

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

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

<b><u>APPLICATION NO:</u> P2008/0798</b>	<b><u>DATE:</u> 05/06/2008</b>
<b>PROPOSAL:</b>	Outline Application For Residential Development & Alterations to Existing Access
<b>LOCATION:</b>	Forge Washery, Lower Brynamman, Ammanford
<b>APPLICANT:</b>	Tolkein Property Ltd.
<b>TYPE:</b>	Outline
<b>WARD:</b>	Lower Brynamman

#### **Background:**

This application is reported to Committee as a material departure from the adopted Local Development Plan.

Members will also note that this application was initially submitted in 2008, and has therefore been the subject of extensive and ongoing discussion between the applicant / agent and officers of the Planning department.

#### **Planning History:**

The site has the following relevant planning history: -

- 1977/126 Erection of coal washing and grading plant and associated bunkers – Approved 24/6/77
- 1982/212 Renewal of consent for coal washing and grading plant bunkers, storage ponds and buildings – Approved 23/7/82
- 1987/212 Renewal of consent for coal washing and grading plant and offices – Approved 15/9/87
- P2001/1318 Residential development – Withdrawn 10/11/01

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

The application was advertised on site and in the press, with 12 individual properties also notified.

To date, three letters of representation have been received, two objecting and one supporting.

The objections have been made on the following summarised grounds:

- The site falls outside the Unitary Development Plan;
- The site falls within a flood plain;
- Two structures which are Grade II Listed and may be affected by the development. The first being the Brynaman War Memorial and the second being the structure referred to as the Furnace Bank or the stone remains of the Blast Furnace built in 1847. The application form indicates that all buildings within the site are to be demolished and as such it is unclear whether this includes the furnaces;
- The land where the track runs is some 20-25 feet higher than the lower level of the furnaces. If the furnaces do form part of the site then the access to the farm will collapse thus denying the only access to the property;
- The Amman Valley Joint Sewerage Board Trunk Sewer runs through the northern position of the site and across the roadway from the war Memorial to the existing gates. Can the existing sewerage system accommodate the proposed increase?;
- Considerable care should be taken to ensure that all previous contamination is removed from the site prior to the commencement of development;
- A full assessment should be made to identify which trees should be retained;
- The eastern boundary of the land has eroded over a number of years by flood conditions;
- Planning permission was previously granted on the site to erect a building which affected a right of way and it is contended that the legal diversion of this footpath has never taken place;
- Maps supplied by the Authority's Rights of Way Officer indicate that the path is incorrectly plotted;
- any proposal that would damage or destroy a site of archaeological interest and its setting will be required to demonstrate that the need for the development clearly outweighs the value of the archaeological site;
- Is there a need for these houses?
- The proposal will have an impact on the Welsh Language;
- Brynaman is a dormitory village with poor transport links and limited employment opportunities;

- Access to the site is substandard;
- Concerns regarding the issue of road safety, including increase in traffic and lane is in a poor state of repair
- Drainage will have to be addressed;
- Land identified in blue by the applicant falls within Carmarthenshire County Borough and Quarter Bach Community Council. Have they been notified of the application?
- Bats are believed to be nesting in the blast furnaces and the site as a whole attracts a variety of wildlife;
- There is opposition to the proposal from residents of the village;
- More housing would put pressure on existing services within the community and provision should be made for this;
- There a few facilities for adults and young people and this development would make this situation worse;
- Demand in the area for housing is low. The application does not provide details of the type of housing proposed but would suggest that it should be for young people or first time buyers;
- What measures will be put in place to deal with the overspill of parking from the Rugby Club ?;
- How will the parking rights of the existing residents be safeguarded?
- Will the upgraded roadway be able to accommodate larger vehicles together with parked cars ?;
- The site should be developed for business purposes as the area needs jobs;
- The proposal will have an adverse impact on the character of the area;

One letter in support of the application has been received which raises the following comments:

- The proposed residential development of the site would be a great improvement to the present coal wash yard;
- The redevelopment of the site would also allow access to the listed monument.

Head of Engineering and Transport (Highways): No objection subject conditions

Natural Resources Wales: No objection subject to the imposition of conditions.

Head of Property & Regeneration (Estates): No reply, therefore no comments to make.

Welsh Water: No objection subject to conditions. Advises that a public sewer and water main crosses the site and a water supply can be made to serve the development.

Gwent Glamorgan Archaeological Trust: The proposal will require archaeological mitigation.

Arboricultural Officer: No objection

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

Biodiversity Officer: No objections subject to the imposition of conditions.

Gwaun Cae Gurwen Community Council: advises that the highway should be taken into consideration especially by the entrance where the monument lies. This corner of the highway before entering Upper Brynamman is a cause for concern and over the years there have been many accidents and maintenance is non-existent.

Carmarthenshire County Council: No reply, therefore no comments to make.

Contaminated Land Officer – No objection subject to the imposition of conditions.

Wales and West Utilities – No adverse comments.

Head of Environmental Health and Trading Standards (Air Quality): No objection.

Head of Streetcare Services (Parks): advises that a financial contribution will be required. He also advises that any detailed proposals should make provision for a cycleway link to the existing footbridge which crosses the River Amman and into Carmarthenshire.

Cadw: No adverse comments

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

The site comprises an irregular shaped parcel of land with an area of approximately 2.3 hectares, located on the eastern edge, but outside the settlement boundary, of Lower Brynamman. The site is located outside of the residential settlement boundary.

The site was historically occupied by the Amman Iron Works in the early mid 1840's and latterly by a brickworks. Currently a coal depot and washing yard is operational on the site which comprises site offices, a weighbridge, a conveyor, a large garage and a number of hoppers and outbuildings. The use of the site falls within Class B2 of the Town and Country (Use Classes) Order 1987.

To the north of the site is the River Amman which delineates the boundary with the neighbouring authority, Carmarthenshire County Council, to the south by a wooded area known as Cwm Amman and to the west by Station Road (A4069) from which the site is currently accessed along a track which serves as a vehicular access to both the application site and a small cluster of residential properties.

Adjacent to the site's southern and western boundaries are a number of residential dwellings, comprising 6 dwellings to the south and 5 to the west. Apart from a narrow strip to the south-west the site is fringed by trees. Built into the northern facing slope of the site is a furnace bank relating to the historical industrial operations carried out on the site. This is a Grade II Listed structure.

## **Brief description of proposal:**

This application seeks outline planning permission for residential development, with matters of detail except access reserved for subsequent approval.

The proposal includes improvements to the access road and the A4069 Station Road junction as well as a new length of footpath along the north-western edge of the access road.

As the application was submitted prior to the introduction of the new outline provisions the applicant was not required to provide an indicative layout of the number of dwellings proposed or the associated scale parameters. However, in order to illustrate how the site may be developed following submission of the application an indicative layout

has been submitted. This shows the proposed location of the housing adjacent to the western boundary of the site and areas of open space, biodiversity, SUDs and replacement water body to the east. This plan also includes areas of archaeological interest where no development is proposed. The plan also indicates the potential for pedestrian access to the recently replaced footbridge to the north, linking the site to existing public footpaths and Cwmgarw Road.

### **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 for consideration with regard to this application relate to the principle of a residential development at this location having regard to the provisions of the development plan as well as the impact upon the character and appearance of the surrounding area; the residential amenity of the occupiers of the adjacent properties; highway and pedestrian safety of the existing road network; the effect upon biodiversity quality of the application site, drainage, flooding, archaeological interests, contaminated land together with other issues raised by consultees.

## **Policy Context:**

### National Planning Policy:

Planning Policy Wales (Edition 8, January 2016)

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

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

Technical Advice Note 12: Design (2016)

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)

Technical Advice Note 20: The Welsh Language

### Local Planning Policy

Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council prepared the Local Development Plan (2011-2016) (LDP). The LDP was submitted for Independent Examination to the Planning Inspectorate on 30<sup>th</sup> 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 2<sup>nd</sup> December 2015 when the Council received the Inspector's 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 27<sup>th</sup> January 2016, and therefore the proposal must now be assessed against the following relevant Policies within the LDP:-

### Strategic Policies

- Strategic Policy SP1 Climate Change
- Strategic Policy SP2 Health
- Strategic Policy SP3 Sustainable Communities
- Strategic Policy SP4 Infrastructure
- Strategic Policy SP6 Development in the Valleys Strategy Area

- Strategic Policy SP10 Open Space
- Strategic Policy SP15 Biodiversity and Geodiversity
- Strategic Policy SP16 Environmental Protection
- Strategic Policy SP17 Minerals
- Strategic Policy SP20 Transport Network
- Strategic Policy SP21 Built Environment and Historic Heritage
- Strategic Policy SP22 Welsh Language

#### Detailed Policies

- Policy SC1 Settlement limits
- Policy I1 Infrastructure Requirements
- Policy OS1 Open Space Provision
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and Land Stability
- Policy M1 Development in Mineral Safeguarding Areas
- Policy M3 Development in Mineral Buffer Zones
- Policy TR1 Transport Proposals
- Policy TR2 Design and Access of New Development
- Policy BE1 Design
- Policy WL1 Development in Language Sensitive Areas

#### **Principle of Development:**

The application site lies outside of, albeit close to, the settlement limit of Lower Brynamman as defined by Policy SC1 of the adopted LDP, and is therefore defined as being within the 'countryside'. Given its countryside location, and in the absence of any agricultural or forestry justification, the proposed residential development is as a matter of fact contrary to Policy SC1 of the adopted LDP.

This is supported by national policy 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.'*

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*”.

Having regard to the above, it is clear that the proposal would be contrary to policies contained within the Local Development Plan and, accordingly there needs to be material considerations of sufficient weight which outweigh the potential harm caused by such a departure. These matters are considered in detail below:

### Removal of a Non Conforming Use

The applicant has emphasised their view that there are significant and material benefits from the re-development of the site, which include the end of a ‘bad neighbour’ use and/or the prevention of intensification of the current industrial use which could lawfully occur under the current parameters undertaken at the site.

In this regard it is noted that the site has been the subject of many complaints to the Council’s Minerals Enforcement Officer over the years.

The current use of the site as a coal washery and grading plant was granted on appeal in November 1988. Condition 10 states that:

*“When no longer needed in connection with the washery authorised by this permission, all buildings, plant and machinery, wire rope, scrap and other waste materials shall be removed from the site and the site shall be graded to accord with the surrounding countryside in a scheme to be submitted for approval of the County Planning Authority.”*

Notwithstanding the requirements of Condition 10 and the other conditions attached to the consent it is important to note that the consent is not time limited, and therefore could continue indefinitely. For example, the specific operations taking place (coal washing and grading) do not rely upon the extraction of any material from the site itself, but instead relate to the importation of material from various other sources. Therefore the material required for the use of the site is essentially from an infinite resource and the operations on site are not constrained to any degree by this.

Having regard to existing acknowledged local impacts, it is also the case that activities at the site could intensify without restriction, with further implications for the impact on residential amenity as acknowledged by the Planning Inspector in Paragraph 10 which stated:

*“ I consider that the principle problems of the washery arise from the activities of vehicles both within and off the site, including the feeding of the hopper and the passage of vehicles along the private road. “*

There is no time limit to the use, and there are also concerns that the wording of Condition 10 is not sufficiently precise and is unambiguous such that it would result in the clearance of the site and restoration even if the washery were to cease. Moreover the appeal Inspector noted (paragraph 13) that:

*‘Even if the particular development were to be discontinued for one reason or another, it would be difficult to prevent the site from enjoying some form of beneficial industrial or commercial use, which could still generate the movement of vehicles to and from the site.’*

Having regard to all of the above, notably the uncertainty over the future use, condition and impacts, it is considered that the removal of this non-conforming ‘bad neighbour’ use represents a material consideration of significant weight which weighs in favour of allowing the development, subject to the impact of the proposed new development being acceptable in all other respects.

#### Redevelopment of Brownfield / Previously -Developed Site

Notwithstanding the requirements of Condition 10 for the remediation and grading of the site to accord with the characteristics of the surrounding countryside it is also appropriate to consider whether the site falls within the definition of ‘previously developed land’ as set out in Planning Policy Wales (Edition 8) 2016 which states:

*“Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as defence buildings, and land used for buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.”*

In addition to the issues of enforceability of condition 10 discussed above, it is also considered that the use of the site does not strictly fall within the exceptions to 'previously developed land' provided by note 2 in the definition contained in PPW, insofar as the use of the site is not related to mineral extraction, nor is it for waste disposal. Accordingly, the site is considered to fall within the definition of previously developed land, which again is a significant material consideration in the determination of this application.

In this respect, Planning Policy Wales emphasises the preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites, with paragraphs 4.9.1 and 4.9.2 stating that: -

4.9.1 Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

### Socio-Economic Arguments

Having regard to the above policy in respect of developments 'which facilitate the regeneration of existing communities', it is noted also that this site is located in an area which has not seen significant new development in recent years.

In this respect, the applicant has stated that the development of residential dwellings will help retain the existing population in the area and attract new occupiers into the Village – helping to sustain existing services and facilities, in line with the aims / strategy of the LDP to ‘reinvigorate the valleys’.

In considering such matters, it is notable that in drawing up the LDP, the identification of a Settlement Hierarchy was used to provide a balanced approach to managing growth, directing development to areas reflecting the attributes contained within that community and their ability to accommodate growth. As well as assessing the role and function of settlements, the Council assessed the capacity of land within settlements to accommodate development and also considered the potential opportunities for settlement expansion.

The classification of settlements in the Plan is based on a six-tier hierarchy, with the settlement of Lower Brynamman identified as a ‘small local centre’ – such settlements considered to have adequate public transport links with at least one shop and/or several community facilities, and which provide more limited potential to accommodate new development.

Within this context, although not considered on its own to justify such new residential development outside of the settlement boundary, it is nevertheless considered that its classification together with the other material considerations considered within this report adds weight to the general conclusions that cumulatively there may be sufficient grounds to justify such development.

### Impact on Listed Building

As identified above, the site incorporates the Grade II Listed Furnace Bank, which is the most obvious and visible remains of the former ironworks and is a high stone-built wall that marks out a section of the southern edge of the site. Accordingly the historic importance of this structure is a material consideration in the determination of this application.

Under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, the planning authority must have “special regard” to preserving the setting of listed buildings. Recent case law has emphasised that this is more than a straightforward balancing exercise, and this must not be treated as just one among a large number of

material considerations. Having regard to this legal requirement, it is considered that the removal of an industrial use which has the potential to negatively impact on the Listed Building can be justified where the proposed development contributes to its conservation, public accessibility and the appropriate redevelopment of the site for an alternative use.

In this respect, it is considered that the scheme will, subject to matters of detailed layout / design, enhance the setting of the listed building, such that this also weighs in favour of allowing the development.

### Access Improvements / Safety Issues

As part of the outline planning application, detailed proposals for alterations to the existing access to the site have been put forward. These include the improvement of the actual access road, associated vision splays, and the incorporation of a dedicated pedestrian footpath. In this regard, the applicants have also stated that the redevelopment of the site is supported by the majority of the existing residents adjacent to the site, particularly in light of the improvements to the access to the site and the reduction in vehicle and pedestrian conflict through the removal of HGV movements associated with the current operational function of the site.

While it is noted that there has been support for the proposal, there has also been objection. Nevertheless, it is accepted that the existing access is used by a number of large lorries associated with the current authorised use, which certainly has potential to create both safety concerns and impacts on residential amenity. Such matters are, therefore, also considered to have some weight as material considerations.

### Visual Appearance of Site

It has also been suggested that the visual appearance of the site might justify development, and in this regard it is acknowledged that the site could be considered to cause visual, albeit localised, harm. This in itself, however, is not considered to justify such development outside of the settlement boundaries.

## Housing Need:

PPW (para 9.2.3) emphasises the need for local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing, and para. 6.2 of TAN 1 - Joint Housing Land Availability Studies (2015) - states that "The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

It is noted that while the 2014 Joint Housing Land Availability Study (Published in May 2015) identified a shortfall in the 5 year land supply, the council has since adopted its Local Development Plan, which allocates 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 2026).

The 2016 Joint Housing Land Availability Study (JHLAS) has also recently been agreed by the Planning Inspectorate (end June 2016), and has confirmed that the current land supply figure for Neath Port Talbot is 5.0 years.

It is therefore considered that insufficient land supply does not amount to a justification to approve a housing development such as that proposed which is contrary to the adopted LDP.

## Principle of Development Conclusion: Weighing the harm against public benefit

Planning Policy Wales advises throughout that it is for the decision maker to determine the weight to give to respective material considerations, when balancing issues. In this case, the balance is between the removal of a non-conforming use versus harm caused by the development. While harm has been identified in that the proposal would be contrary to the development plan as it represents an unjustified form of development in the countryside, the harm has to be balanced against the benefits delivered by the proposal.

For the reasons given above, it is therefore concluded that while the development would be contrary to the adopted Local Development

Plan, by reason of its siting in the countryside and outside of the adopted settlement boundary, the development of this site for a maximum of 25 no. dwellings would be justified by other material considerations, namely the removal of a non-conforming use and the associated activities and HGV movements, the regeneration of a brownfield site – having regard to concerns that cessation of the use may not result in a remediated site - and the development of residential dwellings will help retain the existing population in the area and attract new occupiers into the Village, helping to sustain existing services and facilities in line with the aims / strategy of the LDP to ‘reinvigorate the valleys’.

Other Matters in respect of the development are addressed in turn below:

### **Affordable Housing:**

With regards to affordable housing the application site lies within Lower Brynamman which is located within the valley areas, wherein Affordable Housing Policy AH1 includes no requirement for affordable housing. This is based on the Viability Study undertaken by the Council in 2012, which found that the valley areas did not support the provision of affordable housing. As such no contribution is required or proposed for this development.

### **Housing Density**

This site falls within the Valleys Strategy Area wherein Policy BE1 (8a) of the adopted Local Development Plan states that ‘*normally a minimum of ... 30 [dwellings] per hectare in the Valleys Strategy Area*’ will be required.

Although the site is approximately 2.3 hectares in size, the site includes a listed building and archaeological constraints together with the requirement to provide on-site open space, all of which affect the ability to achieve the required density under Policy BE1. More importantly, however, discussions have been held with the applicants over many years to address the balance between potentially allowing residential development outside of the settlement boundaries, while minimising the number of dwellings to that which is necessary and appropriate to remediate the site. In this regard, and following viability work, an agreement was reached that the number of units brought forward should be limited to 25 to ‘match’ that needed to enable the remediation

of the site, cessation of the lawful use, and other benefits of the scheme.

### **Visual Amenity:**

With regards to the character of the existing area, Lower Brynamman is characterised by traditional terraced properties and a number of newly-built properties.

The site stands enclosed by mature trees which form a dense screen between the site and adjacent residential properties.

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 site is not conspicuous, either from the existing settlement above the steep, northern valley side or the A4069 Station Road/Amman Road which descends the valley side. The topography effectively isolates the site both visually and physically from Brynamman and Lower

Brynamman. In addition, as already noted, the site is a brownfield one and although there will be a change in the character of the site with the replacement of industrial style structures with domestic buildings, it would not be the more fundamental change that would occur if the site was undeveloped rural landscape.

As such it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside. It is accepted that there will be viewpoints where the development will have greater prominence in the wider landscape, but appropriate landscaping should serve to minimise this. The application has also been accompanied by an indicative layout site remediation plan which demonstrates how the remainder of the site (excluding housing) is to be restored and the potential use of Public Open Space to serve the development, together with details of the pedestrian and cycle linkages. Thus it is considered that the harm resulting from the development will be localised and would not be so significant as to justify refusal, particularly bearing in mind the overriding weight to removing what is considered to be an unacceptable use both in residential and visual amenity terms.

### **Residential Amenity:**

As the application is made in outline, the impact of the new development upon the amenity of adjoining properties can only be addressed having regard to the principle of a residential development at this location and the siting of the dwellings and their relationship to existing neighbouring properties. As emphasised earlier in this report, the site is currently operating as an unrestricted general industrial use (Class B2) with no control over the heavy goods vehicles accessing the site. As a consequence, it is considered that the removal of this non-conforming use and its replacement with a residential development will improve the amenities of the occupiers of Amman Cottages in terms of noise and general nuisance.

Although plot layout and design of dwellings would be considered in detail under any subsequent reserved matters application, it is considered that given the separation distances between the proposed dwellings and the existing cluster of dwellings situated to the south, the site can be developed for 25 dwellings together with the associated amenity and parking provision without any unacceptable detrimental impact upon amenity of existing occupiers.

### **Mineral Safeguarding:**

It is noted that the site is located within a Mineral Safeguarding Area under Policy M1 of the adopted LDP. Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensure they are not sterilised or their extraction hindered.

Notwithstanding the above 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 / Policy M1 grounds.

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

As detailed above, the proposal is in outline and proposes the erection of 25 houses utilising the existing access to the site off the A4069.

The Head of Engineering and Transport (Highways) has considered the vehicular traffic associated with 25 dwellings – and compared it to the existing authorised use - and has 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 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 improvements to the existing access road, submission of a road safety audit and restriction on the number of dwellings to be served off the access.

### **Flooding:**

The development of this site has been proposed since 2008 and has been the subject of extensive negotiations and consultation with Natural Resources Wales. This included submission of a Flood Consequences Assessment (FCA) to accompany the application, which states that "*the site should not be designated C2*" (based on the FCA analysis). Nevertheless, the Development Advice Maps (updated as recently as January 2015) identify that the majority of the site is Zone C2.

Accordingly, the proposal represents highly vulnerable development (e.g. housing) which according to TAN15 should not be permitted.

WG advice requires consideration of three tests which requires that development: -

- 1) Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) and
- 2) Its location is necessary to assist a local authority regeneration initiative or strategy<sup>1</sup>, or contribute to key employment objectives, necessary to sustain an existing settlement or region (tests 6.2 i and ii) and
- 3) The site meets the definition of previously developed land (i.e. it is not a Greenfield site) and concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development) (test 6.2 iii) and
- 4) A Flood Consequence Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable. (test 6.2 iv)

In respect of test (i) the site does not fall within C1 according to the DAM, however significant discussion with NRW has been undertaken in respect of the flooding impacts / the extent to which the site would flood, while for (ii) the local benefits of the development are described above, but do not technically amount to a *strategy*.

The site is considered to be previously-developed land and, as described below, NRW is satisfied that flood risk can be managed.

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<sup>1</sup> Regeneration Initiatives will be comprehensive, multi-approach and form part of a suite of initiatives which have been subject to public consultation. Local Authority strategy will be the development plan for the area (deposit version as minimum).

## *Managing Flood Risk*

Following concerns from NRW over the modelling work undertaken as part of the FCA the applicant undertook more extensive work which led to an amended FCA.

In response to the latest FCA, NRW initially advised that if water levels reach the toe of the embankment, a breach analysis should occur along with an inundation assessment of the site. In response the applicant confirmed the following:

- The FCA shows the site to be flood free during a 0.1% Annual Exceedance Probability (AEP) event;
- Some protection is afforded by the bund around the northern half of the site;
- River levels during a 1% plus climate change AEP event are predicted to be approximately 1m below the landward toe of the bund, breach failure does not pose a risk to the proposed development site during an event of this magnitude;
- Land raising along the site's boundary with the river is proposed as part of the planned development to remove any reliance on the bund;
- Land raising will ensure flood water remains confined to the river corridor and the site and access will remain flood free during 0.1 % AEP;
- Land raising is an acceptable and recognised flood risk mitigation measure.

These submissions were further considered by NRW who has subsequently confirmed that the FCA has shown that flood risk can be managed and provided that a condition requiring the site ground levels to be raised to the maximum water level identified in the FCA is imposed, they advise that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy Wales.

Accordingly, notwithstanding its location in Zone C2, it is concluded that flood risk can be managed, such that the development of the site, having regard to the material considerations detailed above, would be acceptable.

It is noted that the The Town and Country Planning (Notification) (Wales) Direction 2012 requires, in respect of 'Flood Risk Area Development', that scheme of 10 or more dwellings where the **whole** (*emphasis added*) of the land where the development is proposed to be located, is within flood zone C2, should be referred to the Welsh Ministers prior to a decision being issued. In this case part of the site falls outside zone C2 and as such there is no requirement to refer the application to Welsh Government.

## **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 and NRW have considered the submitted information and suggested a number of conditions requiring the provision of a 7 metre buffer between the development and the river bank, a method statement for protecting reptiles, replacement of a smaller but higher quality pond at the edge of the development, retention of all mature trees around the perimeter of the site and all new buildings to include artificial nesting sites for birds.

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.

It is therefore considered that the proposed development would not have any unacceptable impact in relation to ecology and biodiversity.

### **Archaeology:**

Glamorgan Gwent Archaeological Trust (GGAT) required an archaeological evaluation prior to the application being determined.

The subsequent archaeological evaluation has been considered by GGAT who advises that the proposed methodology for the development

states that the ground will be raised by imported material in order to reduce the physical impact on the archaeological remains, although some intrusive groundworks and remediation will be necessary. 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.

### **Pollution:**

The Land Contamination Officer and NRW have raised no objections to the proposal having regard to the submitted desk top study, however this report is now considered to be out of date and the suggested conditions make provision for a new and up dated desk study together with a verification report, remediation strategy, long term monitoring and maintenance plan, unexpected contamination and pollution prevention measures. However, the submitted desk study has not identified the likely requirement for gas monitoring due to coal seams and waste within the vicinity of the site and this will need to be addressed.

### **Drainage:**

The Local Authority's Drainage Officer, Welsh Water and NRW have all been consulted and each has raised no objection to the proposal subject to the imposition of conditions.

In respect of foul water, the Head of Engineering and Transport (Drainage) has no objection to the proposal in terms of foul water drainage and has suggested a number of conditions. Natural Resources Wales offers no objection to the proposal as foul water is proposed to be discharged to the main public sewerage system but advise that Welsh Water be consulted to ensure that there is sufficient capacity to accommodate the additional flows.

Welsh Water have been consulted as part of this application and have advised that they have no objection to the proposal as they envisage no problems with the Waste Water Treatment Works for the treatment of domestic discharges from this site. They have suggested standard conditions relating to drainage both foul and surface water which can be imposed by suitably worded condition. They have also advised that a sewer runs through the site. The applicant will be made aware of this by a suitably worded informative.

In respect of surface water, soakaways are proposed and NRW have advised that this is an acceptable method should ground conditions prove suitable although the use of Sustainable Drainage Systems (SUDS) should be investigated in line with the advice contained in TAN 15 and as such it is suggested that a condition is imposed requiring a comprehensive drainage scheme is submitted.

The application is therefore acceptable in terms of drainage.

### **Waste:**

Policy W3 – Waste Management in Development – requires proposals for new built development to demonstrate that provision is made for design, layout, storage and management of the waste generated by the development both during the construction phase and occupation. The development, however does not exceed the threshold of 50 dwellings where a Site waste Management Plan is required to be produced.

Natural Resources Wales has provided general advice in respect of the control of waste and suitably worded informatives can be attached to any consent.

### **Section 106 Planning Obligations:**

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

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

LDP Policy SP4 Infrastructure – requires developments to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable.

Policy I1 Infrastructure requirements – states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that where appropriate, the impact of new development is mitigated.”

These requirements will include consideration of and appropriate provision for:

- Affordable housing;
- Open space and recreation facilities;
- Welsh language infrastructure (in Language Sensitive Areas);
- Community facilities including community hubs;
- Biodiversity, environmental and conservation interests;
- Improving access to facilities and services including the provision of walking and cycling routes;
- Historic and built environment and public realm;
- Historic and built environment and public realm improvements;
- Community and public transport;
- Education and training.”

To support the above Policies, the Council has recently gone out to public consultation on a draft ‘Planning Obligations’ SPG which sets out the approach and procedures the Council will apply where developers are expected to pay for, or contribute to, improvements to infrastructure that would be necessary as a result of the development. At this stage, however, while the SPG informs the assessment below, the weight that may be attributed to it is limited.

As detailed above, the proposal relates to an outline planning application for 25 residential units. The viability report (Savills 2011) which accompanied the application concluded that 20% affordable housing requirement (the LDP requirement at that time) would necessitate the construction of 85 units, compared with 51 units if the aforementioned requirement was waived. As a consequence, and following lengthy discussions with the applicant it was confirmed that given the constraints of the site, its countryside location together with the potential benefits of removing a non-conforming use and potential uncertainty over securing appropriate remediation of the site if that use were to cease that 25 units could be satisfactorily accommodated on the site.

Since the submission of the Viability Report and adoption of the LDP there is no longer any requirement to provide affordable housing on this site. As the aforementioned report clearly demonstrated that the development would not be able to support the provision of affordable housing (and the scheme now proposes only 25 dwellings) it also means that the development would be unable to deliver other financial contributions which may be considered necessary.

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 and taking into consideration the Viability Report it is necessary to assess how the following requirements will be delivered.

### Public Open Space (POS)

In respect of the provision of open space to serve this development, Policy OS1 indicates that where there is a quantitative deficiency in any of the following; outdoor sport, children’s play, informal space or allotment provision such provision will be sought, including the requirement for maintenance, in conjunction with all new residential developments of 3 or more dwellings.

The site lies within the Lower Brynamman Ward, where there are existing shortfalls in non-pitch and children’s play. Within the Amman Valley Spatial Area, there is a shortfall of allotments.

The POS requirement that the site will generate is as follows:

- Pitch sport                      658.4 sq.m.
- Non pitch sport                257.6 sq.m.
- Children’s play                143.1 sq.m.
- Informal play area            314.9 sq.m.
- Allotments                        108.8sq.m.

Given the low density levels there is potential to combine pitch and non-pitch requirements to provide a kickabout area / children’s play area (albeit not equipped) on site, which would allow for small scale sports uses which would be beneficial for residents of the site. Given that the nearest informal open space is approximately 2km from the site, it is

considered appropriate to also provide within the site an informal recreation area.

Subject to the imposition of suitably worded conditions to secure the above necessary POS, the development would accord with Policy OS1 of the adopted LDP.

### Welsh Language Impact

In respect of the impact on the Welsh Language, Policy SP22 states that the Welsh Language will be safeguarded and promoted. In this regard, Policy W1 requires development in Language Sensitive Areas to provide a Welsh Language Action Plan (WLAP), setting out the measures to be taken to protect, promote and enhance the Welsh language.

There is therefore a need to mitigate any negative effects from the development through:

- Supporting the use of the language in the local community; and
- Helping residents of new housing and people who work in new retail, commercial and industrial developments to learn and use the language to offer a Welsh medium service to the public and to create opportunities in work to use the language.

The submitted Welsh Language Impact Assessment (October 2008) and subsequent addendum dated July 13<sup>th</sup> 2016 has been reviewed by the Local Authority's Policy Section who have advised that to accord with LDP policy the developer will need to submit a Welsh Language Action Plan (WLAP) setting out the measures to be taken to protect, promote and enhance the Welsh Language. This Plan will need to identify what measures are proposed to mitigate any negative effects on the Welsh language.

The applicant has stated that the following measures would be incorporated into the development proposal:

- a) Bilingual marketing;
- b) Provision of public open space and connectivity to and with the surrounding community; and
- c) Street names and bilingual signage.

The above measures are considered acceptable and subject to the imposition of a suitably worded condition to secure their provision, the development would accord with Policy WL1 of the adopted LDP.

### Improving access to walking and cycle routes

The Amman Valley Cycle Way is located adjacent to the site and is part of a joint Neath Port Talbot and Carmarthenshire CC project which involves the completion of a rural walking and cycle track connecting Cwmllynfell and Ammanford. The proposed development will improve connectivity to this route via the recently replaced footbridge located on the northern perimeter of the site and as such the proposal will accord with Policy TR1 of the LDP.

### **Other (including objections):**

While the majority of matters raised in local objections have been addressed in the above assessment, the following additional comments are made in relation to the remainder of the objector's responses:

- There are no Tree Preservation Orders (TPO) on the trees within the application site or land directly adjoining it. A full landscaping scheme is required to be submitted as part of the reserved matters application;
- Whilst the impact of development on a public right of way is a material planning consideration, the Authority's Footpaths Officer has confirmed that Footpath 10 is adjacent to the site;
- The future maintenance of the access road would be a matter for the applicant if in private ownership or if adopted the Local Highway Authority;
- If the applicant is required to purchase additional land in order to implement the consent then this would be a private matter;
- The removal of electricity and/or telephone lines is a matter for the applicant and is not a material planning consideration;
- In line with the Authority's adopted procedures Carmarthenshire County Council have been notified of the planning application, and it would be their responsibility to notify Quarter Bach Community Council;
- The publicity for the application was undertaken in accordance with the Local Authority's adopted procedures. In this case all adjoining neighbours were written to, notices erected on site and

advertised in the press. All means of publicity clearly indicate where the details of the application can be viewed;

- The tenure of the housing is not a material planning consideration;
- As this is only an outline application there are no details of the type of dwellings proposed and would be considered as part of the reserved matters application;
- The application site is not allocated for any specific use within the Local Development Plan and as such the application is to be determined on its individual merits;
- As the application represents a departure from the development plan it is required to be determined by Planning Committee;

### **Conclusion:**

The decision to recommend 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 applications the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Having regard to National Policy contained in Planning Policy Wales (2016) together with National Guidance contained within TANs 5, 6, 12, 15, 18 and 20 LDP Policies SP1, SP2, SP3, SP4, SP10, SP15, SP16, SP17, SP20, SP21, SP22, SC1, I1, OS1, EN7, EN8, M1, M3, TR1, TR2, BE1 and WL1 it is considered on balance that the development of the land for housing is acceptable as there are other material considerations together with national planning policy to justify the proposed residential development which outweighs any conflict with the aforementioned LDP policies. Furthermore, the development would not have a significant impact on highway and pedestrian safety, flooding, the setting of a listed building, foul and surface water discharges, or ecological issues. Subject to detailed design at reserved matters stage, it is concluded that there would be no detrimental impact upon the character and appearance of the surrounding area or the residential amenity of neighbouring dwellings.

## **RECOMMENDATION: Approval with Conditions**

### Time Limit Conditions

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

### Reason

The application was made for outline planning permission.

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

### Reason

The application was made for outline planning permission and to comply with requirements of Section 92 of The Town and Country Planning Act 1990.

(3) Application for approval of reserved matters herein before referred to must be made not later than the expiration of three years beginning with the date of this permission.

### Reason

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

(4) The development to which this permission relates must be began not later than whichever is the later of the following dates:

(a) The expiration of five years from the date of this permission.

(b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters approved.

### Reason

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

(5) Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning)

Approved Plans

(6) The development shall be carried out in accordance with the following plans and documents:

Location Plan (SAV1)

Red and blue line plan (SAV 2)

Preliminary access arrangement - CSA95SK01

Extent of Works - CSA95SK03

Environmental Report -Blandford Consulting (June 2005)

Welsh Language Impact Assessment (Oct 2008)

Letter dated July 13th 2016 from Geraint John detailing Welsh Language mitigation.

Viability Report - Savills (Feb 2011)

Stage 1 Road Safety Audit (Jan 2008)

Foundation and Highway Construction Appraisal - Austin Partnership (17/4/13)

Access Statement - Savills (May 2008)

Planning Statement - Savills (May 2008)

Flood Consequences Assessment (Oct 2015)

Archaeology Assessment and Site Visit - Archaeology Wales -Dec 2013

Archaeology Evaluation - Archaeology Wales Sept 2014

Reason

For the avoidance of doubt as to the approved development and to accord with Circular 016.2014 on The Use of Planning Conditions for Development Management.

Pre-Commencement Conditions

(7) As part of the submission of the first reserved matters application full details of the existing and proposed ground levels across the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the ground levels are raised to the maximum water level identified in the Flood Consequences Assessment (FCA) which accompanies the application. The development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and flood risk.

(8) As part of the first reserved matters application full details of the proposed open space provision at the site, including details of the timing of such provision, shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided and retained in accordance with the agreed details.

Reason

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policy OS1 of the Local Development Plan.

(9) As part of the first reserved matters application, full details of hard and soft landscaping schemes for the landscaping of all public landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The submitted planting schemes shall include:

- i) indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development
- ii) A statement setting out the design objectives and how these will be delivered;
- iii) Hard surfacing materials and designs;
- iv) details of the design and location of minor artefacts and structures including street furniture, public refuse bins, highway grit bins for development access road and footpaths;
- v) Planting schemes including species, planting densities and sizes at time of planting, including wildlife friendly species and those that will promote habitat creation.

The approved landscaping schemes shall be fully implemented within the first planting season following completion of the development, any trees or plants which within a period of five years from the completion of the residential development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation

Reason

In the interests of amenity, community safety and biodiversity.

(10) As part of the submission of the first reserved matters application details of a Landscape Management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including highway verge areas and public open spaces other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

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

(11) As part of the first reserved matters application a scheme to address the impacts upon the Welsh Language shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based upon the recommendations set out in the letter from GJ Planning dated 13th July 2016. The scheme as approved shall be fully implemented prior to the first beneficial use of any dwelling, or any other timeframe as approved as part of the scheme.

Reason

To ensure the Welsh Language is safeguarded and promoted.

(12) No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved by the Local Planning Authority. The programme and scheme shall be fully implemented as defined in the approved details.

Reason

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

(13) No development shall commence on site until, including vegetation or debris clearance works, until a method statement for the protection of reptiles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

In the interest of protected species and biodiversity.

(14) As part of the first reserved matters application, a scheme for the provision of a replacement pond (smaller but of improved quality to that existing on site) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first beneficial use of any dwelling, or any other timeframe as approved as part of the scheme.

Reason

In the interest of protected species and biodiversity.

(15) As part of the first reserved matters application a scheme which makes provision for a cycleway linking the application site to the existing footbridge shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first beneficial use of any dwelling, or any other timeframe as approved as part of the scheme.

Reason

To promote sustainable means of transport.

(16) Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(17) Prior to the commencement of work on site a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason :

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

(18) Prior to first beneficial occupation of any dwelling hereby permitted, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 15 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

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

(19) Prior to first beneficial occupation of any dwelling hereby permitted, artificial nesting sites for birds within the site/on the buildings shall be provided in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be retained on site.

## Reason

In the interest of ecological mitigation, since the proposals remove potential bird nesting/ foraging habitats, and to comply with Policy EN6 of the Neath Port Talbot Local Plan.

(20) No other development shall commence on site until such time as the access road from the A4069 for a length of 130m has been made-up to base course level (with footpath to wearing course) including details of drainage, street lighting and signage / lining in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

## Reason

In the interest of highway and pedestrian safety.

(21) Prior to commencement of any works at the junction a Stage 2 Road Safety Audit for the works to the junction shall be submitted to and approved in writing by the Local Planning Authority, and any items raised in the approved stage 2 Road Safety Audit shall be fully implemented on site as part of the junction improvement works. . On completion of the approved junction works a stage 3 Road Safety Audit shall be undertaken in accordance with the Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, HD 19/15, the findings together with proposed schedule of works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site prior to the occupation of the first approved dwelling. In accordance with the Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, HD 19/15 and within 12 months from the date of the occupation of the first dwelling a Stage 4 Road Safety Audit shall be undertaken and any matters raised to be undertaken on site shall be submitted to and approved in writing by the Local Planning Authority. An approved works shall be fully implemented on site prior to the expiry of 3 months from the date of the approval of the Stage 4 Road Safety Audit details.

## Reason

To ensure any alterations that might be deemed necessary at a technical stage are assessed, and all works carried out on site are assessed in accordance with guidance documentation and any further work required through this assessment being carried out in the interest of vehicle and pedestrian safety.

## Reason

In the interest of highway safety.

(22) As part of the first reserved matters application a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by an assessment which shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, with the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a period for its implementation; and

iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme as agreed shall be fully implemented prior to the first beneficial use of the development.

## Reason:

To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

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

The statement shall provide for:

a. The parking of vehicles of site operatives and visitors

- b. Loading and unloading of plant and materials, and the routing of construction and delivery vehicles
- c. Storage of plant and materials used in constructing the development
- d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e. Wheel washing facilities
- f. Measures to control the emission of dust and dirt during construction
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works
- h. Scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- i. A demolition method statement including mitigation measures to minimise the impacts of the demolition upon noise and nuisance to adjoining properties.

The approved statement, schemes and mitigation shall be adhered to throughout the demolition and construction period of the development.

Reason

In the interest of pollution control

Regulatory Conditions

(24) There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site. Any drainage pipe, highway drain or highway run-off entering, crossing or discharging into the development site must be accommodated into the site development works by the developer. No buildings shall be erected over or within the safety zone of any culvert or watercourse.

Reason

In the interest of drainage.

(25) The development hereby approved relates to the construction of a maximum of 25 dwellings.

Reason

Since the development of this site is justified only on the basis of a maximum of 25 dwellings, having regard also to interests of visual amenity and to ensure that the site is developed in an appropriate manner having regard to its rural location.

(26) A 7 metre vegetated buffer zone shall be maintained between the development and the riverbank, within which no development or vegetation clearance should take place.

Reason

In the interests of ecology and biodiversity.

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

Reason

To protect the integrity of the public sewerage system

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

Reason

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