

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0363	<u>DATE:</u> 22/10/2015
PROPOSAL:	Three detached dwellings and associated engineering operations and landscaping.
LOCATION:	Rear 84-90, Henfaes Road, Tonna, Neath SA11 3EX
APPLICANT:	Ms Jacqueline Murphy
TYPE:	Full Plans
WARD:	Tonna

Reason for Committee Determination:

The application has been called to Committee by the Ward Member Councillor Cari Morgans who has raised concerns with regard to access to the highway.

Planning History:

The application site forms part of a larger site with the following relevant planning history: -

- **1991/0037** Residential development – Outline Approved 20/6/91
- **1995/0113** 10 No. dwellings – Approved with conditions 22/2/96
- **1997/0845** Residential development (8 No. self- build plots – Outline) – Refused 14/1/99 – Allowed on appeal 11/6/99

The land subject to this application was originally part of a large development scheme which included the land that now forms the frontage development which was granted outline planning permission under P1991/0037 on the 20/06/91. Mixtures of reserved matters and full applications have been approved on a plot by plot basis for the frontage development which comprises 8 completed self-build plots onto Henfaes Road.

Publicity and Responses:

Statutory Consultees

Tonna Community Council: No reply received therefore no observations to make

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

Head of Engineering and Transport (Drainage): No objections subject to conditions

Biodiversity Unit: No objections subject to conditions

Arboricultural Officer: No objections

Community Care and Housing services: Requested Affordable Housing contribution.

Site Notices were displayed on site and 11 properties were consulted. In response, 7 letters of objection have been received which are summarised below:

- Concern with regard to the vehicular access to the site via a single lane and the inadequate visibility provided in either direction, especially in relation to safety regarding pedestrians, runners, cyclist and oncoming traffic.
- Concerns with the proximity of a sewer pipe and the proposed development exceeding capacity.
- Stability and subsidence concerns, objector has indicated that existing gardens on Henfaes road could subside into proposed development.
- Effect the development could have on ecology; trees, bats, vegetation
- Amenity issues for both existing and future occupiers, loss of and lack of light due to frosted windows.
- Contradiction of planning history
- Japanese Knotweed issues.
- Loss of Native Blue Bells by the developer and the Impacts on the ecosystem and all its inhabitants/ecology
- Socio-economic issues, there is no demand for houses of this type. There is potential for them to remain vacant and open to acts of vandalism etc.

- Bins and recycling, excessive carrying distances for the bins
- Badgers, the report does not confirm the extent of the badger setts.
- Back Land Development, it is a contradiction to Policy ENV17
- Questions raised in relation to a traffic survey that the applicant may have carried out.

Description of Site and its Surroundings:

The application site is an irregular parcel of land situated for the main part to the rear of the self-build plots that have been constructed off Henfaes Road, Tonna.

The site is accessed via a narrow part of the site which runs between 83 and 84 Henfaes Road before opening up in a more regular rectangular shape that runs along the rear gardens of numbers 84-90 Henfaes Road. With regard to the size of the site, it measures approximately 126m at its maximum width and 75m approximately in length, with a site area of 0.41 hectares.

The site has undergone some clearance in terms of its vegetation and is now relatively open with trees remaining around the parts of the perimeter not backing on to the dwellings on Henfaes Road.

Brief description of proposal:

The application seeks full planning permission for the construction of 3 detached dwellings set within their garden area and vehicular access. Each dwelling will include 5 bedrooms, with two plots benefiting from detached garages.

The submitted plans indicate that each unit will measure 13.2m in length, have a maximum width of 9.6m and a maximum height to ridge level of approximately 9m. External materials proposed include a mixture of timber cladding and render. Mirrored glass is to be used on the front elevations to reflect the landscaping in the garden. These frontages have a distinctive triangular frontage

The dwellings would be accessed via a new vehicular access located between the existing properties of 84 and 83 Henfaes Road. The access would be 7.25 metres wide, and would extend approximately 71.5 metres into the site before turning to the left

and continuing on into the wider part of the site to serve the three proposed units.

The submitted plans also detail a full landscaping scheme for each plot.

Material Considerations:

The main issues concern the principle of residential development, having regard to the adopted and emerging Development Plan policy, together with an assessment of the impact of the proposal on highway and pedestrian safety, design and visual amenity, the character of the area as a whole, and residential amenity.

Policy Context:

Neath Port Talbot Unitary Development Plan

The existing Development Plan comprises the Neath Port Talbot County Borough Council Unitary Development Plan (UDP) which was adopted in March 2008 and covers the period 2001-2016. The Development Plan is the primary document for consideration of land use planning in the County Borough, within which the following Policies are of relevance: -

- Policy H3 Infill and windfall development within settlements
- Policy GC1 New buildings/structures and changes of use
- Policy ENV17 Design
- Policy T1 Location and layout and accessibility of new proposals
- Policy H4 Affordable Housing

The site is located within the defined settlement limits for the area as outlined within the Neath Port Talbot Unitary Development Plan. Policy H3 allows for infill and windfall residential development within these defined settlements, subject to criteria.

Emerging Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council has prepared the Local Development Plan

(2011-2026) which once formally adopted will supersede the existing UDP.

The LDP was submitted for independent Examination to the Planning Inspectorate on 30th September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2nd December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report has now been published and the recommendations contained within are 'binding', meaning that the Council must accept the changes recommended by the Inspectors.

The Inspectors' Report concludes that, with the changes recommended, the Neath Port Talbot LDP satisfies the requirements of Section 64(5) of the 2004 Act meeting the procedural, consistency and coherence and effectiveness tests of soundness, and requests the formal adoption of the LDP as amended by the changes recommended. Accordingly, the Council is now in the process of finalising the LDP with a meeting of Council scheduled for 27th January 2016 at which time the LDP will be adopted.

In light of the conclusions of the Inspectors' Report and the binding nature of the recommendations, when determining planning applications the interim position of the Council is that whilst the UDP policies remain relevant, significant weight must be applied to the LDP policies as amended by the recommendations in the Inspectors' Report.

The relevant Policies within the emerging LDP are as follows: -

- Policy SC1 Settlement limits
- Policy M1 Development in Mineral Safeguarding Areas
- Policy TR2 Design and Access of New Development

For the purposes of the emerging Neath Port Talbot Local Development Plan, the application site area is located outside settlement limits.

Principle of Residential Development

As identified in the Policy section above, there is a disparity between the settlement limit identified in the current adopted Unitary Development Plan, and that identified within the emerging Local Development Plan. In short, the residential settlement boundary in the emerging LDP has been drawn tighter round the extent of the built development as it exists today, having regard also to the fact that there is no extant planning permission for development on the application site.

The site does, however, still fall within the adopted UDP boundary and therefore is acceptable in principle when assessed against the adopted Plan, subject to an assessment of its impacts. Moreover, the application was received in April 2015 (when the LDP was still being heard by the Inspectors), and Officers have been in discussion with the application before that date including as far back as 2010.

Furthermore the application was taken to a Delegated Panel on the 2nd of December (prior to the receipt of the inspectors report) and was assessed under adopted Unitary Development Plan Policies and it is only as a consequence of the Ward Member calling the application into Planning Committee that it now is being determined after the LDP examination officially ended.

Having regard to this, and notwithstanding the material change between UDP and LDP settlement limits, in this particular case it is considered to be unreasonable to assess the principle of development at this site based on emerging Local Development Plan Policies.

With reference to its allocation within the LDP, it has been designated as being within the Development for safeguarding Mineral Area (Policy M1).

Policy M1 looks to safeguard minerals resources as they are finite and any development will be need to meet criteria which ensures they are not sterilised or their extraction hindered.

Nevertheless, it is considered that the development due to its scale and location will not have a significant impact on the working of the mineral. Moreover, given the site's close proximity to the

settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location. Accordingly, there is no objection to the principle of development on mineral safeguarding grounds.

Developer contributions and 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. Supplementary Planning Guidance on Affordable Housing refers to the requirement being made on sites of 3 or more.

In this case the applicant has provided an extensive package of information which has been assessed by the Estates section. The applicant has proven that the provision of any affordable housing on the site would affect viability of the site significantly and as such it is not considered in this case that affordable housing can currently be provided on this site.

Notwithstanding the above, in the event planning permission is granted, this would be subject to a section 106 agreement requiring subsequent re-assessment of viability whereby if after one year, only a proportion of the approved dwellings have been constructed on site, the developer will be required to submit a new viability assessment for the undeveloped remainder of the site. If the new viability assessment shows that the remainder of the site is still considered to be economically non-viable, then the developer will be required to submit a new viability assessment every 12 months until construction has been completed on the whole of the site.

Moreover, if the developer starts construction 12 months after the receipt of planning permission, they will be required to submit a new viability assessment for the whole site. If a new viability assessment is required for either the whole or part of the site, the assessment must be approved in writing by the Local Planning Authority before occupation can take place of any development not completed before the viability assessment requirement date.

If an assessment demonstrates that the site is economically viable and provides a profit level that the Local Planning Authority considers to be in excess of what is a reasonable profit (as

referred to in the Affordable Housing Viability Assessment Procedures document), then 20% (or a percentage agreed between the Local Planning Authority and the developer) of the assessed dwellings will be provided as affordable housing on site or an equivalent financial contribution will be paid to the Local Planning Authority for the provision of off-site affordable housing in accordance with the requirements of the Supplementary Planning Guidance document entitled Affordable Housing and in accordance with an agreed programme of works.

Visual Amenity:

The application site is located at a significantly lower level than the existing frontage properties off Henfaes Road and, in terms of scale, siting, size and the topography of the site the proposed properties would be subservient to the surrounding dwellings. As a consequence, while not respecting the character of the frontage development, development at the site will nevertheless have no material impact on local visual amenity.

Whilst the development is located to the rear of the Henfaes Road Estate, the 3 units proposed will therefore create their own sense of place, sharing a common design. The proposal therefore successfully creates its own character without negatively impacting on the existing established character of the immediate and wider area.

The creation of a sense of place has been helped by the topography of site which slopes down significantly from the rear elevations of the properties on Henfaes Road and is therefore responsible for the pattern of development differing from the uniform layout and building pattern on Henfaes Road.

The uniqueness of the design of the existing properties has removed any restriction on house design and has allowed the developer to create this new self-contained development with its own character that would assimilate well with the appearance of the area and its topography. The applicant has also provided full landscape detail for each of the plots. There is however a parcel of land in front of the site known as plot 3 that remains bare, and in order to protect local character, a condition is recommended requiring the implementation of a woodland planting scheme of trees on this area in order to further help the development to

assimilate the woodland surrounding the site. This planting will further enforce the woodland residential environment the applicant is seeking to capture given the design and style of these units.

Having regard to the above, while these units will not follow the pattern of development in the immediate area, it is considered that the site is not in prominent public view and would be well designed and satisfactorily ensures it integrates with and respects the character and appearance of the immediate and surrounding area.

Residential Amenity:

In terms of the proposed developments ability to overbear neighbouring properties, the accompanying information detail that all 3 of the units will have a finished floor level which is approximately 8m lower than the finished floor level of the existing housing on Henfaes Road. The elevational plans show that each property will not be more than 9m in height to ridge level which equates to the development being slightly less than 1m (approx. 0.9m) in height over the finished floor level of the existing neighbouring properties.

The submitted plans also indicate that the proposed units will all be located in excess of 21m from the rear elevations of the existing properties positioned on Henfaes Road. This separation distance ensures that there is no conflict between distances allowable between habitable room windows and that the proposed properties do not unacceptably overshadow or overbear the existing houses.

In terms of overlooking, any habitable room windows located on the ground floor will be looking out directly onto a closed boarded fence means of enclosure and the roof lights positioned in the roofscape will be obscurely glazed on all south eastern elevations. Therefore there is no overlooking of private space; both the privacy of the existing residents and that of the future occupiers are safeguarded.

The submitted plans indicate that there will be a variety of retaining structures that will be utilised around the boundaries between the new plots and the neighbouring existing properties as well as on the new access road. To ensure the amenity of all residents, future and existing, a condition will be attached to any permission

granted requesting full structural calculations of all retaining structures prior to the commencement of work on site.

The proposed site plan shows more than adequate private amenity space to serve each proposed unit.

The submitted plans indicate traffic calming measures within the access lane off Henfaes Road. The plans show the access track narrower for the part of road between 83 and 84 Henfaes Road. The developer has utilised this design to ensure the vehicular traffic slows down as it negotiates between these two neighbouring properties. The reduced speed will help to reduce the amount of noise disturbance experienced by the neighbours to an acceptable level when it is considered in conjunction with the relatively wide width of the access road and the topography of the site. In this respect it is noted that there is at least 7m width on the road which means the access track provides sufficient width so that cars utilising it are not right up onto the boundary of the neighbouring properties elevating the noise levels onto these properties. Furthermore the sloping topography means that as the cars traverse the access road they are generally at a lower level than the existing properties which itself reduces noise disturbance given the difference in levels.

Having regard to the above, it is concluded that there would be no unacceptable impact on residential amenity of the occupiers of the adjacent dwellings.

Drainage and Sewerage System

The applicant has stated that they wish to connect to the existing drainage system and have indicated as such on their application form and detailed plans. Welsh Water raise no objection provided the foul water and surface water discharges are drained separately from the site. Similarly, the Councils drainage section has offered no adverse comments other than conditions requiring the submission of drainage strategy prior to work commencing on site.

Ecology

The Councils Ecology Section offers no objection to the development subject to the imposition of suitable conditions. These conditions are limited to the control of Himalayan Balsam on

site and further monitoring of the badger activity on site. They have requested that further badger monitoring is undertaken prior to the commencement of work on site and if any badgers are found to be present the applicant would then need to seek a license from Welsh Government prior to any further action. In terms of Japanese Knotweed, there are no concerns that have been highlighted by the Councils Ecology Section.

Trees

The applicant has carried out a full tree survey of the site which has been assessed by the Councils Arboricultural Officer who has assessed the submitted information and is satisfied with the quality of the submission and in turn offered no adverse comments. There were initial concerns that the position of the sheds to serve plots 2 and 3 may interfere with the root protection zones of the existing trees, but as the developer re-positioned these structures the Tree Officer removed his concern.

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

A number of concerns have been raised, including from the ward member Cllr. Cari Morgans, over the access to the site. Councillor Morgans states that the access point to the highway is on a steep road with a limited visibility in both directions. To the left, on the proposed access point, is a bend and to the right there is a dip in the road that can make it difficult to spot traffic on what is already a busy road. The access would also cross a safe route to school used by school children living in the estate and on Neath Road.

The development is proposed to be served off a shared drive off Henfaes Road which has a maximum width of 7.25m at a point where current visibility is not acceptable in highway and pedestrian safety terms as there is inadequate visibility.

In accordance with Technical Advice Note (TAN)18, roads in built up areas require a minimum visibility splay of 2.4m by 40m in both directions.

The Head of Engineering and Transport (Highways) has offered no objections and recommended that a condition should be attached which requires the submission of a scheme detailing a 2.4 by 43m

visibility splay that will need to be implemented prior to the commencement of development on the rest of the site.

The Highways department is satisfied that the developer can achieve this required splay all within the application's red line boundary. In this regard, it is noted that the red line boundary includes a proportion of land to the front of, and in the ownership of, 83 Henfaes Road. This parcel of land is needed in order for the visibility splays to be achieved and the applicant has confirmed that they have a legal agreement with the owner of 83 Henfaes Road to make alterations to this land to facilitate the necessary vision splay to meet highway and pedestrian safety. For the purposes of the planning application, the developer has also served notice on this property in the form of a Certificate B.

In view of the above, subject to a 'Grampian' condition requiring the provision of these visibility splays on site in advance of any other development, the development is not considered to have an unacceptable impact upon highway and pedestrian safety.

While the local Councillors concerns in respect of the access crossing a footway used by school children is noted, this is not considered to be unusual or to justify refusal of this application on such grounds.

Bin Storage

There is a bin storage area proposed at the entrance to the private drive off Henfaes Road, which is at in excess of 150m distant does not meet the usual standards for carrying distances. Nevertheless, this is not considered to amount to a reason that would warrant a recommendation for refusal of this application. Furthermore in terms of amenity of the future occupier, any future purchaser will be aware of the refuse collection location and excessive carrying distance prior to purchase.

Others:

There have been a number of written objections received with regard to this application. A number of these objections have been addressed within the above appraisal. The following comments are made in response to these issues that remain outstanding:

- Stability and subsidence concerns, objector has indicated that existing gardens on Henfaes road could subside into proposed development.
There is no evidence of this on site, nor has it been flagged up by the consultees. A condition is recommended requiring full structural calculations for all retaining structures prior to determination.
- Socio-economic issues, there is no demand for houses of this type. There is potential for them to remain vacant and open to acts of vandalism etc.
Such matters are not considered to be material planning considerations
- The submitted ecology report does not acknowledge the existence of reptiles on the site.
No objection has been raised by the Council's ecologist and we have no reason to question the authenticity of the survey work carried out on site.
- Back Land Development, it is a contradiction to Policy ENV17. ***The impacts of the development and its 'backland' location have been assessed within the report.***
- Concerns with regard to the use of mirrored glass, invasion of privacy with shining light onto existing properties.
The glare off mirrored surface is not considered to negatively impact residential amenity to warrant a refusal.
- Questions raised in relation to a traffic survey that the applicant may have carried out.
It is unclear what survey is being referred to, but the assessment on highway safety has been assessed in detail above.

Conclusion:

The proposed development would not have an unacceptable detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse effect upon highway and pedestrian safety. Hence the proposed development would be in accordance with Policies GC1, T1, ENV17, H3 and H4 of the Neath Port Talbot Unitary Development Plan.

RECOMMENDATION: Approve subject to conditions and the signing of a Section 106 Legal Agreement with regard to a 12 clawback provision on Affordable Housing

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 development shall be carried out in accordance with the following approved plans:

- Land Registry Official Copy of title plan REVISION A
- Relationship between new and existing properties
- Plot 1 ground floor plan
- Plot 1 first floor plan
- Site Plan
- Design and Access Statement for New Development to rear 84-90 Henfaes Road
- Site Plan, Plot Layout
- Entrance Driveway
- Site Entrance Details
- Front Boundary Detail
- Plot 1 Landscaping detail
- Driveway Landscaping Details
- Sections through Drive and Plot 1
- Relationship between new and existing properties
- Plot 1 Section B-B

- Plot 1 South East Elevation
- Plot 1 Second Floor
- Plot 2 Section B-B
- Plot 2 Landscaping Plan
- Plot 2 Garage Floor Plan Rev A
- Plot 2 Garage Front Elevation Rev A
- Plot 2 Garage Left Elevation Rev A
- Plot 2 Garage Rear Elevation Rev A
- Plot 2 Garage Right Elevation Rev A
- Plot 2 Shed Floor Plan
- Plot 2 Shed Front Elevation
- Plot 2 Shed Right Elevation
- Plot 2 Shed Left Elevation
- Plot 3 Ground Floor Plan
- Plot 3 Section A-A
- Plot 3 Section B-B
- Plot 3 Landscaping Details
- Plot 3 Shed Floor Plan
- Plot 3 Shed Front Elevation
- Plot 3 Shed Right Elevation
- Plot 3 Shed Left Elevation
- Plot 3 Shed Rear Elevation
- Plot 1 North East Elevation
- Plot 1 North West Elevation
- Plot 1 Garage

- Tree Survey
- Preliminary Ecological Appraisal
- PJJ surveys Topographical Survey
- Plot 2 Ground Floor Plan
- Plot 2 First Floor Plan
- Plot 2 Second Floor Plan
- Plot 2 North West Elevation
- Plot 2 North East Elevation
- Plot 2 South West Elevation
- Plot 2 South East Elevation
- Plot 2 Section A-A
- Plot 3 First Floor Plan
- Plot 3 Second Floor Plan
- Plot 3 North East Elevation
- Plot 3 North West Elevation
- Plot 3 South East Elevation
- Plot 3 South West Elevation

Reason

In the interest of clarity

(3) No development shall take place, 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 construction.

vii. A strategy to control and prevent the flow of surface water and ground water during the construction works.

Reason

In the interest of highway safety

(4) No development shall commence on the construction of any dwelling hereby approved (including works of site clearance) until such time as the entrance to the site has been improved and a 2.4 metre by 43 metre visibility splay has been provided / achieved in accordance with a scheme which shall first have been submitted to and approved in writing by the LPA. The approved visibility splays shall thereafter be retained in perpetuity.

Reason

in the interest of highway safety

(5) Prior to first occupation of any dwelling the shared drive shall be surfaced in accordance with the drawing titled Entrance Driveway to a maximum gradient of 1 in 25 for the first 10 metres and retained as such thereafter.

Reason

In the interest of highway safety

(6) Prior to occupation of any dwelling three parking spaces shall be provided within the curtilage of each dwelling, and such spaces shall be retained as such thereafter.

Reason

In the interest of highway safety

(7) Any gate erected over the shared drive shall be set back a minimum distance of 6.0 metres from back edge of footway

Reason

In the interest of highway safety

(8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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) 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 garages or outbuildings 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 garages or outbuildings having regard to the particular layout and design of the estate.

(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), there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without the prior grant of planning permission in that behalf.

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 extensions, having regard to the particular layout and design of the estate.

(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 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.

(12) Prior to work commencing on constructing the shared drive, a drainage strategy shall be submitted to and approved in writing with the Local Planning Authority detailing proposals to allow the discharge of surface water at a greenfield rate. The approved strategy shall then be implemented on site and retained thereafter.

Reason

in the interest of land drainage

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

Reason

in the interest of land drainage

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

Reason

In the interest of land drainage

(15) There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Local Planning Authority.

Reason

In the interest of land drainage

(16) Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development.

Reason

In the interest of land drainage

(17) Soakaways must be designed, constructed and located in accordance with the requirements and criteria contained within the Building Regulations. This will ensure no nuisance is created to any lower lying, vulnerable land or the public highway. If ground conditions should prove to be unsatisfactory for a soakaway drainage then the applicant must provide alternative suitable proposals for dealing with surface water run-off.

Reason

In the interest of land drainage

(18) Prior to commencement of work on site, full details including structural calculations relating to all retaining structures associated with this development shall be submitted for the written approval of the Local Planning Authority. This detail hereby approved shall then be implemented on site prior to occupation and retained as such thereafter.

Reason

In in the interest of residential amenity and highway and pedestrian safety.

(19) Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 (as amended for Wales)(or any revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason

In the interest of visual amenity.

(20) Himalayan Balsam will be controlled on site by implementing section 7.0a of the Preliminary Ecological Appraisal dated April 2015.

Reason

In the interest of ecology

(21) Prior to the commencement of any development a further check and consideration for the presence of badgers within or immediately adjacent to the site shall be undertaken by a suitably qualified ecologist. If a badger sett is discovered within 30m of any development works on site appropriate mitigation measures shall be submitted and approved by the Authority and a licence obtained from Welsh Government. All mitigation shall be implemented as approved.

Reason

In the interest of ecology

(22) Notwithstanding the plans hereby approved, prior to the occupation of each of the plots, the roof lights to be positioned within the south eastern roof slopes shall be finished with obscured glass. The roof lights shall then be retained as such thereafter.

Reason

In the interest of residential amenity.

(23) No development or site clearance shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

In the interests of visual amenity.

(24) The landscaping scheme required by condition (23) above shall include a comprehensive scheme of woodland tree planting for the parcel of land in front of plot 3 - hatched in orange on Plan 'relationship between new and existing properties' - and shall

include indication of all spread and species of trees to be planted, and the approved woodland planting scheme within this area shall thereafter be retained in full accordance with the approved scheme.

Reason

In order to integrate the development into the surrounding woodland, and mitigate the impact of the residential development on local character and amenity.

(25) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interest of visual amenity.

REASON FOR GRANTING PLANNING PERMISSION

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

The proposed development would not have an unacceptable detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse effect upon highway and pedestrian safety. Hence the proposed development would be in accordance with Policies GC1, T1, ENV17, H3 and H4 of the Neath Port Talbot Unitary Development Plan.

