

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal following Members Site Visit

<u>APPLICATION NO:</u> P2015/0694	<u>DATE:</u> 02/11/2015
PROPOSAL:	Demolition of existing golf driving range and redevelopment of the site for up to 35 dwellings and associated infrastructure (Outline with all matters reserved)(Amended edged red boundary plan, revised planning statement, design and access statement Received 2/11/15)
LOCATION:	Lakeside Golf Driving Range, Water Street, Margam, Port Talbot SA13 2PA
APPLICANT:	Messrs Whittall, Arter & James
TYPE:	Outline
WARD:	Margam

This application is reported to Committee at the request of the local ward Member, Cllr Rob Jones, to ensure that all material considerations are properly assessed as part of the determination process and to ensure that proper regard is given to a recent letter from Carl Sergeant AM which encourages more house building.

The application was reported to the Planning Committee meeting on the 22nd December 2015 where it was deferred for a site visit to enable Members to assess the relationship of the proposed application site to the existing adjacent housing developments. The Members site visit is to be held on the morning of 9th February 2016.

The report which follows is that which was presented to Members on 22nd December 2015, albeit amendments have been made to reflect the fact that the Neath Port Talbot Local development Plan (LDP) was formally adopted by the Council on 27th January 2016 and now comprises the Development Plan, superseding the UDP.

Planning History:

Adjoining Site:

94/9632 – Phase 2 9 Hole extension to golf course and 10 residential plots – Refused 9/1/95

95/9974 – Phase II -9 Hole extension to existing golf course and enabling development of 10 residential plots – Approved 21/8/96

97/0153 – Reserved matters application regarding ground levels of proposed residential development (10 dwellings) plus drainage details – Withdrawn 18/7/03

01/0402 – Fencing to pumping station enclosure (regularising height of perimeter fence) – Approved 29/5/01

02/0749 – Variation of Condition No 3 of planning consent P97/0011 with regard to extension of time limit for submission of reserved matters for residential development (Outline) – Approved 16/8/02

Application Site:

03/0001 – Proposed construction of 39 residential units – Withdrawn

03/1009 – Construction of 33 residential dwellings – Withdrawn

05/0476 – Mixed use development, comprising of residential, neighbourhood retail/café and public transport infrastructure- Refused 22/9/05 and subsequently dismissed on Appeal 15/6/06

Publicity and Responses if applicable:

The application was advertised on site and in the press as a departure to the development plan and as a major development. Nine individual properties were also notified. In response, to date 24 letters of objection have been received, which can be summarised as follows:

1. The property could be offered for sale.
2. Return the site to agricultural land.
3. The driving range could be re-opened providing the correct investment and management was put in place.
4. The site is allocated as a GreenBelt which is well known and stated in previous planning applications.
5. The site is allocated as a Green Wedge.
6. The Transport Statement is incorrect with no reference to the nearby Kenfig Industrial Estate.
7. A bus stop 0.8 miles away and lack of pathways do not provide a safe route for pedestrians. Water Street has no provision to

encourage walking as it has no pathways, cycling as the road is very busy, fast moving and quite narrow in places or public transport as there is no provision for this.

8. The proposal will increase not decrease private car use.
9. A 250% increase in density represents poor design contrary to the advice contained in the TANs. There are approximately 32 houses on approximately 13 acres. The application site proposed 35 houses on approximately 6 acres.
10. The proposed public open space especially the waterbody at the northern end on the site is constricted.
11. There is no retail, leisure or health services nearby that can be accessed without the need for a motor vehicle.
12. Increase in noise.
13. Loss of privacy.
14. Increase in traffic.
15. Overbearing
16. Out of scale
17. Out of character when compared to existing developments within the vicinity.
18. Impact on highway safety.
19. Why have the roads and pavements been included in the developers boundary and encroaching into the gardens of the houses?
20. The illustrative plan shows houses opening onto St David's Park which is very narrow.
21. Only a few residents have received letters notifying them of the application.
22. How has the applicant been allowed to submit this application within 10 years of the previous application which was refused on appeal?
23. If maintaining the site is an issue it could be returned to agricultural use.
24. No regard within the design has been made to our aging population.
25. There is no infrastructure in place for this extra development.
26. Devaluation of property.
27. Why was permission given for Phase 2 St David's Park given the problems with the Golf Driving Range.
28. Permanent loss of a sporting facility which is not surplus to requirements.
29. The site falls within a flood risk area with a highly vulnerable classification and should not be allowed. Also the area could flood from the local stream to the east.
30. The submitted Ecological Appraisal recommends further survey work, the proposal should be until these surveys are done.
31. Loss of mature trees.

32. Detrimental impact on flora and fauna.
33. The proposal removes the potential for long term employment of people.
34. The affordable housing requirement for the area is based in Port Talbot and areas around the centre rather than somewhere that has poor transportation links.
35. The provision of off street road parking for each house and garden will be small.
36. The Applicant states that ongoing discussions have taken place between the operator, Council and local residents. Were they just a chosen few?
37. Increase in traffic.
38. The density of the development should be reduced to 20.
39. The upgrading of the road is welcomed, however they should have been brought up to adoptable standard a long time ago.
40. This site was rejected as an alternative site.

Natural Resources Wales: No objection subject to the imposition of conditions requiring the provision of a protective buffer between any development and the watercourse and the pond in the area, a Landscape and Environment Management Plan and a Construction and Environmental Management Plan.

Glamorgan Gwent Archaeological Trust: No objection subject to a condition requiring the implementation of a programme of archaeological work.

The Coal Authority: No objection subject to the imposition of a condition requiring site investigation works prior to commencement of development.

Welsh Water: No objection subject to the imposition of a condition restricting the occupation of dwellings until a hydraulic modelling assessment has been undertaken and the necessary improvements have taken place.

Head of Engineering and Transport (Highways): No objection subject to conditions requiring the provision of a right hand turn lane, improvements to the existing access, visibility splays, provision of a footway linking the site to Eglwys Nunydd, Construction Method Statement and a number of conditions relating to the internal layout of the scheme.

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

Biodiversity Officer: No objection subject to the imposition of a condition requiring the submission of a Landscape and Environmental Management Plan together with the requirement that Protected Species Report is repeated if work does not commence within 2 years.

Land Contamination Officer: No objection to the proposed development, however the desk study report highlights that further investigative work is required. As such, conditions in relation to contaminated land are required.

The Arboricultural Officer: Confirms that the submitted tree survey is an accurate description of the trees and confirms those trees which are of value and should be retained. A condition is recommended requiring trees to be protected prior to any works commencing on site.

Head of Environmental Health and Trading Standards (Noise): No objection subject to the imposition of a condition requiring the submission of an Environmental Noise Assessment to accompany any subsequent reserved matters application.

South Wales Crime Prevention Officer: No objection subject to detailed comments in respect of security, lighting, vehicle parking areas, landscaping and planting, site layout and boundary identification.

Parks and Neighbourhood Services: Advises that on site Public Open Space is defined within the application, assuming this meets the standards, no off site contribution will be required.

Play Officer: Advises that the proposed site lies well outside the buffer areas for the existing local or neighbourhood provision. Therefore, there are no existing play facilities within a distance that children living in the development would be able to access. Recommends that improved pedestrian linkages from the site are essential if children are to have adequate and appropriate play provision and on-site provision be included as part of the development.

Education Department: No reply, therefore no observations to make.

Description of Site and its Surroundings:

The site is broadly rectangular in shape and predominantly flat in profile and has an area of approximately 2.8ha. It is located to the east of Water Street and to the south of St David's Park a development of large detached properties set around a series of cul-de-sacs. Most of the site is taken up by a golf driving range facility, with a hard surfaced parking area adjacent to Water Street and a single storey, low mono pitched roofed building which housed the driving bays and ancillary facilities. The grassed driving range area, which is enclosed extends eastwards. A private track runs along the site's southern boundary providing access to a single dwelling, Cwrt Bychan House located to the south east. A watercourse known as Tu Du Brook runs alongside the north-eastern and eastern boundaries. A hedgerow is present along the southern boundary. Agricultural land lies to the east and south of the site. The residential development of Eglwys Nunydd lies to the north of St Davids Park. To the western side of Water Street is Lakeside Golf Course beyond this the M4 motorway.

The application site is accessed from St David's Park via Water Street (B4283).

Brief description of proposal:

Outline planning permission is sought for up to 35 dwellings. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

In line with the requirements of outline planning applications, the applicant has submitted an indicative layout and scale parameters. This illustrates the provision of dwellings served by two access points leading off St David's Park with each dwelling providing off street parking with a number of dwellings opposite No's 19, 20, 23 and 27 St David's Park having access directly off the existing estate road. An area approximately 0.47 hectares and located adjacent to the eastern boundary of the site denotes the proposed provision of Public Open Space which would serve the development. The illustrative plan indicates the layout and provision of Open Space to facilitate this would require the removal of an existing tree line, however the layout does make provision for the retention of the existing hedgerow along the south and eastern boundary to be retained. Whilst the illustrative plan indicates that the dwellings are medium to large in scale and are sited

within large gardens, they are smaller than those within the adjacent St Davids Park development.

The indicative scale parameters provided in support of this application are:

Detached and Semi Detached dwellings

Minimum height: 7m

Maximum height: 10.5m

Minimum width: 6m

Maximum width 14.5m

Minimum depth: 8m

Maximum depth: 14m

Garages

Minimum/Maximum height: 4m

Minimum width: 3.2m

Maximum width 6m

Minimum depth: 6.2m

Maximum depth: 6.5m

EIA and AA Screening:

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 to be considered in the determination of this application is the principle of the proposed development at this location having regard to the national planning policy guidance and prevailing and emerging development plan policies, as well as the impact upon the character and appearance of the surrounding area; the residential amenity of the occupiers of the adjacent properties; the highway and pedestrian safety of the existing road network; the effect upon the biodiversity quality of the application site, drainage, flooding, pollution and archaeology together with other issues raised by consultees.

Policy Context:

National Planning Policy:

Planning Policy Wales (Edition 7, July 2014).

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2014)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 16: Sport, Recreation and Open Space (2009)

Technical Advice Note 18: Transport (2007)

Local Planning Policy:

Adopted Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council prepared the Local Development Plan (2011-2026). 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 was published and the recommendations contained within were 'binding', meaning that the Council had to accept the changes recommended by the Inspectors.

The Council formally adopted the LDP on 27th January 2016, and therefore the proposal must now be assessed against the following relevant Policies within the LDP: -

- Strategic Policy SP 3 –Sustainable Communities
- Strategic Policy SP7 –Housing Requirement
- Policy SC1 – Settlement Limits
- Policy SP4- Infrastructure
- Strategic Policy SP10- Open Space
- Policy OS 1 – Open Space Provision
- Strategic Policy SP14 – The Countryside and the Undeveloped Coast
- Policy EN3/5 – Green Wedges Margam
- Strategic Policy SP16 –Environmental Protection
- Policy EN8 – Pollution and Land Stability
- Strategic Policy SP17- Minerals
- Policy M2- Surface Coal Operations
- Strategic Policy SP20 –Transport Network
- Policy TR2 – Design and Access of New Development
- Strategic Policy SP21 – Built Environment and Historic Heritage
- Policy BE1 –Design
- Strategic Policy SP8 – Affordable Housing
- Policy AH1 – Affordable Housing
- Strategic Policy SP 15 – Biodiversity and Geodiversity
- Strategic Policy SP7 –Housing Requirement

Supplementary Planning Guidance

- Affordable Housing
- Biodiversity
- Residential development and open space provision
- Developer Contributions

Housing Density

Policy BE1 (8a) of the adopted Local Development Plan states that '*normally a minimum of 35 dwellings per hectare in the Coastal Strategy Area or a minimum of 30 per hectare in the Valleys Strategy Area*' will be required.

Principle of Development:

The application site lies outside the settlement limits defined by Policy SC1 of the adopted LDP, and is designated as an area of Green Wedge under Policy ENV3/5. Given its countryside location, and in the absence of any agricultural or forestry justification, the proposed residential development is contrary to Policy SC1 of the adopted LDP.

This is supported by national guidance with paragraph 9.2.22 of Planning Policy Wales (PPW) noting that:

'In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in the development plans or from other areas allocated for development, must be strictly controlled.'

A green wedge designation and protection policy is included within the adopted LDP in the form of Policy EN 3. This policy designates five separate green wedges one of which extends across the application site, and also seeks to prevent the coalescence of settlements and to protect the setting of urban areas. The policy clearly states that there will be a presumption against inappropriate development within the designated green wedges.

These policies affirm that the construction of new buildings in a Green wedge is inappropriate unless there is an agricultural or forestry need, and only in exceptional circumstances will inappropriate development be permitted. As the proposal does not comply with any of these exceptions it is clear that the proposal contravenes these policies.

Similarly, the proposal would not be supported by the advice in Technical Advice Note 6- Planning for Sustainable Rural Communities. In PPW Para 4.9.1 advises that previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. It also acknowledges that not all previously developed land is suitable for development by virtue amongst others things of its location. It should be noted that the Planning Inspector in respect of a previous appeal for 27 houses on this site concluded that *'the guidance indicates that where the footprint of a building only occupies a proportion of a site the remainder of which is open land, the whole of the site should not normally be developed to the boundary of the curtilage.....In the light of*

this I do not regard the previously developed land status of the golf driving range as a convincing argument in favour of the level of development proposed on the site.'

In respect of the claimed sustainability benefits of the proposal, these must be weighed against the implications of an additional 35 dwellings at this location. There is currently no public transport serving the adjacent residential developments, with the nearest located approximately 0.75 miles away, which means that both existing and proposed residents would be heavily reliant on private means of transport which is compounded by poor pedestrian linkages. In addition there are no community facilities or local services nearby except for the Golf course and associated restaurant.

It is considered that the adopted Local Development Plan is consistent with national guidance in relation to settlement strategy. Para 4.7.4 of PPW states:-

*“Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the **need to travel and increasing accessibility by modes other than the private car**. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling.”*

Given the fairly remote location of this site at some distance from the necessary facilities and public transport linkages referred to above it is considered that the site is not located in a sustainable location as such future residents would be largely dependent on the private car for access to shops, employment, leisure, education, etc. contrary to national guidance which states at paragraph 4.7.7 of PPW:-

“For most rural areas the opportunities for reducing car use and increasing the use of public transport, walking and cycling are more limited than in urban areas. In rural areas the majority of new development should be located in those settlements which have relatively good accessibility by non-car modes when compared to the

rural area as a whole. Local service centres, or clusters of smaller settlements where a sustainable functional linkage can be demonstrated, should be designated by local authorities and be identified as the preferred locations for most new development including housing and employment provision. The approach should be supported by the service delivery plans of local service providers.”

Whilst it is acknowledged that the site is falling into disrepair which in turn is adversely affecting visual amenity, there are other mechanisms available to address this issue including enforcement action under both the Planning and Environmental Health legislation. It is also acknowledged that there is an existing lawful use operating at the site, which can continue to operate on condition that it complies with all the relevant legislation including those relating to Health and Safety.

Whilst these are material to the lawful status of the site they are not considered to be sufficient to override the arguments relating to sustainability and countryside protection. Furthermore it is considered that if permission were granted for residential development on this unsustainable and inappropriately located site it would set an undesirable precedent that would seriously undermine the local and national objectives to safeguard the countryside for its own sake. Accordingly, the proposed residential development would represent a departure to the Development Plan, and it is therefore pertinent that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”. Such material considerations are addressed later in this report.

Housing Need:

The 2014 Joint Housing Land Availability Study (Published in May 2015) identified a shortfall in the 5 year land supply whereby the Council could only demonstrate the availability of a 2.5 year supply. The reason associated with such a low land supply was associated with the fact that the adopted UDP was coming towards the end of its plan period and as such those sites which were allocated within the plan and which were readily available for development had already been developed. Whilst this was a concern for some time, the LDP sought to address this problem by allocating further land to ensure that a supply is made available to provide an additional 7800 new properties over the life time

of the plan (until 2016). This housing need and the associated allocations to meet that need have been assessed as part of a detailed Examination in Public (EIP). The Council is now in receipt of the Inspectors report into that EIP which is legally binding upon the Council. The Inspectors are satisfied that the projected housing need together with the strategy and policies to deliver that need are robust. It is therefore considered that there is no justification to approve housing developments which are contrary to the adopted LDP on the basis of insufficient land supply.

Visual Amenity:

With regards to the character of the existing area, the St. David's Park development was granted planning permission as part of a package to support the provision of a public golf course including the Driving Range. The existing development was designed at a very low density of 6 dwellings per hectare, the dwellings being large detached properties set well within wide fronted sites. The layout is such that open views of the mature landscape backdrop appear between the dwellings. This helps to create an open character to the development limiting its impact upon the surrounding rural area.

The supporting documentation suggests in Para 5.75 that ***'the site can support appropriate residential development without any significant impacts on landscape character and visual amenity.'*** Whilst it is acknowledged that PPW does accept that extensions to existing small groups of dwellings in the countryside may be acceptable, this is dependent on the character of the surroundings and the number of such groups in the area. Indeed, national guidance at paragraph 5.1.1 of PPW recognises the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic wellbeing of individuals and communities. In addition PPW states at paragraph 4.6.4:-

"The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors. Central to this is ensuring that the countryside is resilient to the impacts of climate change and plays a role in reducing

the causes of climate change through the protection of carbon sinks and as a sustainable energy source.”

As already noted PPW accepts that new house building in the countryside should be strictly controlled and paragraph 9.3.1 requires that new housing should be well integrated with and connected to the existing pattern of settlements, with the expansion of towns and villages avoiding the creation of ribbon development, the coalescence of settlements or a fragmented development pattern.

The supporting Design and Access Statement notes at paragraph 6.2:-

‘The development will:

- *Respect local character;*
- *Create a successful relationship between public and private space;*
- *Promote quality, choice and variety.*

The development will draw on the character of the local area and will also create a place that has familiar elements to aid legibility.’

This is not accepted. In contrast it is considered that the scale of the development, comparative to the existing houses, is such that it will represent a considerable intensification and consolidation of housing in this rural location. Rather than be viewed as merely part of the backdrop to the existing houses, it is considered that they will represent a significant intrusion into the landscape and serve to urbanise the area to the detriment of the existing rural character.

Whilst it is accepted that there is a substantial mature hedgerow along the southern boundary of the site which would go some way in screening the proposed development, this limited screening alone does not negate the openness, character and appearance of the site and its relationship to the existing built development.

This view was supported by the Planning Inspector when considering a previous appeal where it was concluded that *‘In light of my findings as to the existing character, appearance and predominant openness of the appeal site and its relationship to the existing housing, I consider that the effect of the proposal would be to increase radically the developed character of the appeal site and significantly increase the impact of built development in this rural location, to the detriment of the character and appearance of the countryside.’*

This open character and appearance is unchanged since the previous appeal whilst the density of proposed development has increased under the current application. It is therefore considered that the proposal would give rise to a sporadic form of development to the detriment of the character and appearance of the rural area, contrary to national and Local Plan objectives to restrict new residential development outside designated settlement areas.

Residential Amenity:

The illustrative plan which accompanies the application demonstrates that a minimum of 21 metres between the existing dwellings (19,20,23,24 and 27 St David's Park) to the north and a minimum of 30 metres between the development and properties to the north east will be maintained. There is one further existing property located to the south on the opposite side of the access track which is known as Cwrtbychan House and is sited in excess of 38 metres from the nearest proposed dwelling. These distances are sufficient to ensure that the site can be developed in a manner which would ensure that there would be no unacceptable overbearance or overshadowing impacts.

Accordingly, it is considered that the residential development in principle would not adversely impact upon the amenities and basic living conditions of neighbouring dwellings if designed and laid out suitably. Such detail would be considered at a reserved matters stage should outline planning permission be granted.

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

A Transport Statement accompanies the application the contents of which have been assessed by The Head of Engineering and Transport (Highways) who has considered the increase in vehicular traffic associated with up to 35 additional dwellings. It is concluded that the impact of the proposed development can be accommodated within the existing and proposed highway network and that the proposed development will not significantly worsen the free flow of traffic on Water Street to warrant refusal of the application. As a result there is no objection to this development on highway and pedestrian safety grounds subject to the imposition of a number of conditions which include the provision of a right hand turn lane, improvements to the existing access serving St David's Park, provision of a footpath linking the site to Eglwys Nunydd and submission of a Construction Method Statement together with a series of conditions in respect of parking requirements, drive

lengths and gradients, bin storage, pedestrian vision splays and road surfacing.

Flooding:

In respect of flood consequences, the site is partially identified by the Development Advice Map as being within Zone C2. Accordingly, the applicant has submitted a Flood Consequences Assessment (FCA) to accompany the application which has been reviewed by NRW who has offered no objections providing there are no alterations to ground levels in the northern part of the site which is deemed to be at flood risk from the Tu Du Brook. The area at risk of flooding is however identified for use as Public Open Space and as such no proposed dwellings as indicated on the illustrative plan will be affected nor will there be an impact upon 3rd party land.

It is concluded that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy Wales.

Pollution:

The Land Contamination Officer and NRW have raised no objections to the proposal having regard to the submitted desk top study subject to the imposition of conditions in respect of a remediation strategy, submission of verification report, long term monitoring and maintenance plan, unexpected contamination and Construction and Environmental Management Plan detailing the pollution prevention measures. However, the submitted desk study has not identified the need to carry out a risk assessment for ground gas associated with the coal seams and this should be addressed.

Coal Mining:

The application site falls within the defined Development High Risk Area. The Coal Authority concurs with the recommendations outlined in the submitted Desk Study Report, that coal mining legacy poses a risk to the proposed development and that intrusive investigation works should be carried out prior to development. The Coal Authority considers that the content and conclusions meet the requirements of Planning Policy Wales in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposal subject to the imposition of a condition to secure the necessary intrusive site investigations and any remedial works required.

Drainage:

The surface water strategy proposes to outfall the developments run off into the river running alongside the eastern boundary of the site. It is intended to retain the existing sewage pumping station (north west of the site) and remove the private sewage pumping station (north east of the site) as it is deemed 'not fit for purpose'.

Welsh Water has confirmed that no problems are envisaged with the Waste Water Treatment works for the treatment of domestic discharges from the site and that a water supply can be made available to serve the development. In respect of foul sewerage they have confirmed that the existing drainage infrastructure is only sufficient to accommodate the foul for the first 10 dwellings only, following which the developer will have to secure funding to carry out the necessary improvements for the remaining 25 dwellings. As a consequence, Welsh Water recommends the imposition of a condition requiring a hydraulic modelling assessment to identify any required improvements to the sewerage system.

NRW recommends that a sustainable drainage system is utilised and a suitably worded condition be imposed to secure the details of the scheme. The Authority's own Drainage Engineer raises no objection to the proposal subject to an additional condition requiring a survey of the existing road drainage system.

The proposed development is in outline with all matters of detail reserved for subsequent approval. In any case it is unusual to have full details of how foul and surface water drainage will be dealt with at outline stage. The Council's Drainage Engineer, Welsh Water and NRW have reviewed the submitted details, none of whom raise objection in principle but all suggest appropriately worded conditions should the application be approved to ensure full details are provided to allow adequate assessment and implementation of foul and water drainage and flood avoidance.

Archaeology:

The supporting information in the form of an Archaeological Desk Based Assessment has been considered Glamorgan Gwent Archaeological Trust (GGAT) advises that due to the known archaeological features nearby at Eglwys Nunydd there remains a possibility that such features may exist within the site. To mitigate the impact on the archaeological resource and that appropriate work is undertaken to lessen this impact

GGAT recommends the imposition of a condition ensuring archaeological investigations are carried out.

Noise:

In view of the proximity of the M4 to the site together with Water Street, it is important to consider the impact of the noise generated by traffic on any future occupiers of the development. This issue is reinforced in PPW and Para10 of TAN 11 (Noise) which emphasises that regard must be had to transport-related noise generating activities and the possible incompatibilities of proposals for new noise sensitive development should be taken into consideration and account taken of the level of current noise exposure and possible future increase when determining planning applications. The proposal has been assessed by the Authority's Environmental Health Officer who has confirmed that traffic noise from the M4 is clearly audible even under unfavourable noise conditions. In addition, HGV and other vehicle movements on Water Street (B4283) also impact on the application site. However, he concludes that it is unlikely that environmental noise levels would be so high as to preclude residential development of the site. Consequently, he raises no objection to the proposal subject to the imposition of a condition requiring an Environmental Noise Assessment be undertaken for both internal and external residential amenity areas as part of a reserved matters application.

Ecology:

Technical Advice Note 5: Nature Conservation and Planning states that:

Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and adverse impacts.

But development can also present significant opportunities to enhance wildlife habitats and enjoyment and understanding of the natural heritage. The planning system needs to be watchful of the cumulative effects of a series of small, perhaps occasional, apparently insignificant losses from the natural world, which can combine to seriously deplete the natural heritage, including essential hydrological and ecological

system; small scale opportunities for habitat creation and enhancement can be significant and can build into major contributions over time.

In addition it states that the development control process is a critical stage in delivering the protection and enhancement of nature conservation by PPW. The following can help to achieve these objectives:

- Adopting the five point approach to decision-making- information, avoidance, mitigation, compensation and new benefits;
- Ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;
- Securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;
- Carrying out effective enforcement;
- Identifying ways to build nature conservation into the design of the development.

TAN 5 confirms that through the use of conditions, the delivery of a number of positive benefits to biodiversity beyond those of simply avoiding adverse effects as possible, including:

- The submission and agreement of a landscape scheme so that greater attention can be given to issues such as species composition;
- The maintenance of landscape planting for a five year period, or longer, where the need for this can be justified;
- Habitat enhancement;
- The restoration and aftercare of a site where a positive approach to restoration and after-use required by conditions can produce significant biodiversity benefits in terms of habitat creation and enhancement.

The Authority's Biodiversity Unit has considered the submitted desk study and Phase 1 Habitat Survey and advised that a condition requiring the submission of a Landscape and Environmental Management Plan be imposed. This requirement is endorsed by NRW who also supports the recommendations in respect of the protection of habitats during construction and retention as part of the development. In addition, they also recommend that a condition is imposed on any consent requiring a suitably protective buffer restricting built development including lighting

and formal landscaping is incorporated between any development and the watercourse. As Japanese Knotweed is present on the site it is further suggested that a condition is imposed requiring a detailed method statement for its removal or long term management/eradication.

Having regard to the above, it is considered that the ecological impact of the development has been adequately considered within the submitted information. Through the imposition of conditions, the impacts of the development both during and post construction and ongoing future management and monitoring can be mitigated so that any adverse impacts can be dealt with.

In respect of arboricultural issues, there are a number of trees within or adjoining the site which have screening value. As such, a tree survey has been conducted and submitted in support of the planning application. The Authority's Arboricultural Officer has inspected the tree report and is generally happy with its findings subject to a condition ensuring the protection of the trees during construction; it is considered that the development can be accommodated without having a harmful impact on the surrounding trees.

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 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th 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 this case, the proposal relates to an outline planning application for the development of the site for up to 35 residential units. Although this report outlines the justification for the refusal of the development, it is still necessary to examine what planning obligations would be required if

the application were acceptable in all other respects. Having considered the nature and scale of the development, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies, the planning obligations referred to below are considered necessary.

The required contributions would include:-

Public Open Space (POS)

Policy OS1 of the LDP states that where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement for maintenance, in conjunction with all new residential developments of 3 or more dwellings.

Where it is impractical to provide open space and/or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off-site contribution payments.

Furthermore, the LDP Background Paper on open space identifies an existing deficiency of children's play facilities in the ward that would be exacerbated by the increase in population arising from the proposed development.

The 'Open Space and Indoor Leisure' Topic paper, produced in support of the adopted 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.

The Authority's Play Officer advises that the proposed development sits well outside the buffer areas for existing local and neighbourhood provision and there are no play facilities available that children living on the development could access. The submitted illustrative plan includes an area of open space approximately 0.5 hectares in area which accords with the recommendation of the Play Officer for the preferred provision of onsite open space provision.

Housing:

With regards to the issue of affordable housing, Policy AH1 of the LDP requires that all new housing developments within the Port Talbot spatial area requires 25% affordable housing should be sought. As this application seeks outline planning permission, a suitably worded condition, if permission were granted, would be imposed on the application requiring the provision for affordable housing to be agreed at reserved matters stage.

The applicant has submitted a statement in support of the development at this location which identify a number of benefits which they consider are sufficient to justify approving this development contrary to the development plan. As stated earlier in this report, Section 38 of the Planning and Compulsory Purchase Act 2004 require proposals to be considered having regard to the Development Plan unless material considerations dictate otherwise. The applicant considers the following material considerations to be of sufficient weight to justify departing from the LDP. These individual considerations together with the assessment of the considerations are as follows:

The applicant argues in favour of the development on the basis that it will result in the provision of up to 35 homes, comprising a range of dwelling sizes and types which will contribute to the housing supply in NPT;

The provision of a variety of housing types on sustainable sites has been considered in the LDP. Whilst this site was considered as a candidate site within the LDP process it was discounted as it was not sustainably located and did not accord with the Council's settlement strategy. Whilst it is acknowledged that the Welsh Government is pushing for additional housing provision, this topic was assessed and debated at length within the recent Examination in Public for the LDP. Welsh Government officers were in attendance at the hearings associated with housing need and supply and also submitted documents associated with this topic. The Council is now in receipt of the Planning Inspectors report into the emerging LDP. This report amongst other things considers the population projections and the associated housing need for the County Borough. The Inspectors report confirms that the level of housing proposed within the emerging plan is sufficient and as such there is no justification at this stage to approve a housing development contrary to our adopted and emerging policies.

The development will make a significant affordable housing contribution in line with policy and will help to meet the affordable housing need in NPT as a whole;

The Applicant has indicated that an affordable housing contribution would be made in the form of a commuted sum rather than on site provision. This contribution would amount to 25% of the number of units at 60% of the market value of the units, in line with the LDP policy and the adopted Supplementary Planning Guidance. Whilst it is acknowledged that the proposal would contribute to the provision of affordable housing within the County Borough to meet an identified need this does not outweigh the harm caused to the character and appearance of the area and the unsustainable location of the site.

The development will be located on a partially brownfield site which can help to reduce the need to release suitable sites for residential development;

This issue has been addressed earlier in the report where it is argued that the site is largely open in aspect and there is no justification to redevelop the site in this rural location.

The development will provide significant improvements to the road and associated infrastructure within St David's Park including lighting and bringing the road up to adoptable standards;

The potential benefits that would result from the existing St David's Park Road being completed would be welcomed by the existing residents. However, it is considered that this would not outweigh the harm that would be caused to the rural character and appearance of the surrounding area.

The proposal will result in the redevelopment of a site which could otherwise become derelict and undesirable in appearance to a more compatible use with the neighbouring dwellings;

Whilst it is acknowledged that the application site may become further derelict in the future should the owner choose not to invest in its maintenance and potentially that this could impact on the amenity of neighbouring residents and the visual amenity of the surrounding countryside, it is not considered that this is significant justification to warrant overriding development plan policies which seek to protect the

countryside. Furthermore there are provisions within the environmental health and planning legislation which can be enforced to ensure that owners of land and property maintain their land and property.

The development will result in a strengthened settlement edge, which will be delivered without eroding the qualities or role of the Green Wedge;

The application site is clearly located outside the settlement limits and as such does not lie adjacent to any defined settlement as identified in the LDP. As a result this proposal cannot strengthen a settlement edge at this location when one does not exist.

The development will result in a high quality on-site public open space.

As indicated earlier in this report, adopted and emerging development plan policies require the provision of open space to serve residential developments of a certain size. The provision of such open space on this site is not therefore different to any other site where such provision is required. It will not therefore result in a benefit which wouldn't be expected on other similar sized sites. The provision of public open space does not therefore outweigh the identified harm which would be caused by the development.

Significant economic benefits, including construction jobs, indirect and induced jobs, tax receipts and an annual expenditure by residents.

Whilst socio economic benefits are a material consideration in the determination of an application, short term benefits associated with the construction of this development do not override the identified harm caused to the character and appearance of the site.

Other Issues

A number of objections raised by local residents have been addressed within the above appraisal. The remaining outstanding issues are addressed below:

1. It is suggested that the site is offered for sale rather than developed for residential purposes. However decisions regarding the potential future use of the site is a matter for the applicant;

2. In regard to concerns over noise and disturbance associated with the construction phase of development, all construction works are likely to result in a degree of noise and disturbance to adjacent properties. However, these disturbances are temporary and a condition requiring the provision of a detailed Construction Environmental Management Plan should ensure that such noise, dust and disturbance are kept to a minimum. If in exceptional circumstances levels of noise and disturbance exceed normal levels and constitute a nuisance then these circumstances are governed by Environmental Health Nuisance Regulations. Whilst it is acknowledged that the introduction of residential development at this location has the potential to increase noise levels by virtue of an increase in vehicular movements it is considered that this would not be sufficient to warrant a refusal on these grounds. A view which is endorsed by the Environmental Health Officer who has raised no objection to the proposal;
3. There are no Tree Preservation Orders (TPO) on the trees within the application site or land directly adjoining it, nor are the trees of sufficient merit to justify protection through a TPO.
4. Devaluation of property is not a material planning consideration in the determination of this application;
5. Turning to the concern that not all properties have been consulted, it should be noted that nine individual properties have been notified and the proposal has been advertised both in the press and by means of site notices. The statutory requirements only require those properties which adjoin the application site to be notified or for the application to be advertised on site. Both forms of advertisement have been completed in respect of this application which is over and above that required statutorily.
6. Whilst it is acknowledged that the application has been submitted within 10 years of a previous refusal and dismissed appeal, there is no provision within the legislation to prevent the submission and subsequent assessment of this application on its individual merits;
7. The application for Phase 2 of St David's Park was determined on its individual merits having regard to the prevailing development plan policies and material considerations at that time.
8. Whilst it is acknowledged that the proposal will result in the loss of a sporting facility, this is a private driving range and is not covered by the criteria contained within policy OS2 within the LDP.

9. With regards to concerns over flooding. The applicants have submitted a Flood Consequences Assessment, which has been considered by NRW, who has raised no objection to the proposed development in relation to increased risk of flood or impacts upon third party land;
10. In relation to concerns over car parking and the size of garden areas, the application seeks outline planning permission with all matters reserved for determination at a later date via separate reserved matters applications. This includes details of the proposed layout of the development including car parking provision. The submitted illustrative plan demonstrates that the site is large enough to accommodate up to 35 dwellings on site together with the associated car parking and private amenity space;

Conclusion:

Having regard to Policies SP3, SP7, SC1, SP10, OS1, SP14, EN3/5, SP16, EN8, SP17, M2, SP20, TR2, SP21, BE1, SP8, AH1 SP15 and SP7 of the adopted Local Development Plan; and national guidance contained in Planning Policy Wales, TANs 2, 5, 6, 11, 12, 15, 16 and 18 it is considered that the proposal represents an unjustifiable and unsustainable form of residential development located outside the defined settlement, which would have a detrimental impact upon the character and appearance of the surrounding area . It would also amount to inappropriate development which would prejudice the openness of the Green Wedge, for which there are no material considerations which outweigh the harm caused.

The decision to recommend refusal of 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.

Recommendation: Refuse for the following reasons

- (1) By reason of the site's rural location and the absence of adequate links to sustainable modes of transport, future occupiers of the proposed development would be overly reliant on the private car to access basic day to day services. The proposal would therefore represent an unsustainable form of development that would be contrary to the objectives of National Policy and guidance contained within Planning Policy Wales, Technical Advice Note 6 – Planning for Sustainable Rural Communities and TAN 18-Transport together with local planning policy objectives as defined by Policies SP3 and TR2 of the Local Development Plan.

- (2) By reason of the site's rural location, the lack of a clear physical relationship to an established settlement and the absence of an agricultural/forestry/ rural enterprise need, the proposal represents an unjustified form of residential development in the countryside that would detract from the openness of the Green Wedge and the character and appearance of the surrounding rural landscape. The development is therefore contrary to the countryside protection objectives of national planning policy and guidance as contained within Planning Policy Wales, TAN 6 - Planning for Sustainable Rural Communities and TAN 12 - Design in addition to failing to comply with Policies SP14 and EN3/5 of the Local Development Plan.