

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

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

<b><u>APPLICATION NO:</u> P2014/0973</b>	<b><u>DATE:</u> 27/01/2015</b>
<b>PROPOSAL:</b>	37 No. residential dwellings and associated access (Ecology mitigation strategy received 20.07.15) (Bat tree roost assessment , tree survey, Arboricultural method statement and tree protection plan received 28.09.15)
<b>LOCATION:</b>	Former Coleg Cwmtawe, Alltycham Drive, Pontardawe SA8 4JT
<b>APPLICANT:</b>	Pennant Homes
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Pontardawe

#### **Background:**

Members should be aware that Cllr. James and Cllr. Purcell requested on 6<sup>th</sup> October 2015 that this application be determined at Planning Committee due to the potential impact of the proposed development on highway and pedestrian safety, particularly given the siting of the Welsh medium primary school (Ysgol Gynradd Gymraeg) directly opposite the access point to the application site.

At the Planning Committee on 20<sup>th</sup> October 2015, Members resolved that the application be deferred for a site visit which will take place on 10<sup>th</sup> November 2015, the purpose being to enable Members to assess the impact on highway safety having regard to the proximity to the school

The report which follows is largely the same as that reported to the Planning Committee on 20<sup>th</sup> October 2015, albeit updated to provide additional details in respect of highways matters and the relationship with the school.

#### **Planning History:**

The site has no planning history

## **Publicity and Responses:**

11 neighbouring properties (including Ysgol Gynradd Gymraeg) were consulted and 4 site notices were displayed on site. The application was also advertised in the Local Press on 10th February 2015.

No responses have been received to date.

Pontardawe Town Council: Concerned over the impact on the current drainage and sewers in the area and the increased vehicular traffic close to a primary school and the impact on mature trees and wildlife in the area.

Crime Prevention Design Adviser: Raises matters of security and general crime awareness and prevention measures that should be considered within the development proposals.

Natural Resources Wales: No objection, subject to conditions

Welsh Water: No objection, subject to conditions

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

Head of Engineering & Transport (Drainage): No Objection, subject to conditions.

Biodiversity Unit: Raise concerns regarding the ecological impacts of the application and the deliverability of an appropriate level of mitigation

Arboricultural Officer: No objection, subject to conditions

Contaminated Land Unit: No objection, subject to condition

Parks and Neighbourhood Services: No objection, subject to providing a financial contribution for the improvement of existing open space / play facilities at King George V Park.

Play Development: No objection

Head of Social Services, Health & Housing: No objection subject to the provision at least 20% Affordable Housing Contribution in line with the Supplementary Planning Guidance.

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

The application site is an obsolete playing field and tennis court that was previously used in association with the former Cwmtawe College, Alltycham Drive, Pontardawe. The former Cwmtawe School buildings were located immediately to the south of the application site. However, these have now been demolished and that site is currently being developed for housing under planning permission P2010/0880.

The application site is situated approximately 0.5 miles North of Pontardawe Cross. The site is bounded by woodland to the north and east, the Parc y Dderwen housing development to the south and Alltycham Drive to the west. A bat house sits in the north-eastern corner of the site which was constructed as required mitigation in respect of the approved residential development to the south.

The site is a large rectangular shaped parcel of land approximately 1 hectare in area and sits on a plateau overlooking Pontardawe. The site is generally level from west to east, but there is a significant change in levels at the southern and northern boundaries. Alltycham Drive along the western boundary slopes upwards steadily north of the site. The principal access into the site is via an existing pedestrian access point off Alltycham Drive.

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

Within the emerging LDP the site as a whole is proposed to be allocated for residential development under Policy H1/26, and is located within the Pontardawe Spatial Area. As part of the LDP process the site has been fully assessed for sustainability and deliverability, and this is set out with the LDP Strategic Housing Site Assessment Report, September 2014.

## **Brief Description of Proposal:**

The proposal seeks full planning permission for the redevelopment of the site for 37 dwellings and associated access. The new vehicular access will be constructed from Allt-y-Cham Drive outside the existing carriageway (thus maintaining the status quo in terms of width), with pedestrian footways created along the site frontage.

The submitted plans indicate that the house type mix comprises 8 no. 2 bedroom dwellings, 18 no. 3 bedroom dwellings and 11 no. 4 bedroom

dwellings. A number of the plots are also shown to have detached garages. The development consists of two storey detached and semi-detached dwellings with a total of 6 different house types proposed.

In terms of physical dimensions and scale, the smallest house type (Pebble) will measure approximately 8.5 meters in depth, 4.5m in width and 8.5 metres in height. The largest house type (Dryslwyn) will measure approximately 10 meters in depth, 9.5 metres in width and 8.5 metres in height. Intermediate in terms of scale would be the Laugharne house type which measures approximately 9.5 metres in depth, 6 metres in width and 9 metres in height.

External double garages will be approximately 6.3 metres in depth, 6.5 metres in width and 4.8 metres in height. External single garages will be approximately 6.3 metres in depth, 3.9 metres in width and 4.8 metres in height.

The proposal predominately provides for frontage properties facing onto a main estate spine road that runs through the centre of the site. Properties would also be accessed via shared driveways running directly from the spine road and directly from Alltycham Drive.

The proposed dwellings will have an orthodox design, constructed using gable features and pitched roof forms. With regard to housing finishes, the external walls of dwellings will be constructed in facing brick and through-colour mortar and concrete smooth tiles although detailed specification of these materials has yet to be provided.

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

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an

Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

### **Material Considerations:**

The main issues for consideration concern the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and highway and pedestrian safety, the impact upon the landscape and ecology of the area as well as upon ground contamination and drainage having regards to prevailing planning policies.

### **Policy Context:**

National Planning Policy:

Planning Policy Wales (Edition 7, 2014)

Technical Advice Note 5 : Nature Conservation and Planning

Technical Advice Note 12 : Design

Technical Advice Note 18 :Transport

Local Planning Policy:

The Development Plan for the area comprises the Neath Port Talbot Adopted Unitary Development Plan.

As the proposed site is located within the settlement limits as defined in the UDP, the principle of a residential development is generally acceptable, subject to the development complying with other development plan policies in respect of its impact on matters including highways, visual and residential amenity. The other relevant Policies are as follows:

GC1	New Buildings/Structures and Changes of Use
ENV13	Brownfield, Derelict and Waste Land
ENV16	Contaminated Land
ENV17	Design
T1	Location, Layout and Accessibility of New Proposals
H2	Housing Density
H3	Infill and Windfall Development within Settlement Limits
H4	Affordable Housing

R03 Provision of Open Space to Serve New Residential Developments  
ENV5 ENV5 Nature Conservation  
Supplementary Planning Guidance

- Affordable Housing
- Developer Contributions
- Open Space

### Housing Density

Policy H2 of the UDP specifically refers to housing density, stating that:

“Proposals will generally be expected to achieve a density of 30 dwellings per hectare, and higher where the proposal is sited at or immediately adjacent to locations with good public transport accessibility such as town, district, village and local centres or in public transport corridors.”

In this particular case, the site provides 37 dwelling units on an area of 1 hectare, which equates to a gross density of 37 dwellings per hectare. As this exceeds the 30 dwellings per hectare minimum specified in the UDP, it is considered that the proposed layout will result in the development of a site, with a density that is in accordance with the criteria within Policy H2.

It is also noted that the development exceeds the 32 dwellings forecast to be delivered on the site under the emerging LDP which, subject to a satisfactory layout, is considered to amount to best use of vacant site contributing towards delivery of housing to meet targets.

### **Visual Amenity:**

With regards to visual amenity, the proposed linear layout of the development is influenced by the rectangular shape of the application site and the requirement for a central access route.

The partly curved access road, sensitive siting of dwellings and varied building lines proposed add a sense of place and interest within the site, and provides a form of development that is consistent with the surrounding area. A number of dwellings will also front Alltycham Drive, helping define the entrance to the wider site whilst also providing an active frontage to this existing road.

The existing woodland area towards the northern boundary of the site, together with the intention to plant trees at selected locations, will help provide a soft backdrop to the site whilst also providing both visual amenity, and biodiversity value.

There are 6 different house types proposed which provides a variety and choice of housing and also a varied street scene. All of these properties are two storeys and generally have pitched roofs with a simple gable form. With a mix of building heights proposed there will be variety of eaves and ridge heights throughout the site which will add visual interest.

It is considered that the design of the proposed dwellings would harmonise with the general vernacular of the immediate area and particularly those dwellings currently under construction to the south of the site.

The applicant has not provided samples of the proposed elevational treatments, but has confirmed that the dwellings will be constructed using facing brick, through colour mortar and concrete tiles. These materials are common to the area and there are other houses in close vicinity to the site, including the majority of the houses under construction to the south, constructed using similar materials. It is therefore considered that the materials proposed are acceptable, subject to a condition requiring samples to be provided.

In respect of boundary treatment, the applicants have provided a detailed layout plan which indicates the positions, design, materials and type of boundary treatment to be erected. A mixture of close boarded fencing and brick walls is proposed. Brick walls, rather than fencing, are used where prominent side boundaries of properties face the main access road. The different types of boundary treatment proposed and their siting are considered appropriate and the scheme as whole will not therefore detract from the street scene.

However, the permitted development rights for boundary treatments forward of the principal elevation will be removed. This will ensure that attractive frontages are maintained and that the visual amenity of the properties and the wider street scene is protected in the long term.

As such, it is considered that the size, design, siting and architectural detail of the proposed dwellings within the context of the application site and wider surrounding area would be appropriate. Furthermore, having considered the submitted layout, mix of house types, and the overall

design of the scheme, it is considered that the proposed development would create an attractive place to live and provide an acceptable and sustainable extension to this existing settlement.

### **Residential Amenity:**

In respect of the amenity of the occupiers of the proposed dwellings, together with the impact upon the amenities of existing residents adjacent to the site, the main issues to consider are privacy and overlooking, together with any potentially unacceptable overbearing and overshadowing impact.

With respect to privacy and overlooking, the proposed dwellings and plots vary in size and orientation, and, as is often the case in modern estate developments, there are varying degrees of mutual overlooking. However, this is not unusual and in this case it is considered that there are no issues of direct intrusive overlooking. As such it is considered that the proposed development, offers good levels of natural surveillance of roads and generally maintains adequate distances between habitable room windows directly facing each other. This ensures that there will be no unacceptable overlooking issues experienced by future occupiers of the proposed dwellings.

The site is bounded to the south by an existing residential development and to the north by a detached property known as Coed Y Barli. It is therefore also important to ensure that the amenity level currently enjoyed by the occupiers of these properties is not unacceptably affected as a result of the proposed development.

Those properties to the south most likely to be affected by the proposed development are numbers 1, 10, 11, 16, 17, 18 and 19 Parc y Dderwen which abut plots 1 and 6-13 of the proposed development.

Sections and levels produced by the applicant indicate the level change between properties at Parc y Dderwen and the application site. Across the rear boundary of the application site, when moving east to west, properties at the application site are shown to be located between 2m and 7m higher than those located at Parc y Dderwen.

In some cases, the proposed properties located towards the southern boundary would not retain the required separation distance of 21m between those existing properties at Parc y Dderwen. However, where distances do not comply with the authority's privacy standard, views will



only be at an oblique angle and there will therefore be no direct overlooking. Furthermore, an element of mutual overlooking is commonplace in urban situations and providing this would not cause significant harm, is generally accepted.

In addition, despite the level change, it is considered that the orientation and layout of the scheme together with the separation distances maintained between existing and proposed properties is such that it would not have an unacceptable overbearing or overshadowing impact on the occupiers of the existing dwellings at Parc y Dderwen.

As a result the amenities of both existing and future residents will be safeguarded.

Turning to the existing property known as Coed y Barli that is located towards the north of the site and its relationship to the proposed properties. Views from the proposed dwellings (particularly plots 34, 35, 36 and 37) towards this property are also at an oblique angle and as such there is no direct or unacceptable overlooking. Furthermore, each of the proposed dwellings located in close proximity to this existing dwelling comply with the authority's privacy standard in respect of overlooking.

It is therefore considered that the proposed development would not have an unacceptable impact upon the privacy and amenity of the occupiers of the adjacent residential properties.

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

The proposal includes parking for each dwelling through the provision of a mixture of off-street dedicated parking bays or garages, with dwellings served by individual driveways with direct access off either Alltycham Drive, the estate access road or shared private driveways set off the main estate road. Therefore the parking provision is deemed adequate for the proposed development.

It is noted that concern has been raised, including from the local Ward Members for Pontardawe, in respect of the impact of the scheme on highway and pedestrian safety, particularly given the siting of the Welsh medium primary school (Ysgol Gynradd Gymraeg) directly opposite the access point to the application site. Issues including the additional traffic movements resulting from the proposed development, the existing crowded road system, problems at the school entrance and position of the access point have been raised.

The applicant has provided an analysis of the access and highways safety matters of the scheme through a Transport Statement. This report identifies that in terms of the likely volumes of traffic generation it is anticipated that the proposed development could generate: -

- 23 vehicle movements (two-way) in the **AM peak (08:00 – 09:00)** made up of 7 vehicle arrivals and 16 vehicle departures
- 24 vehicle movements (two-way) in the **PM peak (17:00 – 18:00)** made up of 16 vehicle arrivals and 8 vehicle departures
- Total **daily** vehicular movements of 178 (two-way) made up of 90 vehicle arrivals and 88 departures.

The report concludes that it is estimated that the impact of the development on the performance of the local road network will be negligible and that it has sufficient capacity to accommodate the scale of the proposed development.

The proposed development is considered to have a good level of public transport services operating on the B4603, A474 and Alltwerin that are located within close proximity and walking distance of the application site.

The development proposes a new vehicular access from Allt-y-Cham Drive which will be constructed outside the existing carriageway (thus maintaining the status quo in terms of width) and includes the creation of pedestrian footways along the site frontage.

In respect of visibility from the junction, it is noted that the adjacent highway has traffic calming and the speed limit is 20mph. Road signage warning vehicles of the nearby school are also displayed. For a road of this speed TAN 18 requires a vision splay of 2.4m x 22m, with the submissions indicating that a visibility splay with a 2.4m 'X' distance by 25m 'Y' distance can be achieved in both a northerly and southerly direction from the site access.

The highway in front of the site would also be retained at a minimum of 6m width (plus existing and new footpath on either side), which would meet highway standards.

Based on the submitted plans and Transport assessment, the Head of Engineering and Transport (Highways Section) have raised no objection to the proposed development subject to conditions. It is therefore

considered that the proposal would be acceptable in terms of highway and pedestrian safety.

Having regard to local concerns about the relationship with the school site, it is noted that the proposed new site access would be located in close proximity to the vehicular access to the main school (located immediately to the north on the opposite side of the road). The pedestrian access to the school is, however, located to the south of the proposed new vehicular access, while there is also a relatively new car park located opposite the entrance to the earlier phase of residential development to the south of the application site. This car park (25 spaces with in-out access arrangement) was approved by planning application P2011/0487 on 27<sup>th</sup> July 2011, and was proposed by the Council to act as a drop off area for delivering and collecting children attending the school. The design and access statement submitted in support of that application stated that it is hoped that the provision of the car park / drop off area will assist in reducing traffic congestion on Alltycham Drive at school starting and finishing times.

While the Ward Councillors' concerns indicate that there remains a local issue surrounding access to the school, this is not a unique situation since many schools have parking problems. It is of note, however, that the pedestrian access and the car park created in recent years to assist such issues lie to the south of the site, such that it would be expected that the majority of vehicular movements dropping off children (as opposed to persons employed at the site) should be in that area. In this respect it is considered that sufficient opportunity exists for parents dropping off and picking up children to do so to the south of the site, while the relatively limited level of traffic generated by this proposal would not in any event materially worsen such local impacts to an extent that refusal of this application would be justified on such grounds. Furthermore, there are existing Traffic Regulation Order (no waiting order in specified school hours) at Allt-y-Cham Drive which can be enforced, and which will also be required to be extended into the junction of the new development.

In addition, condition no.19 requires a Construction Method Statement (CMS) to be submitted to the Local Planning Authority for assessment. The CMS would provide details of the working methods and practices at the site and include confirmation that certain site traffic and deliveries be timed to avoid school start / finish times.

It is therefore considered that subject to the imposition of conditions, the proposed development would not give rise to significant issues which

would unacceptably impact upon the existing highway network, existing properties or residents and the adjacent primary school.

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

Concerns have been raised by the authority's ecologist and third parties regarding the impact of the development on wildlife and habitat present within and on the periphery of the site and also the encroachment into the woodland edge area to the north of the site.

As such an Ecological Survey was undertaken and submitted as part of the application. The report identified the site as having some value for protected species, in particular bats, birds and reptiles. The woodland, scrub and hedgerow at the site were also identified as having ecological value, particularly in respect of bird habitat.

As such, the applicant has provided a scheme that outlines mitigation measures for each of the species and habitat referred to above. Proposed mitigation includes dark routes, planting, fencing to woodland boundary, woodland management and the provision of an ecologically sensitive lighting scheme.

The authority's ecologist and Natural Resources Wales have raised some concerns in respect of the deliverability of the mitigation proposed. However, it is considered that the site is large enough and capable of providing a suitable level of mitigation to compensate against any impact upon habitat or protected species present.

Furthermore, there are substantial benefits from the proposed development in terms of delivering 37 dwellings to meet current need which must carry substantial weight, especially given the current failure of the Authority to achieve a 5 year housing land supply. Whereas there may be some adverse impacts in respect of impact upon ecology, there is no evidence to suggest that this is to a scale of significant and demonstrable impact as would outweigh the benefits of providing such new housing on a site identified by the emerging Local Development Plan.

As such, it is considered that the proposals are generally acceptable with regards to impacts on biodiversity. However, this would be subject to the imposition of conditions, including the submission of a revised ecological mitigation and management scheme given the reservations raised in respect of the current scheme submitted.

In respect of landscaping, as no specific details have been provided in relation to the hard and soft landscaping for areas that are publicly viewable, a condition is imposed requiring submission of a landscaping scheme for subsequent approval, to ensure the finished scheme is acceptable in terms of visual amenity, but also will include aspects of the ecology mitigation requirements.

Finally, the applicants have provided a tree survey that was reviewed by the authority's arboricultural officer. To allow the development to proceed in its current format a minimum of 23 trees and one hedgerow (T245 to T256, T583 to T593, H1) will require removal. However, the authority's arboricultural officer states that the majority of these trees are of low quality and a number are structurally unsafe. The main impact of removing these trees will be the loss of the adjacent woodland edge trees. The loss of these trees will allow high wind speeds to penetrate further into the woodland which could affect the inner trees stability and associated flora and fauna.

Further concern was raised that the root zone protective fencing at the rear of plots 16 and 17 is adjacent to the rear walls of the dwellings. This will result in an insufficient working area for the construction work with an inevitable infringement of the protection zone. The arboricultural officer stated that with modification of the site layout the woodland edge trees T583 to T593 could be retained which would benefit the woodland ecosystem but the individual condition of the trees does not justify their retention. It was also stated that if any new dwellings and their gardens are within falling distance of these trees a number of them would in any case require felling for safety reasons.

These comments were put to the applicant, who, rather than produce a revised layout, provided a revised tree survey which promoted selective felling of those trees within falling distance of the development and re-located protective fencing. The issue of the impact of high winds affecting stability of internal trees could be overcome by a re-planting scheme which would help protect those internal trees referred to by reducing their exposure from high winds.

As such, while it is regrettable that a number of trees will have to be felled, in this instance many of the trees to be felled are considered to be of low quality and a number structurally unsafe. As such, subject to conditions, including a landscaping condition to require selective replanting, it is considered that the development will not give rise to any unacceptable impact upon the existing woodland to the north of the application site.

### **Secure by Design:**

The Crime Prevention Advisor is generally in agreement with the proposed layout and it should be noted where possible car parking is overlooked. Whilst it is not possible to incorporate all the recommendations of the Advisor, it is considered that the scheme is generally acceptable in terms of the principles of Secure by Design.

### **Contaminated Land:**

The authority's contaminated land section do not have any objection to the application and state that the Geotechnical and Geoenvironmental report submitted in support of the application does not identify any contamination on site. It is however recommend that a standard planning condition is attached to the decision notice so that should any unexpected contamination be identified during the development that it is appropriately dealt with.

### **Drainage:**

The Head of Engineering and Transport (Drainage Section) and Welsh Water both offer no objection to the proposed development, subject to conditions, the principle of the development is therefore considered acceptable in terms of drainage.

### **Section 106 Planning Obligations**

The Council's approved Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

### **Affordable Housing**

Policy H4 of the Neath Port Talbot Unitary Development Plan refers to the requirement, where there is a proven need, to provide an element of affordable housing on sites. The Supplementary Planning Guidance entitled “Affordable Housing” requires the provision of affordable housing where residential development is proposed on sites of 3 or more.

As such, the developer would normally be required to provide 20% of units on site as affordable housing, unless it can be demonstrated that it would render the site economically unviable through the submission of a viability assessment, a procedure set out in the supplementary planning guidance referred to above.

The proposed development provides for 8, 2-bed affordable houses which equates to 21.5% affordable housing. The units will be transferred to the nominated Registered Social Landlord on the basis of social housing rental tenure. While a 70:30 split between social rented and intermediate housing would usually be requested, the housing section has raised no objections to 100% social rented on this site.

In this instance therefore, the applicant has exceeded the affordable housing requirement by providing over the 20% figure required. The 8 units would also be “pepper potted” throughout the development and will match the open market properties in terms of design and appearance. Finally, the housing section is satisfied with the provision of 2-bed units to reflect local need.

Given the above it is considered that the layout, location and number of affordable units are in line with criteria set out within Policy H4 of the Neath Port Talbot Unitary Development Plan, Supplementary Planning Guidance (Affordable housing) and Technical Advice Note 6.

## **Public Open Space (POS)**

Policy RO3 – provision of open space to serve new residential developments – requires developments where existing open space is inadequate to contribute towards either the improvement of existing off-site facilities in the locality through a commuted payment or make provision for additional areas of open space within the site. Such space or facilities should be provided in accordance with the Borough Council's adopted standard of 2.8 hectares per 1000 population. The provision should be well related to the housing that it is intended to serve, but the exact form and type should have regard to the nature and size of the development and the needs of the residents.

The 'Open Space and Indoor Leisure' Topic paper, produced in support of the emerging Local Development Plan, identifies that only Onllwyn, Coedfranc West and Coedfranc Central have sufficient children's play, with all other wards deficient. Accordingly, there is a need for the development to contribute towards addressing such deficiency.

In respect of this matter, Officers sought through negotiations to provide on-site informal POS. However, the applicant made it clear that this requirement would affect the general viability of the scheme as it would result in the loss of residential units. The applicants did however confirm that they would be willing to provide for off-site contributions.

Although this is an identified site within the emerging LDP, it is also currently located within the UDP settlement boundary and therefore has to be assessed against current Policy in the UDP, which is not so prescriptive, and states that the first preference is to enhance existing facilities. In this respect, while it would be preferred that on site public open space is provided, from a UDP policy position it is concluded that it would be difficult to resist development on this site for the reason of not providing any POS on site.

In this regard, following negotiations, the applicant has agreed to pay a financial contribution of £21,390 excl. VAT, which would be secured via a Section 106 agreement, and would be spent on George V Park located to the south of the application site. This sum follows advice from the Authority's parks section and play coordinator in respect of the level of works required to enhance (not just maintain) the provision currently on offer at this park.



Subject to this section 106 agreement, the development therefore accords with Policy RO3 of the adopted UDP.

**Others (including objections):**

In response to the concerns raised by Pontardawe Town Council and the local ward members. This report has already addressed in detail the issues of drainage, highways and pedestrian safety, trees, and ecology.

**Conclusion:**

It is considered that the proposed development provides a sustainable, accessible and visually acceptable form of development which will not unacceptably impact upon the amenities of residents in adjoining properties, nor upon the character and visual amenity of the area as a whole. Furthermore, the development would not have a significant impact upon highway and pedestrian safety, nor upon existing services including foul and surface water discharges or ecological issues. Hence, the proposed development would be in accordance with Policies GC1, ENV5, ENV13, ENV16, ENV17, T1, H2, H3, H4, and RO3 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

**Recommendation:** That planning permission be granted subject to the signing of a Section 106 agreement to secure the following Head of Terms: -

- Provision of eight units of Affordable Housing
- Financial contribution of £21,390 (excl. VAT) to be spent on the improvement of existing open space / play facilities at George V Park

And subject to the following 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) Samples of the materials to be used in the construction of the external surfaces, including means of enclosure, of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development hereby permitted. Development shall be carried out in accordance with the approved details only.

Reason

In the interest of the visual amenity of the area.

(3) Prior to the commencement of the construction of any dwellings, details of the finished floor levels of all dwellings shall be submitted to, and approved in writing by the local planning authority. The development shall be completed in accordance with these agreed levels.

Reason

In the interest of residential and visual amenity.

(4) Unless authorised by any condition of this permission, all means of enclosure as indicated on drawing number TP-01 Revision F shall be erected as approved prior to the occupation of the associated residential unit and shall be retained and maintained as such thereafter.

Reason

In the interests of the visual amenity of the area, and the amenities of the occupiers of proposed and existing dwellings.

(5) All retained trees that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in BS5837:2012 Trees in relation to design, demolition and construction by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or

materials are brought on to 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 in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

In order to protect the long term health of the trees to be retained.

(6) Prior to first beneficial occupation of any of the dwellings hereby approved, a scheme for landscaping, which shall include (but not be restricted to) adequate replacement tree planting and details of the long term management and maintenance of all areas falling outside of defined residential curtilage), shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years 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.

(7) The landscaping scheme required by condition 7 shall ensure that any trees to be planted within the footway or within 2m of the back of footway shall be fitted with a suitable root barrier placed along the back of footway, and such barrier shall be provided at the time of planting and thereafter retained.

Reason

In the interest of highway and pedestrian safety

(8) No development shall commence until such time as a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, together with an implementation plan identifying the phasing of such works, has been approved in writing by the local planning authority. All works shall thereafter be in accordance with the approved details.

Reason

To ensure the satisfactory drainage of the site

(9) 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.

(10) Prior to occupation of each associated dwelling the off street parking spaces as shown on drawing number TP-01 Revision F shall be provided on site prior to first occupation of the associated dwelling and shall be retained open and free for such use thereafter.

Reason

In the interest of highway and pedestrian safety

(11) Prior to occupation of any dwelling the parking spaces as shown on the approved plans shall be provided for that dwelling and shall be surfaced in porous material to gradient not exceeding 1 in 9, or provision made to direct run-off water from a hard surface to a permeable porous

area or surface within the curtilage of the dwelling and permanently maintained so that it continues to comply with the above requirements.

Reason

In the interest of highway and pedestrian safety

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

Reason

In the interest of highway and pedestrian safety

(13) The use of any garage hereby approved 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 interest of highway and pedestrian safety

(14) Notwithstanding the information set out within section 3.2.5 of the Transport Statement (September 2014), prior to commencement of development (other than work required to create the new vehicular access), visibility splays of 2.4m x 25m shall be provided each side of the new vehicular access to Allt-y-cham drive in full accordance with the details indicated within figure 3.3 of the transport statement. The splays shall thereafter be maintained so that nothing over 600 mm in height above back of footway level is erected or allowed to grow within these areas.

Reason

In the interest of highway and pedestrian safety

(15) Prior to first use of each drive (hard standing) pedestrian vision splays measured at 2.4m x 2.4m behind back of footway each side of each drive/hard standing shall be provided and retained thereafter, with no enclosures or planting over 600 mm in height above back of footway level erected or allowed to grow within these areas.

## Reason

In the interest of highway and pedestrian safety

(16) Other than work required for the construction of plots 3 and 37 together with the construction of the site office, compound and the junction with Alltycham Drive for the first 20m, no further development shall commence until a Traffic Regulation Order along Alltycham Drive to prevent parking, loading, unloading or waiting on either side of the public highway at Alltycham Drive eastern side between the hours of 7 am to 7 pm has been implemented. This order shall be further extended for the first 20m of the proposed site road following its construction up to binder course level.

## Reason

In the interest of highway and pedestrian safety

(17) Prior to construction of any dwelling other than plots 3 and 37, a scheme for lighting improvements, together with a phased programmed of implementation for Alltycham Drive and the New Estate Road shall be submitted to and approved in writing by the local planning authority. All lighting improvements as per the approved scheme along Alltycham Drive shall be completed prior to commencement of work to construct any dwellings with the exception of plots 3 and 37.

## Reason

In the interest of highway and pedestrian safety

(18) Prior to occupation of any dwelling a surfaced and lit footway shall be provided fronting the property and linking onto the nearest public highway.

## Reason

In the interest of highway and pedestrian safety

(19) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Viii) A scheme for the erection of temporary / semi temporary signage warning drivers of the presence of children and speed restrictions.
- ix) A scheme detailing the control of surface water run-off during the construction period and the protection of lower lying land.
- x) A scheme detailing the route of all construction, site operatives and visitor traffic
- (xi) A scheme indicating how deliveries or works vehicles in excess of 7.5 tonnes shall be prevented access to Alltycham Drive during the hours of 8 am to 9 am and 3pm to 4 pm during term times; and
- (xii) Provision of a temporary security fence at the outset of development which shall incorporate a vehicle access gate to the site along the western boundary of the site adjoining Alltycham Drive.

#### Reason

In the interest of highway and pedestrian safety

(20) The proposed development shall be carried out in accordance with the revised David Rice Forestry Arboricultural Method Statement dated 28 09 2015.

#### Reason

In order to protect the long term health of the trees to be retained and in the interest of clarity and good tree husbandry

(21) 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 doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

#### 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 additional windows, having regard to the particular layout and design of the estate.

(22) 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 or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway, carriageway, shared driveway or footpath unless authorised by any condition of this permission, and detailed on the approved plans.

#### Reason

In the interests of visual amenity as the estate is open plan in character.

(23) Prior to the commencement of works on site and notwithstanding the submitted information, an updated detailed ecological mitigation, management and monitoring plan shall be submitted to and agreed in writing with the local planning authority. Such details shall be broadly in accordance with the measures detailed within the Proposed Mitigation Strategy dated July 2015, Bat Activity Survey dated September 2014, the Bat Tree Roost Assessment dated January 2015 and the Reptile Translocation Strategy dated December 2014 as updated in July 2015, but shall also include (but not necessarily be restricted to) a detailed external lighting scheme, full details of methods, timings, locations, responsibilities, mechanism of delivery, programme of works, management and monitoring for all mitigation proposed (which shall be for a minimum of 15 years). The development shall only be carried out in accordance with the approved details and mitigation, compensation and enhancement measures

#### Reason

In order to safeguard protected species