay green belt.
27. Many trees have been cut down in the area and this has damaged the ecology of the area with the biodiversity being decreased and that a full environmental assessment would be of value.

Description of Site and its Surroundings:

The application site lies off Danybont, to the east of an existing detached residential dwelling known as “The Barracks”. It is served by an existing access off Queen Street, the junction of which lies to the north of the river crossing. The site is a triangular shaped parcel of land measuring an area of approximately 0.5 hectares. The site contains a level portion of land approximately 0.4 ha in area which is surrounded by a large former railway embankment to the south and by rising ground to the north. To the eastern boundary of the site is the access track which then continues along the river bank to the sport playing fields. There is a public footpath which runs along this access road in front of the application site and beyond.

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

It should be noted that the site forms part of a larger site which has previously been granted consent for residential development, although these consents are no longer extant. An application (P2010/0810) for variation of condition 4 of application P2002/0967 to extend the time period of the above approval was the subject of a resolution to grant planning permission, but no decision was issued due to the applicants failure to enter into the required legal agreement.

Brief description of proposal:

This application seeks outline planning permission for the erection of one detached dwelling and a detached garage. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

In accordance with the outline requirements, the applicant has submitted an indicative block plan demonstrating the siting of a detached dwelling with access off the existing access track off Queens Street, Pontrhydyfen.

The submitted details indicate that the dwelling will have the following scale parameters:

- Height: Minimum: 8.5 m ; Maximum: 9m
- Width: Minimum: 7m ; Maximum width: 8m
- Depth: Minimum: 11 m ; Maximum: 10m

The detached garage will have the following scale parameters:

- Height: Minimum: 4 m ; Maximum: 5m
- Width: Minimum: 6m ; Maximum width: 6m
- Depth: Minimum: 6 m ; Maximum: 7m

Material Considerations:

The material issues related to this planning application concern the principle of residential development, together with the impact of the proposal upon visual and residential amenity, and highway and pedestrian safety.

Policy Context:

Neath Port Talbot Unitary Development Plan:

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

Policy H3 – the development of infill sites within settlement limits will generally be permitted on condition that there is no unacceptable loss of important open or green space; proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing programmed infrastructure or community facilities; there will not be significant detrimental effect on the amenity of the existing residents of the area; and there would be no unacceptable highway implications.

Policy GC1 – Promotes new development subject to the satisfaction of criteria.

In the context of the current development plan policy framework, the site is located within the H3 settlement limits defined in the Neath Port Talbot Unitary Development Plan. Therefore, the principle of residential development is generally acceptable, provided there are no highway, amenity or other overriding objections. Such matters are explored further below.

It is noted at this stage that the site is not proposed for inclusion in the settlement limits in the emerging Local Development Plan (LDP). At present, however, the LDP is not adopted and therefore the application must be assessed against the current UDP which shows the site to lie within the settlement of Pontrhydyfen and is thus not considered to be development within the open countryside. It is also noted that that the site does not form part of any green belt.

With regards to the issue of affordable housing (Policy H4) as the application only relates to a single dwelling the developer would not be required to provide any affordable housing as the development would be under the threshold set in the Unitary Development Plan and Supplementary Planning Guidance.

EIA Screening/Scoping Opinion & Habitat Regulations:

As the development is not a Schedule 1 nor Schedule 2 Development of the EIA Regulations, a screening opinion will not be required for this application.

Visual Amenity:

This proposal is an outline planning application with all details being reserved for subsequent approval. As such, there are no formal details on the appearance or scale of development available except the indicative scale parameters. The indicative layout shows the dwelling set back a minimum of 6 metres from the highway to the front of the proposed dwelling with the proposed detached garage to the rear of the site.

The application site is considered to be of adequate size to ensure that a suitably designed dwelling could be constructed without having an adverse impact upon the character or appearance of the surrounding area, or the varied street-scene in which the site is located.

It is therefore considered that the proposal would be acceptable in terms of visual amenity and would comply with UDP Policies GC1 and H3 in particular.

Residential Amenity:

In terms of the impact on residential amenity, it should be noted that the nearest residential property will be 'The Barracks' which has its side elevation located 10 metres from the proposed siting of the dwelling.

However, given the width and depth of the application site, it is considered that a sensitively sited and designed property could be erected on the site without having an unacceptable impact upon the residential amenity of the neighbouring properties in terms of overlooking, overbearing or overshadowing. It is therefore considered that the proposal would be acceptable in terms of residential amenity.

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

The site has adequate space to provide the requested off street car parking spaces in accordance with the Council's guidelines. It is considered that the increase in vehicular traffic associated with the development of a single dwelling will not significantly worsen the free flow of traffic along the access to justify refusal of the application.

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

Ecology (including trees & protected species):

The Biodiversity Section has offered no objection to the proposal subject to a condition relating to an artificial nesting box for birds to be erected on the new dwelling. There has been no request any further ecology surveys to be undertaken. It should be noted that the land is not located within a designated

area of outstanding natural beauty nor are there are any Tree Preservation Orders on any trees within the site.

Flooding:

A negligible part of the application site adjacent to the access road is within a designated flood zone. Due to this and the proposed siting of the dwelling away from this area of flood zone Natural Resources Wales offered no objections to the proposed development in relation to flooding.

Pollution (air and ground):

The application has been accompanied by a desktop study of potential soil and groundwater liabilities. The Authority's Land contamination section and Natural Resources Wales have no objection to the proposed development. However a condition has been attached dealing with unsuspected contaminated land.

Others (including objections):

In relation to the objections received it is considered that issues of highway and pedestrian safety, visual amenity and residential amenity, contamination and biodiversity have been addressed within the report. It is not considered that the development would impact significantly on these issues to warrant refusal in this case.

The remaining objections are addressed as follows:

- With regard to development commence on site, during a recent site visit there is no evidence of construction work being carried out at the application site.
- Matters relating to the behaviour of the applicant is not a material planning consideration.
- In response concerns relating to the loss of community space and access to recreational space/green space for recreational activities which it is claimed could lead to anti social behaviour. It should be noted that the land does not form part of any designated recreational land and is under private ownership and thus access to that land can be withdrawn at any time. A number of the objections relate to the development preventing access to existing sports and leisure facilities which are accessed via the access lane which will also provide the access to the site. It should be

noted that this lane is a registered Public Right of Way (Footpath 4.Mst). As such, public access and use of it must be maintained at all times in agreement with the Authority's Footpaths Section. As stated above there are no objections to the development from the footpaths officer and should the access become blocked then this is a matter for the footpath officer.

- With regard to the effect the development will have on the aesthetics of the area and the surrounding area as a tourist attraction and the claim the development will be an eyesore. As this development is made in outline there are no details of the design of the development, given the application site position it is considered that a dwelling could be constructed and partially screened by the existing surrounding sloping land and as stated previously in the report it is considered that the development of a single dwelling would not have an unacceptable impact upon the visual amenity of the area.
- With regard to the effect the development of a single dwelling will have on the children and young person's health due to the fact that the existing sports field can not be maintained due to the access track being blocked. It is acknowledged that access to the public footpath needs to be maintained, however the blocking up of a private right of way is a civil matter between parties.
- In relation to the claim that the development of this site will lead to the loss of local heritage days such as carnival days due to the access being blocked to the field. As stated above the use of the access track is a civil matter between to parties.
- In respect of noise and increased traffic issues, it should be noted that the proposed use would be residential, and the site is located in a predominantly residential area, the noise and disturbance during the construction phases is an inevitable short term consequence of any form of building work and is insufficient reason to withhold the grant of planning permission.
- The development will not set a precedent for future development as each application is considered on its own individual merits and against the policies contained within the adopted development plan.

- As stated above the application is being presented to planning committee at the request of the local member and is not being decided at a delegated level.
- Turning to the comments regarding flooding, it should be noted that the existing river banks lying outside the application site would remain unaffected by the proposed development. It is also confirmed that only a negligible part of the site adjacent to the access is within a flood zone. No details have been provided regarding the objector's statement that dwellings have been previously demolished due to flooding. As stated previously Natural Resources Wales have offered no objections to proposed development in relation to any flooding issues
- As previously stated in the report, the drainage of the site is planned to connect into the combined sewer. As Welsh Water, Natural Resources Wales and the Head of Engineering and Transport (drainage) offer no objections to the principle of the drainage for the proposed scheme, subject to conditions, the scheme is considered acceptable in terms of drainage.
- It is claimed that the land is of sentimental value and was previously a gift to the miners of the area. It should be noted that the application site is within private ownership and is not under community ownership.
- In relation to ground contamination and the claim that further contamination reports and soil sampling should be carried out. No objections have been received from the Council's Contaminated Land Section there is no knowledge of ground contamination on the site, Natural Resources Wales have also offered no objection to the development of this site, however a condition is attached to deal with any unexpected land contamination found during the construction of the dwelling.
- With regards to the concerns relating to the highways safety issues, it should be noted that these have been addressed previously in the report. As the Head of Engineering and Transport (Highway Section) offers no objection to the proposed development, and is satisfied that there is capacity within the highway network leading to this site to allow for a development of this site and the existing access to the site.
- With respect to the use of heavy plant during the construction, no details of the use heavy plant is provided however it's use will be a matter for

health and safety and not a material planning consideration in the determination of this application.

- In relation to land stability the site does not fall within the Coal authority's defined High Risk Area and is located instead within the defined low risk area, however the Coal Authority's standing advice has been attached as an informative note to the applicant in the interests of public health and safety.
- As stated previously in the report the development due to its type and size does not require an Environmental Impact Assessment. It is also noted that the site does not have a tree preservation order on it and thus consent is not required for the removal of any trees.
- Finally turning to the issue of the statement that the village does not need another dwelling, as stated above the development of infill sites within settlement limits will generally be permitted on condition that there is no unacceptable loss of important open or green space. No evidence has been provided illustrating that there is an overprovision of housing in the Pontrhydyfen area.

Conclusion:

It is considered that the proposal represents an appropriate form of in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies GC1, ENV17, T1, H3, H4 and ENV5 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

RECOMMENDATION: Approval with Conditions

CONDITIONS

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

Reason

The application was made for outline planning permission.

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

Reason

The application was made for outline planning permission.

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

Reason

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

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

Reason

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

(5) In the event that contamination is found at any time when carrying out the approved development, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

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

(6) Unless otherwise agreed in writing with the Local Planning Authority the development shall be connected to the main sewage system prior to the occupation of the dwelling.

Reason

In order to ensure the provision of adequate foul drainage.

(7) 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 the dwelling.

Reason

To ensure satisfactory drainage.

(8) Prior to the occupation of the dwelling at least two car parking spaces, three if the gross floor area exceeds 120 sq.m., shall be provided within the curtilage of the dwelling in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority. The approved car parking area shall be retained as such and thereafter not be used for any purpose other than vehicle parking.

Reason

To comply with the requirements of the local planning authority concerning off-street car parking in the interests of amenity and highway safety.

(9) Pedestrian vision splays of 2.4 metres by 2.4 metres either side of the access shall be provided with nothing greater than 1 metre in height to be erected or allowed to grow and remain as such thereafter.

Reason

In the interests of highway and pedestrian safety.

(10) Prior to first occupation a turning area at the entrance to the proposed dwelling shall be provided, with a maximum gradient of 1 in 9, a length of 7

metres measured from the track boundary nearest to the dwelling known as The Barracks and have a width of 4.5 metres, and surfaced in granular stone material to match the existing on site.

Reason

In the interests of highway safety.

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

Nest Box Specifications for House Sparrow Terrace:

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

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground. Dimensions: H150 x W340 x D150mm

Reason

In the interest of Biodiversity.

(12) No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason

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

(13) 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 development works by the Developer. No building should be erected over or within the safety zone of any culvert or watercourse.

Reason

To ensure satisfactory drainage.

(14)The Public Right of Way shall be protected at all times and any damage caused to the Right of Way shall be rectified to the satisfaction of the Local Planning Authority. No alteration or change of condition to the Public Right of Way is to be undertaken without written consent from the Local Planning Authority.

Reason

To protect the Public Right of Way

(15) Foul water and surface water discharges must be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

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

Reason

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

(17) Land drainage run off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason

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

(18)Any gates erected shall be of a type that solely open inwards only , can be seen through and shall be maintained as such thereafter.

Reason

In the interests of highway and pedestrian safety.

REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed development site would accord with Policy H3 of the Neath Port Talbot Unitary Development Plan, as infill residential development within settlement limits. In addition it is considered that the parameters of the development clarify that subject to detailed design, the site can accommodate the development without impacting detrimentally upon visual amenity and character of the area, and the amenity of residents within the adjoining property. Subject to conditions, the proposal will not impact detrimentally upon highway and pedestrian safety. The proposal would therefore accord with Policies H3, GC1, ENV17 and T1 of the Neath Port Talbot Unitary Development Plan.