

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

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

<b><u>APPLICATION NO:</u> P2015/0394</b>	<b><u>DATE:</u> 09/06/2015</b>
<b>PROPOSAL:</b>	Detached dwelling, detached garage and associated free standing solar panels
<b>LOCATION:</b>	Land At, Dunraven Place, Glyncorrwg, Port Talbot SA13 3DA
<b>APPLICANT:</b>	Mr Mark Lee
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Glyncorrwg

### **Planning History**

The site has the following relevant planning history:

P2005/1944 - Site 2 - Residential Dwelling – Conditional Approval 06/04/06.

P2005/0291 - Site 1 – Construction of three bedroom residential dwelling and garage - Conditional Approval 17/05/05.

P2005/0287 - Site 2 - Construction of three bedroom residential dwelling and garage - Conditional Approval 17/05/05.

P2004/1333 - New Dwelling – Conditional Approval 14/12/04.

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

3 neighbouring properties were consulted, site notices were displayed on site and a notice was placed in the local newspaper. No representations have been received.

**Coal Authority:** No objection.

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

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

**Welsh Water:** No objection, subject to conditions.

**Biodiversity Unit:** No objection, subject to conditions.

**Natural Resources Wales** – No objection.

**Arboriculture Officer** – No objections subject to conditions.

**Contaminated Land Section** – No objections.

**Description of Site and its Surroundings:**

The application site comprises a rectangular plot of land covering an area of 0.21 hectares and stands to the west of the access road serving the existing residential properties off Dunraven Place, Glyncorrwg.

The site comprises of a plateau which was formed under a previous planning consent (P2005/1944) between the shared access to the site and the hillside beyond. To the north are two areas of previously excavated land one of which has been backfilled with earth from the excavations to complete the retaining walls on the north end of the site. The land beyond the northern boundary is open countryside.

The south of the site is the boundary of the adjacent dwelling known as Ty Maes y Coed and the eastern boundary is formed by the shared drive which currently serves the three existing dwellings, beyond which is a wooded area and the garden area of the neighbouring dwelling Ty Ysfa.

The site is predominantly located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP). Nevertheless, a small area of the site, along the western boundary which includes an existing embankment and a small portion of the north section of the site are located outside the settlement boundary.

The site has an extant planning permission under application P2005/1944, which was begun but was not completed.

## **Brief Description of Proposal**

This application seeks full planning permission for the erection of a detached two storey dwelling and garage. The proposed dwelling will measure 10.678 wide by 8.765m in length, and would reach a height of 7.2 m to ridge level with a pitched roof running parallel to the access road. The proposed dwelling will be sited 4 metres from the edge of the access road to the site.

The dwelling will have two monopitched dormers to the eastern elevation, fronting the access road to the site. The western elevation will have a larger monopitched dormer. The dwelling will be constructed with a plinth of facing brickwork and the remaining walls constructed of concrete blockwork faced in timber cladding. The roof will be finished in slate

The dwelling will provide the following accommodation

Ground floor: 3 bedrooms, lounge, bathroom and plant room.

First Floor: Lounge, kitchen/diner, utility room shower room and bedroom. The topography of the site is such that the first floor rear accommodation leads onto a decking area which is at ground level to the rear of the property.

In addition, a detached pitched roof double garage would be sited 8.2 metres to the east of the proposed dwelling. The garage measures 6.075 metres wide by 6.075 metres deep and would have a maximum height of 4.1metres.

The dwelling is shown with three parking spaces to the side of the dwelling and another 2 parking space provided within the pitched roofed detached garage.

The plans indicate that it is proposed to regrade the land to the rear of the dwelling and construct a metre high retaining wall to facilitate the decking area to the rear of the dwelling.

The layout plan indicates it is proposed to site a number of solar pv panels on the sloping ground to the north of the garage. These will provide electrical power from solar radiation. Pipe work to serve the ground source heat pump which will heat the house will be laid in the land surrounding the site.

## **EIA Screening/Scoping Opinion & Habitat Regulations:**

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

## **Material Considerations:**

The main issues for consideration concern the principle of residential development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

## **Policy Context:**

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

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

The majority of the application site is located within the settlement limits defined by Policy H3 in the UDP, therefore the principle of a residential development within settlement limits is generally acceptable, provided there are no overriding highways, amenity or environmental objections. In addition to this, the site benefits from planning permission for a detached dwelling and detached double garage under application P2005/1944. The current application site is shown to have a depth across most of the site of approximately 30m (including the access track), with a small area having a maximum depth of 36m. The approved development is shown to have an application site with a width of 20m excluding the track which would add an additional 6m. As such the proposed development would encroach further into the countryside than the approved development.

However this additional area of countryside that has been included within the application site has been the subject of unauthorised engineering operations to form two steep embankments and two areas of excavation. The proposed built development including the proposed

dwelling, garage, and garden area would all be located within the identified settlement area, and the areas outside the settlement limit are shown to be used only for the regrading of the land, the realignment of a ditch and the reinstatement of grassland to one of the excavated area. A free standing PV panel units was originally shown located within the area of the site outside the settlement limits, but has now been moved into the defined residential curtilage of the dwelling.

Subject to the extent of the authorised 'curtilage' of the property being restricted by condition (in accordance with an agreed plan which has been submitted by the applicant), then there is no objection to the principle of residential development on the site.

With regards to the issue of affordable housing, as this application relates to planning permission for one unit only, the developer would not be required to provide 20% affordable housing in this instance.

### **Visual Amenity**

The existing residential properties within this area of Glyncorrwg are characterised by a range of house types, with both single and two storey dwellings and detached and semi-detached properties. There is no established pattern to the development along the access road and a variety of external materials have been utilised on the surrounding properties.

The proposed two storey property has a varied design, with the use of catslide dormer roofs over window and door openings at first floor, and the use of timber cladding to all elevations below a slate roof. Nevertheless, within the context described above, whereat the site is also in a relatively isolated location at the edge of the settlement, it is considered that the development of a property utilising this style and proposed materials would have no adverse impact on the character or visual amenity of the area. It is also noted that the garage to the adjacent house, Ty Maes y Coed, incorporates an element of timber cladding as a design feature. Furthermore the siting of the proposed dwelling has attempted to follow the curvature of the access road.

As noted above, the proposed dwelling, garage, and garden area would all be located within the identified settlement area. The areas outside the settlement boundary are shown to be used only for the regrading of the previously formed embankments to a lesser and more natural gradient, the realignment of previously unauthorised ditch and the re-

profiling and reinstatement of grassland to one of the excavated area. A free standing PV panel unit is also shown to be located adjacent to the settlement boundary. As such it is considered that the proposed works outside the settlement limits would regularise the unauthorised works, while creating a more natural appearance to the resultant topography and would have no adverse impact upon the character or appearance of the immediate or wider surrounding area. As referred to above, the land would be restricted by condition to not form part of the authorised curtilage of the dwelling.

### **Residential Amenity**

With regards to potential overbearing and overshadowing issues upon adjoining properties, the property would be sited elevated above the nearest adjacent properties Tyr Ysfa a two storey detached property and Toriad Gwawr a detached bungalow located to the east and Glan y Nant to the south. The other neighbouring property Ty Maes y Coed is located to the east of the application property. Due to the separation distance between the existing and new dwellings, it is considered that the proposal will not have an overbearing or overshadowing impact or lead to an unacceptable loss of privacy on any nearby dwelling. Accordingly, the amenities of neighbouring residents will be safeguarded.

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

The Head of Engineering and Transport has offered no objections to the proposal subject to the submission and implementation of a scheme to improve the access road to the site from Dunraven Place. The scheme that has been requested would include the widening of the access road to a width of 4.5 metres for the first 12 metres and a maintenance plan for the access road which will extent for the lifetime of the development.

While the above highway observations are noted, it is relevant that the site has an extant planning permission for the construction of a dwelling, with condition 8 of application P2005/1944 requiring the access track to have a minimum width of 4.1m up to the southern boundary of the application site. Having regard to this, it is considered that it would be unreasonable in this instance to require the developer to carry out improvement works to an existing access in excess of those required by the earlier permission. As such a condition is recommended to reflect the extant consent.

The Head of Engineering and Transport has also requested that a drainage scheme for surface water drainage and improvement works to the surface of the access track are implemented. In this case, it is considered reasonable to condition these requirements as the construction traffic is likely to aggravate the condition of the road surface along the access. Therefore improvements to the access road by resurfacing and improvements to the drainage are considered necessary to maintain highway safety.

It should be noted that the development will provide off-road parking for three vehicles and a double garage, which is considered acceptable.

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

As the Biodiversity Unit offer no objection to the proposal, subject to a condition in respect of bird boxes, it is considered that there would be no overriding issues in terms of ecology.

The Council Arboriculture Officer has commented that as development has commenced on site and that the majority of ground work has been completed any further ground disturbance around the existing trees will be minimal. However due to their numbers and visual impact the trees to the east of the access track should be retained and protected. These trees are outside the application site and are therefore not under the control of the applicant, however a condition has been attached requiring tree protection fencing to be erected along the access road opposite the site.

### **Conclusion**

It is considered that the proposed dwelling would provide an acceptable form of infill development, which would have no adverse impact on the character or amenity of the area, upon the amenity of adjoining properties or highway safety. Hence, the proposed development is in accordance with Policies GC1, H3, T1 and T10 of the Neath Port Talbot Adopted Unitary Development Plan.

### **RECOMMENDATION: Approval subject to conditions**

## **CONDITIONS**

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The residential curtilage of the dwelling hereby approved shall be restricted to the area identified in green on the approved plan number 1039-01D, and the dwelling hereby approved shall not be occupied until such time as the western and northern boundaries of the residential curtilage have been enclosed in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The approved means of enclosure shall thereafter be retained in accordance with the approved scheme.

Reason

In order to clarify the residential curtilage of the dwelling, and in the interests of visual amenity

(3) 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.



(4) Prior to first beneficial occupation of the dwelling hereby permitted, the proposed car parking spaces shown on the plan 1039-04B shall be laid out in accordance with the approved plans and a minimum of 3 spaces shall be retained as such thereafter.

#### Reason

In the interests of highway safety and to conform with the requirements of the local planning authority concerning off-street car parking (servicing).

(5) The dwelling shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development.

#### Reason

To protect the integrity of the public drainage system and pollution of the environment.

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

#### Reason

To protect the integrity of the public sewerage system

(7) 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.

(8) Prior to their use in the construction of the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(9) The dwelling hereby permitted shall not be occupied until such time as the existing shared access drive has been widened to 4.1m from its junction with Dunraven Place up to the south boundary of the application site where it adjoins to the access track to Ty Maes Y Coed, and improved in accordance with a scheme of surfacing and drainage works which shall first have been submitted to and approved in writing by the local planning authority. The access drive shall thereafter be retained in accordance with the approved scheme.

Reason

In the interests of highway safety

(10) Notwithstanding the provisions 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) outbuildings or structures shall be erected (other than those expressly authorised by this permission).

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 or outbuildings having regard to the particular layout and design of the area.

(11) Notwithstanding the provisions 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 fences, gates, walls or other means of enclosure shall be erected other than those expressly authorised by conditions attached to this permission.

Reason:

In the interests of visual amenity.

(12) The use of the garage shall be restricted to the garaging of private motor vehicles and uses incidental to the use of the associated dwellinghouse only and for no industrial, commercial or business use.

Reason

In the interests of amenity and to clarify the extent of this consent.

(13) Prior to development commencing, the existing trees along the access road to the east of the site shall be protected by strong fencing, the location and type of which shall have first been submitted to and approved in writing by the local planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason

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

(14) 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.

#### 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 dwelling would provide an acceptable form of infill development, which would have no adverse impact on the character or amenity of the area, upon the amenity of adjoining properties or highway safety. Hence, the proposed development is in accordance with Policies GC1, H3, T1 and T10 of the Neath Port Talbot Adopted Unitary Development Plan.