

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

### **Planning Applications Recommended For Approval Following Members Site Visit**

<b><u>APPLICATION NO:</u> P2015/0011</b>	<b><u>DATE:</u> 27/01/2015</b>
<b>PROPOSAL:</b>	138 residential dwellings with associated infrastructure, engineering works, and public open space.
<b>LOCATION:</b>	Land at Neath Road, Tonna, Neath
<b>APPLICANT:</b>	Barratt South Wales
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Neath North

### **Background**

Cllr Cari Morgans has called the application into Committee citing the impact it will have on the services in the village and in particular the road network. This application is also reported to Committee due to the contentious nature of the proposal. The application is for the construction of housing on land, which was previously allocated within a Green Wedge as designated by the now defunct Unitary Development Plan.

It was resolved on the 19<sup>th</sup> of January 2016 that a site visit will take place prior to the Committee.

### **Planning History:**

None

### **Publicity and Responses:**

The application was advertised on site and in the press as a departure to the Unitary Development Plan and as a major development. It is noted, however, that with effect from January this year, the Local Development Plan has been formally adopted and the proposal is no longer considered a departure (the site being allocated for development as discussed below). Twelve individual properties were also notified.

A letter has been received from two Assembly Members and a letter has also been received from the House of Commons.

**Gwenda Thomas AM** was informing the Council of the representations she had received from the Tonna Community Council. These representatives can be summarised as follows:

It must be noted that these representations were made at a time when the site was still a candidate site to the then, emerging Local Development Plan (LDP).

- The application is premature as prejudices the examination into the LDP.
- Disregard of the democratic process on behalf of the Local Planning Authority.
- The Local Authorities complete disregard for its own LDP strategic Policies.
- Inadequacies with regard to the biological survey work.
- The Transport Assessment deliberately misleads as to the impact of the development.
- Councils Officers appear to be encouraging additional access points from Fairyland Road.
- This is fundamentally bad planning and contrary to basic principles contained in Planning Policy Wales.
- The existing and proposed infrastructure is inadequate.
- Impact on the community of Tonna and the lack of consideration of Section 106 Contributions

**Byron Davies AM** submitted a letter offering the following below comments:

*“I think such a high number of households in this location being built on greenfield land would change the very ethos of the area to urban sprawl. I therefore object to this high density development which would significantly alter the character of the area”.*

*“Planning 106 Agreements are not mentioned, with this number of houses, a new school, doctors surgery and highway infrastructure would be required.”*

*“I therefore object to this application and recommend refusal.”*

A letter written by the **Rt Hon. Peter Hain** (the former Member of Parliament for Neath) was also received at a time when the Local Development Plan had not been adopted. The contents of the letter can be summarised as the following:

- The development appears to contravene Unitary Development Policy is so much that it would prejudice the openness of the Green Wedge.
- The necessary infrastructure does not appear to be in place.
- The development would have adverse impacts on the two routes into and out of Tonna at Park Street and Llantwit Road. The mitigation proposed for these problems does not appear to be appropriate.
- The proposed yellow lines along Park Street and Llantwit Road will displace resident parking in these areas.
- Question remains with regard to the ecology of the land.
- Fears have been expressed over the impact the development would have on neighbouring sites of historical and cultural significance.

A signed petition has been received from the Tonna Residents Action Group totalling 745 signatures detailing their opposition to the development on the following grounds:

*This application is premature at best and is a manifestation of NPTCBC's determination to allocate this site at all costs in the face of all logical planning assessment criteria, existing local and national policy criteria and massive public objection. Development of this site constitutes fundamentally bad planning and still has to be considered through the LDP Examination and it will be for the Inspector to decide the merits of the site. As such this allocation in the Draft LDP cannot carry any weight at this stage and the UDP policy must prevail, therefore refusal is the only option.*

There have also been 22 letters of objection which can be summarised as follows:

- Serious concerns at the conduct of Neath Port Talbot Council in bringing the site forward. Public consultation was disregarded which has brought the democratic planning process into disrepute, and the way the site assessment was presented to the inspectors at the Examination in terms of its deliverability and viability.
- Meetings took place between officer and agents during the period of Local Development Plan Examination.
- No off street parking provision has been indicated
- The proposal is in the open countryside and not close to local amenities
- No justification for reduced car parking provision
- The proposal has an inadequate internal road layout that will seriously affect resident's amenity at Park Street and Llantwit Road.

- Is this site viable or does it require significant compromise of accepted standards.
- Bore holes drilled in the east of the site suggest there is a risk of shallow mining-related ground subsidence.
- The Community Council seeks confirmation that the full H1 (11) allocation is able to be delivered as indicated to the Planning Inspector.
- Why was 2 points of highway access creating a looped arrangement proposed earlier in the process but it can no longer now be provided?
- There will be significant loss of on street parking at Park Street and Llantwit Road. What alternative provision will the Council be providing to mitigate the loss of these spaces for affected residents? How do you propose to engage with residents affected by these proposals?
- The level of landscape buffer to Fairyland Road is inadequate and does not meet the commitment made by NPTCBC Officers at the LDP Examination.
- The application should offer improved pedestrian links to Tonna and Neath Centres. Connection to the National Cycle Network should be considered.
- The on-site open space provision is currently limited.
- A financial contribution towards Education provision will be required for school in Neath and Tonna.
- Financial contribution may be required to improve facilities at Dyfed Road and Castle surgeries in Neath
- Financial contribution to improved bus service and infrastructure may be required.
- There is no justification for reducing the off street parking requirement for the site, NPTCBC should therefore insist that the maximum number of spaces as required by the Wales Parking standards be provided.
- If permission is granted, the developer should provide pedestrian access to the existing children's playground at the Neath end of Hunters Ridge as per LDP Appendix site assessment and provide Tonna Community Council with a commuted sum of £74,000.
- The road infrastructure (Gnoll Park and Llantwit Road) will not sustain the extra traffic and the services infrastructure i.e. Water and sewage are already experiencing overload of flooding and blockage.
- Health and safety issues. Increased risk of accidents in relation to volume of new dwellings proposed. Existing dwellings can potentially have their homes flooded or even a fatality.
- Loss of a green wedge, where parents stop with their children to see horses, and the tranquil surroundings of the funeral cortege

- There is no means of changing the road layout as we have seen in Skewen.
- The roads through Llantwit and Tonna are narrow, so how are they going to cope with an extra 138 dwellings. These roads are a traffic hazard already.
- The existing schools are already at full capacity. Therefore how can an already crowded school take in 138 dwellings' worth of children.
- There is a high risk of unrecorded mine workings at shallow depths making the development of the whole site not possible. A full mine survey needs to be undertaken before any development takes place.
- No consultation has been undertaken with residents who may be affected by traffic orders to enable this development to take place.
- Complaint that the Council did not inform a resident of the proposed development
- Impact on wildlife.
- Infrastructure. The introduction in the documents is contradictory. States that will promote new residents to use public transport when every home has parking spaces and garages for up to two vehicles.
- Fear of flooding of Fairyland Road, right down to Llantwit Road.
- Loss of beautiful views for existing residents.
- Premature application which shows total disregard for the democratic planning process.
- The ecological survey submitted is inadequate and requires a number of additional surveys to inform site development and raises serious concerns in respect of impact on protected species.
- The Transport Assessment deliberately misleads as to the impact of the development.
- Council Officers appear to be encouraging additional access points from Fairyland Road.
- Changes in traffic orders will seriously affect existing residents amenity at Park Street, Tonna and Llantwit Road.
- Fundamentally bad planning as the proposal is to build within a green Wedge.
- Existing infrastructure inadequate to cater for the proposal
- Impact on the community of Tonna and its infrastructure not considered. Neither is the requirement for 106 contributions.
- The Landscape and visual report completed for the promotion of Barratt Homes within the supporting documents, fails to acknowledge the significance of this rural space, which perhaps is something that only the residents of the area fully appreciate. The callous acceptance of Llantwit cemetery to be sufficient 'green wedge' demonstrates this point. The report also fails to acknowledge the visual impact to the

Gnoll country estate, which as residents and users of the Gnoll would agree, will be highly visible, altering the landscape and diminishing the appeal of the Gnoll as a recreational beauty spot. The land in question is de facto part of the aesthetic of the Gnoll.

- The site consists of historic farmland and therefore the development would fundamentally change the community of Tonna as a village.
- Destruction of historic hedgerows.
- Potential adverse impact on existing neighbour, Number 2 Gnoll, View.
- Is the housing requirement needed in view of the potential 1000 job loses expected at TATA Steelworks.

**Natural Resources Wales:** No objections

**The Coal Authority:** No objection to the proposal

**Welsh Water:** No objection

**The Head of Engineering and Transport (Highways):** While raising no objection, expresses some concerns in respect of the footpath gradients within the site, which in three parts exceed the 1:12 figure that is desirable for an inclusive residential environment.

**The Head of Engineering and Transport (Drainage):** No objections

**Biodiversity Officer:** No objection subject to the imposition of a condition requiring the submission of a Landscape scheme and retention of hedgerows as existing and invasive non-native species survey work undertaken.

**Land Contamination Officer:** No objection .

**The Aboricultural Officer:** No objections

**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:** No objections, happy with the position of the proposed open space.

**Play Officer:** No objections, but advises that the existing playground at Hunters Ridge is subject to some monetary contributions for improvements.

**Education Department:** No objections

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

The site is located to the east of Neath Road (B4434) between Fairyland Road and the southern edge of the Tonna village. The site generally slopes up parallel from this road for a gradient of approximately 1 in 9. The site area measures approximately 4.22 hectares and can be described as irregular in shape.

The eastern boundary consists of a tree lined bank, which extends down the boundary to the north as well as the boundary with Fairyland Road to the south. The housing development, Hunters Ridge bounds the site to the north with farm buildings adjacent which are served by an access off Fairyland Road.

The site forms part of a larger site allocated for residential development (Policy H1 / 11) within the adopted Local Development Plan, and is located within the defined Settlement Limits.

Neath railway station is within a 20 minute walk of the site. There are also bus stops located within 400m walk of the site boundary to the north and south along the B4434.

## **Brief description of proposal:**

The application seeks full planning permission for a residential development of 138 dwellings, roads, public open space and associated works.

The submitted layout proposes a mixture of detached, semi-detached and terraced dwellings. The site is proposed to be accessed via a new single access point off Neath Road. Each housing unit will be provided with off-street car parking on parking courtyards, driveways and/ or garages.

The proposed development comprises a mixture of designs with 13 different house types. These are detailed as follows:

1. Thornbury (11 number). This is a wide dwelling with a steep pitch gable elevation. It accommodates 4 bedrooms, bathrooms, kitchen, lounge, hall and landing.
2. Dewsbury (12 number). This is a semi-detached dwelling. It accommodates 3 bedrooms, lounge, kitchen/dining. Bathroom and landing.

3. Tiverton (6 number). These are 2 bedroom narrow link houses providing kitchen, bathroom and lounge.
4. Dartmouth (3 number). A wide dwelling with steep gable elevation. It accommodates 3 bedrooms, hall, kitchen, dining, water closet and ensuite facilities.
5. Finchley (23 number). A semi-detached property with a steep pitch gable elevation. It accommodates 3 bedrooms, kitchen lounge and bathrooms.
6. Ashford (12 number). A semi-detached dwelling. It accommodates 2 bedrooms, lounge, kitchen, hall, bathroom and store areas,
7. Alder (8 number). A ground and second floor flat with a gable roof. The accommodation provides a bedroom on each floor, lounge, kitchen and bathroom.
8. Lincoln (10 number). This is a medium sized detached dwellinghouse with front projecting gable. The house type accommodates 4 bedrooms, dining room, kitchen, hall and lounge.
9. Morpeth (11 number). Dual aspect semi-detached property offering accommodation for 3 bedrooms.
10. Kington (17 number). This house type a modest detached dwelling with a front projecting gable. The property accommodates 4 bedrooms, hall, lounge, kitchen bathroom and utility rooms.
11. Cambridge (15 number). Detached 4 bedroom house with study, hall, kitchen, breakfast room, dining and bathroom facilities
12. Alston (4 number). Detached property with front projecting gable. The property will provide a total of 3 bedrooms, lounge kitchen, utility room and integral garage.
13. Finchley (6 number). This house type is a narrow detached property which provides facilities for 2 bedrooms complete with kitchen, lounge and downstairs water closet.

The properties will be finished externally in a number of different materials. The roofs will utilise a Redland Mini Stone Wold Grey with terracotta red angular ridge hip tiles. The body of the houses will either be constructed with a red brick, buff brick or ivory render with the string course using either a buff or red brick.

Within the site, it is proposed to erect a combination of fencing, railing and walls. Between rows of plots it is proposed to erect predominately 1.8m high close boarded fencing whilst between gardens, larch lap panel fencing will



be constructed at a height of 1.5m. A number of units also benefit from ranch style post and rail fencing and 1.2m high railings to the front of the properties.

Given the existing topography of the site, considerable engineering works will need to be undertaken to facilitate the positioning of plots and highway infrastructure. The submitted plans indicate that retaining works that will form part of the engineering of the site will not exceed 2m in height.

An area of public open space is positioned right of centre in the development and it is the Council's understanding that this will not be transferred to the Council and therefore its maintenance would be the responsibility of a private maintenance company.

### **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.

### **Policy Context: National Planning Policy / Guidance**

Planning Policy Wales (Edition 8, January 2016).

The following National guidance is also of relevance: -

- 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)

## **Policy Context: Local Planning Policy**

### Historic (at time of initial submission date)

The application was submitted under the Unitary Development Plan, which has since been superseded. The UDP formerly designated the site as a Green Wedge, outside of the defined settlement limits.

The application was submitted, however, at a time when the Local Development Plan was emerging, and in the knowledge that the LDP was seeking to allocate the site for housing within the settlement limits.

### Neath Port Talbot Local Development Plan

In accordance with the Planning and Compulsory Act 2004, the Council prepared the Local Development Plan (2011-2026). 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 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 27<sup>th</sup> January 2016, as a consequence the UDP is no longer relevant and the proposal must be assessed against the following relevant Policies within the LDP:

### **Strategic Policies**

- Policy SP 3 Sustainable Communities
- Policy SP 7 Housing Requirement
- Policy SP 10 Open Space
- Policy SP 21 Built Environment and Historic Heritage
- Policy SP 8 Affordable Housing
- Policy SP 15 Biodiversity and Geodiversity
- Policy SP 7 Housing Requirement

## **Detailed Policies**

- Policy SC1 Settlement Limits
- Policy SP4 Infrastructure
- Policy OS 1 Open Space Provision
- Policy TR2 Design and Access of New Development
- Policy AH1 Affordable Housing
- Policy BE1 Design
- Policy H1 Housing allocations

## **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 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; highway and pedestrian safety; the effect upon biodiversity, drainage, flooding, pollution and archaeology together with other issues raised by consultees.

## **Principle of Development**

The application site lies within the settlement limit of Tonna as defined by Policy SC1 of the adopted LDP and forms part of a larger housing allocation under LDP Policy H1/11, with the proposal being the first phase of a two-phased development as the overall site is allocated for 300 units.

Having regard to its allocation in the Local Development Plan, the principle of residential development at the site has therefore already been accepted by the Council. The following sections of the report therefore assess the specific impacts arising from the development.

## **Visual Amenity:**

The site is presently undeveloped green space and, therefore, it is accepted that the proposed housing development would significantly alter its character permanently. However, as detailed above, the principle of developing the site for residential purposes has been established with the housing allocation under Policy H1/11 of the Local Development Plan, and the allocation of this land for residential use has already taken into consideration the wider contextual character issues with regard to the use of the land. It is

therefore considered that the specific issues relating to the detailed development proposal are most relevant to the determination of this application.

It is acknowledged that the site was once designated within the Unitary Development Plan as a Green Wedge and the allocation of this site for housing within the now adopted LDP will reduce the scale of that green wedge which in turn will alter the character and appearance of the area within which it is sited. This matter was however considered within the Examination in Public associated with the LDP and addressed within the Planning Inspector's report of October 2015 which reads:

*“whilst it is accepted that the allocation (application site) will reduce the gap between Neath and Tonna, it is nevertheless considered that the area of open land which will remain, and which included Llantwit Cemetery and a small remnant field, is of sufficient size to prevent the coalescence of the settlements and protect the setting of the urban area”.*

When considering the visual nature of this application it should be considered within the context of the existing residential developments adjoining the site and in the vicinity. The Hunters Ridge development to the north of the site accommodates houses with a mix of brickwork and render with window detailing. Façade colouring is fairly uniform with a limited palette used. Existing houses are generally detached of two stories with front door canopies and bay window designs. The application development provides exclusively two-storey builds with single-storey garages on some plots and whilst the development proposes a far greater mix of house types the overall character of the area will not be unduly harmed by the introduction of this development.

In terms of layout, Officers have negotiated amendments during the course of the application to address initial concerns, and the developer has sought to use buildings and the space generated between them to create an identifiable and legible environment in order to depart from bland uniformity. The submitted plans also detail that all boundaries will remain heavily landscaped., with screening provided to Neath Road to replace those trees removed to facilitate the footpath and the highway access. It is therefore considered that the layout, scale, density and use of sympathetic materials for the proposed development would result in the creation of an appropriate form of development which would respect local character.

## **Residential Amenity:**

With regard to residential amenity, it is considered that the proposed layout ensures a satisfactory level of privacy and private amenity space will be provided for future occupiers. In terms of potential overlooking, although there are a number of side facing windows provided on the various house types, the developer has been mindful that they either look out onto a blank elevation or highway. In the circumstances where two dwellings both incorporate windows facing each other, at least one is a non-habitable room window. To further ensure privacy a condition will be attached to any permission granted to ensure that the glass of all bathroom windows in the development are obscurely glazed.

In respect of any potential overshadowing and overbearing impacts, a minimum distance of approximately 10m is proposed between the rear elevation and the side elevation of the proposed dwellings, which is considered an acceptable separation distance. It is therefore considered that the proposed scheme will safeguard the residential amenities of future occupiers.

In respect of residential amenity for existing residents, namely those in Hunters Ridge, the side elevations of the nearest proposed dwellings is located approximately 17.5m away from the existing dwellings. This is considered to be sufficient to ensure that the development will neither overbear nor overlook existing properties and as such the amenities of existing occupiers will be protected. Turning to the opposite side of the site, there is a property on Fairyland Road named 2 Gnoll View. The nearest proposed plot to this property is plot '8', which has a separation distance of approximately 4m from its side elevation to an existing natural boundary and maintains a minimum distance of 14m from the existing dwelling itself. This distance will ensure that the amenities of residents within this existing property will be protected. Nevertheless, in seeking to further protect the amenities of residents within existing properties a condition can be imposed which requires details of slab levels to be agreed.

In respect of potential noise and disturbance from the development it is acknowledged that there will be additional traffic generated from the development. Furthermore it is accepted that during construction there will be a level of noise and disturbance created, albeit transient in nature. Nevertheless, it is considered that the location of any property or the overall traffic generated from the development, once completed, would not have a significant impact on residential amenity such that it would warrant a refusal

of the application, especially taking into account the site's housing allocation within the Local Development Plan.

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

### Impact on Local Highway Network

During the application process there has been a constant concern raised by the residents regarding the potential impact allowing this development would have on the existing local highway network, namely the infrastructure at Park Street and Llantwit Road.

The principal concern raised by residents centres on concerns that the road infrastructure at Gnoll Road and Llantwit Road will not sustain the extra traffic. The Transport Assessment that accompanies this application, however, demonstrates that the route will cope with the additional volume of traffic, and the Head of Engineering and Transport raises no objection to the principle of residential development of the site on such grounds, subject to the mitigation and other matters raised below.

### Off-site Mitigation

In terms of mitigation, the Head of Engineering and Transport considers the need for a dynamic solution given the sensitivity of the site and surrounding highway network. It will need constant reviewing and assessment going forward from the first dwelling constructed to the last dwelling. This is in order to have a full understanding of the development's impact notwithstanding the positive conclusions of the Transport Assessment.

In view of the above, should the recommendation for approval be successful the applicant will need to enter into a Legal Agreement to secure a bond that can be drawn upon, as and when issues arise. If the totality of the bond is not required, there will be a mechanism within the Legal Agreement to allow the balance of the bond to be returned to the developer on completion of the development.

The mitigation will encompass both the main roads, side streets and options to address both traffic flow and parking. The solution will include the following:

- Selective Traffic Regulation Orders to create passing bays on the main highway
- On Street Parking Bays

- Junction Improvements
- Priority buildouts
- Residents Parking

Residents have raised concerns in respect of potential significant loss of on street parking at Park Street and Llantwit Road as a consequence of such works, and with regard to not being consulted for various traffic orders. In respect of parking on-street, however, it is emphasised that no one has a right to park on the highway, nevertheless the applicant proposes an overall mitigation plan which incorporates a combination of solutions. Traffic regulation Orders also do not come under planning legislation, and any consultation needed as a result of the highway mitigation will be undertaken under different legislation post planning process. It should however be noted that a number of highway issues especially of Llantwit Road are existing problems rather than being created by this development, although it is acknowledged that they may be exacerbated by the proposed development and as such need to be addressed under this application.

The developer has confirmed in writing their agreement to the principle of the above being secured through a legal agreement under s106, with the estimated cost of the above works being £100,000.

#### Single Highway Access Point off Neath Road.

Initial discussions and designs focussed on 2 points of access into the site and the creation of a looped arrangement, however this design idea was discarded as the process evolved. The reason for the shift in focus to a single access point was as a consequence of a significant level difference at the back of the footway on Neath Road as the site travels in a north easterly direction. Therefore the gradients required to form an access point from Neath Road at this location couldn't be achieved.

The Highways Officer has raised no objection to the scheme based on a single point of access.

#### Internal Highways Arrangements

The submitted plans indicate that despite the fact that the site is located on a fairly steep slope, the majority of the internal highway network has been designed to incorporate a gradient of 1 in 12.

It is widely accepted within the policy and legislative framework relating to inclusive design and as set out in more detail within a number of guidance

documents including the Government publication entitled 'Inclusive Mobility' that footpaths should be no steeper than 1 in 12. An extract from the Inclusive Mobility document reads as follows:

*"There is general agreement among guidelines from many countries that an 8 per cent (1 in 12) slope is the maximum that may be used; anything greater than this will cause difficulties for manual wheelchair users.*

The applicant was informed of this through the application process and as a result, made a number of revisions to the layout in an attempt to rectify the design deficiencies to create a more inclusive environment. The original layout proposed that approximately 50% of the properties were to be served off a footpath with a gradient of 1:12 or greater. The topography of the site made achieving this gradient somewhat problematic, however the applicant has continually revised the scheme to minimise the gradients whilst also balancing the need to reduce the extent of retaining works required. These revisions resulted in a gradual reduction in the overall gradient of the footpaths within the site which has resulted in the reduction in the number of properties proposed from 139 to 138 units together with the creation of an additional footpath link through an area of open space which will improve the accessibility of a number of properties within the site. As a result of a number of amendments the scheme as currently proposed now incorporates only three small stretches of footpath which range in length from 30 metres to approximately 34 metres which have a gradient steeper than 1 in 12. .

Whilst it would clearly be better to have 100% of the footpath network which is no greater than 1 in 12 it is acknowledged that the site is on a steeply sloping site and further reductions in the gradient will result in the need for extensive retaining works which would be visually unacceptable. Furthermore as part of the assessment process we have been in contact with a number of planning and highway authorities throughout Wales to establish the approach that they take to such matters. As a consequence of this exercise it is evident that whilst developers and authorities should always strive to achieve gradients of 1 in 12 or less, it is acknowledged that this is not always possible and that a pragmatic approach should be taken whereby all reasonable steps are pursued to secure the most inclusive design possible. As a consequence the site incorporates a comprehensive network of footpaths with only limited lengths where the gradient exceeds 1 in 12.

The applicant has strived to meet the 100% inclusive environment benchmark as much as they can without compromising the appearance of the development, it is a somewhat complicated balancing act given the



existing topography of the sites and the constraints that brings. Exhaustive engineering works may well have enabled 100% inclusivity but would have come at a cost of large retaining works well in excess of 2m which would have knock on effects in terms of positioning of plots as well as aesthetic appearance. Given these factors the Local Authority considered an improvement from under 50% to 81% to be an acceptable compromise. Given the steps the developer has taken to maximise the accessibility of this site, it is not considered that it will establish an unacceptable precedent for other developers on other sites.

In terms of off-street parking, each plot provides parking in line with the maximum standards as required by the Welsh Government Policy.

While the existing Public Transport infrastructure is considered to satisfactorily support this proposed development, with four bus stops within 400 yards of the site's eastern and western boundaries which each provide an hourly service to Neath, a condition is attached which requires additional bus pole / stops to be provided closer to the site to encourage the use of public transport and the sustainability of the site in general.

The issue of connectivity between the new development and the children's playground located at Hunters Ridge has been discussed at length throughout the planning process. The applicant has agreed to provide a pedestrian link between the development and the existing Hunters Ridge development. This will be secured by means of a Legal Agreement.

It is therefore considered that the proposed development will not impact negatively on highway and pedestrian safety.

### **Pollution:**

The Land Contamination Officer and National Resources Wales (NRW) have raised no objections 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.

### **Coal Mining:**

The application site falls within the defined Development High Risk Area. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site, with the Site Investigation

Report identifying that the application site has been subject to past coal mining activity. The Site Investigation Report has been informed by an appropriate range of sources of information including the results of nine rotary boreholes which have been undertaken within and around the planning application site boundary.

The Report concludes that the boreholes undertaken have confirmed the exact position of the thick coal seam which slightly outcrops within the easternmost edge of the site. The boreholes have also shown that there is no underlying coal seam within 25 to 30m of the encountered seam. The Report goes on to conclude that there is only a low risk to the site being adversely affected by historic unrecorded shallow underground workings, and that mining precautions are unnecessary within this particular planning application site boundary.

The Coal Authority, based on the aforementioned Report and internal discussions with their Permitting Department, note that the Site Investigation Report concludes that whilst there is a low risk to the site being affected by coal mining legacy issues, shallow coal mine workings do not pose a risk to the proposed development. Accordingly no specific remedial measures are considered necessary.

In view of the above assessment, the Planning Department are of the opinion that there is no risk posed by this particular proposed development at this site.

### **Drainage:**

The development proposes to utilise a borehole drainage system. National Resources Wales (NRW) initially raised concerns that hazardous substances could enter the groundwater using this method. Their concerns however were alleviated when they were informed that there was an unsaturated zone within the boreholes, which in conjunction with the other pollution prevention measures being utilised (trapped gullies and petrol interceptors) will ensure that the quality of groundwater will be protected.

In terms of flooding on Fairyland Road, it is important to be clear that the drainage strategy has been designed so that flows from the site do not increase from that which currently exists.

The Head of Engineering and Transport has confirmed that the drainage of the site will not be formally adopted by the Local Authority but will be a privately maintained scheme. Therefore a drainage condition will be

imposed to secure a satisfactory maintenance and management agreement for the site in perpetuity.

The Head of Engineering of Transport (Drainage) has assessed the drainage methodology and raises no objections, subject to appropriate conditions.

### **Ecology:**

The Authority's Biodiversity Unit has considered the submitted desk study and Phase 1 Habitat Survey and has offered no adverse comments. This is an opinion shared by NRW. The Biodiversity Unit has recommended a number of conditions mainly concerned with the following aspects:

*Hedges - They have advised that all existing hedgerows should remain and that a 2m buffer is put in place between the development and said hedgerows.*

*Lighting Scheme - A lighting scheme needs to be developed to ensure the retention of dark corridors for the movement of bats given that they are European protected species.*

*Invasive Non-native Species – Need for a survey to be undertaken to identify the presence and extent of invasive and non-native plant species.*

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.

### **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.

In this case, the proposal relates to a planning application for the development of the site for 138 residential units.

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:-

#### Affordable Housing:

Policy AH1 of the LDP states that all new housing developments will be required to contribute to affordable housing provision. Within the Neath spatial area, a 25% affordable housing target is sought. As referred to above, the application has been with the Council since January 2015, at which time the UDP was the adopted Development Plan, within which Policy H4 sought to achieve a 20% affordable housing contribution. The emerging LDP at that time also included a 20% figure (albeit based on gross development value). On this basis agreement was reached at an early stage with the developer that a 20% contribution on the site would be acceptable.

In this regard, the development provides 28 units of affordable housing, which amounts to 20.3%, which has ensured that the development contributes to Affordable housing requirements. While the 20.3% contribution is below the 25% usually sought on such LDP sites, it is noted that the 25% (Policy AH1) figure in the LDP was introduced at a late stage in the LDP process (in response to the LDP Inspectors), and after negotiations had been concluded in respect of this site. Accordingly, a decision has been made that it would be unreasonable to reverse a previous agreement and require additional units to be provided on this first phase of the development. Nevertheless, a 25% figure will be sought on the remainder of this site in accordance with the LDP.

These 28 affordable units will be distributed around the site in groups of 10, 12 and 2. The layout and design of these affordable units was decided upon following correspondence with Housing services who were satisfied that they met all their requirements.

Having regard to the above, it is concluded that the development would provide for an acceptable amount of affordable housing, which can appropriately be controlled through a legal agreement.

Public Open Space

Policy OS1 states 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, based on the following standards:

<b>Open Space</b>	<b>Standard</b>
<b>Outdoor Sport</b>	1.6 hectares per 1,000 population
<b>Children’s Play</b>	0.25 hectares per 1,000 population
<b>Informal Space</b>	0.55 hectares per 1,000 population
<b>Allotments</b>	0.19 hectares per 1,000 population

Having regard to the ‘Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls. Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development, and there is a need for the development to contribute towards addressing such deficiency.

The below table, detail the requirements provided and what needs to be secured:

<b>Phase 1 – 138 Units</b>	<b>Open Space requirement (sq. m)</b>	<b>Open Space “On-site” Provision (Sq.m)</b>	<b>Open Space “Off-Site” Financial Contribution</b>
<b>OUTDOOR SPORT-PITCH</b>	3634	0	£39,192
<b>OUTDOOR SPORT-NON PITCH</b>	1422	0	£142,140
<b>CHILDRENS PLAY</b>	790	2511	0
<b>INFORMAL SPACE</b>	1738	1755	0
<b>ALLOTMENTS</b>	600	0	£6624

The submitted plans provide for children’s play and informal play, with no opportunity on this first phase for pitch/non-pitch sport. The LDP allocation seeks such open space provision on this site, and it is noted that the opportunity for spending monetary contributions in the area to ensure that it

serves this new community are limited. In this regard, discussions with the developer have emphasised that the second phase of this development will need to ensure that it provides the 0.5 Ha pitch/non-pitch sport for this first phase, as well as its own requirements. This would be specified within a legal agreement, which would require the landowner to be a signatory.

As a fall-back position, the legal agreement would also need to include for the payment of a financial contribution of £187,956 for provision of off-site POS in the event the phase 2 development is not commenced within 5 years (or other such agreed trigger point) of the date of the agreement.

Subject to the above, the development accords with Policy OS1 of the adopted LDP.

### Offsite highway improvement contributions

As indicated in the highways section above, the development would have an impact on the existing highway infrastructure on the nearby surrounding roads (Park Street, Neath Road, Llantwit Road). As a result discussions have taken place between the developer and Council with a view to obtaining a financial contribution to pay for offsite mitigation work.

Should the application be viewed as acceptable, this financial contribution will need to be agreed and secured by a Legal Agreement before any planning permission is issued.

### Education

Notwithstanding the concerns raised by some residents and the Community Council that Schools are experiencing crowding, the Education Department were fully consulted and offered no objections nor indeed requested contributions with regard to this application.

### **Letters of objection**

The above report has sought to address the nature of objections to the development, but where the issues contained in the letters of objection have not been addressed, these are covered below: -

- Serious concerns at the conduct of Neath Port Talbot Council in bringing the site forward. Public consultation was disregarded which has brought the democratic planning process into disrepute, and the way the site assessment was presented to the inspectors at the

Examination in terms of its deliverability and viability. ***The site was brought forward through the LDP process, with extensive local consultation and independent examination by the appointed Inspectors, having regard to the identified need to provide new housing to serve the County Borough for the Plan period.***

- Meetings took place between officer and agents during the period of Local Development Plan Examination. ***These were pre-application discussions which are an established practice, the protocol of which is available to view public on the Councils website.***
- No off street parking provision has been indicated. ***It is unclear as to whether the complainant is referring to within the site or off the site. Nevertheless all proposed dwellings are to be served by acceptable levels of off street parking and the development will not result in the loss of off street parking for existing dwellings.***
- No justification for reduced car parking provision. ***There has not been a reduction in parking standards.***
- The proposal has an inadequate internal road layout which will seriously affect residents' amenity at Park Street and Llantwit Road. ***The report has concluded that the internal road layout is acceptable, and it is considered that this would not have any unacceptable impact on the existing public highway.***
- The level of landscape buffer to Fairyland Road is inadequate and does not meet the commitment made by NPTCBC Officers at the LDP Examination. ***A commitment to require the provision of landscaping along the site frontage was discussed at the EIP but such discussion did not extend to the exact dimensions of such a buffer. Nevertheless it is considered that scale and design of the proposed buffer will serve to soften the appearance of the development from the main highway and as such is considered to be acceptable.***
- The application should offer improved pedestrian links to Tonna and Neath Centres. Connection to the National Cycle Network should be considered. ***The identification of the integrated network map (INM) is ongoing at this time.***
- Financial contributions may be required to improve facilities at Dyfed Road and Castle Surgeries in Neath. ***The cost cannot be translated directly to where it is thought it may or may not be needed. The reality is that patients have a choice of what surgery to use, likewise Doctors practices are a business and it is for them to decide the number of patients per Doctor***

- If permission is granted, the developer should provide pedestrian access to the existing children's playground at the Neath end of Hunters Ridge as per LDP Appendix site assessment and provide Tonna Community Council with a commuted sum of £74,000. ***Obligations have already been addressed in this appraisal.***
- Health and safety issues. Increased risk of accidents in relation to volume of new dwellings proposed. Existing dwellings can potentially have their homes flooded or even a fatality. ***There is no evidence to substantiate these claims***
- Complaint that the Council did not inform a resident of the proposed development. ***All statutory consultation protocols were adhered to.***
- Infrastructure. The introduction in the documents is contradictory. The information states that the development will promote new residents to use public transport when every home has parking spaces and garages for up to two vehicles. ***The promotion of the use of public transport is necessary for all new developments. Although the Authority cannot reduce the car ownership for each property on the site, therefore adequate parking needs to be provided on site to ensure the safety of those living on the site in addition to providing access to public transport.***
- The Transport Assessment deliberately misleads as to the impact of the development. ***The transport assessment has been considered by highway officers and found to be acceptable.***
- Council Officers appear to be encouraging additional access points from Fairyland Road. ***Any access points from Fairyland Road for phase 1 are emergency access points only. Any application for a second phase – and any proposal for additional access points – would need to be considered on their merits at that time.***
- Existing infrastructure is inadequate to cater for the proposal. ***A transport assessment has been carried out along this route and has demonstrated that the route will cope with the additional volume of traffic. The current on street parking matters will be dealt with under any mitigation proposals regarding the existing on street parking problems as deemed fit by the local Authority. Welsh Water has not raised any objection to the development.***



## **Conclusion:**

The decision to recommend granting 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.

For the reasons given above, it is concluded that the development of this site, which is allocated within the Neath Port Talbot Local Development Plan, will contribute towards the delivery of housing within the County Borough in a sustainable location, and that subject to the imposition of conditions relating to highways, ecology and drainage, and the signing of a Legal Agreement to secure open space provision and a bond for off-site highways mitigation, the proposed development would have no unacceptable impacts upon the character and appearance of the surrounding area, on residential amenity or on highway and pedestrian safety. Accordingly, the proposed development is considered to accord Policies SP1, SP2, SP3, SP4, SP5, SP8, SP10, SP15, SP16, SP18, SP19, SP20, SP21, SC1, I1, H1, AH1, OS1, EN7, EN8, RE2, W3, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

**RECOMMENDATION:** Approval subject to conditions and the signing of a Section 106 Legal Agreement covering the following general Heads of Terms:-

- Provision of 28 units of affordable housing
- Requirement for Phase Two of the allocated LDP development site to incorporate the 0.5 Hectares pitch/non-pitch sport required under Phase One (in addition to its own requirements). In the event the Phase Two development is not commenced within 5 years of the date of the agreement (or other such agreed trigger point), a financial contribution of £187,956 for provision of off-site POS to be made for provision of public open space, such project to be identified within the locality;
- Financial contribution of £100,000 towards off-site highway improvement works (together with the need for regular review and assessment throughout the construction period)
- Provision of a pedestrian link between the development and the existing Hunters Ridge development

## **CONDITIONS**

### Time Limit Conditions

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

Reason

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

### Approved Plans

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

- Planning Layout A1605 100A
- Site Location Plan A1605 101A
- Materials Layout A1605 102A
- Storey Heights A1605 103A
- Street Scenes A1605 104
- External Works (Sheet 1) A1605 105A
- External Works (Sheet 2) A1605 106A
- Enclosures Layout A1605 107A
- Illustrative Masterplan A1605 10
- Engineering Layout E1605 201E
- External Level Sheet 1 E1605 202E
- External Levels Sheet 2 E1605 203E
- Cross Section through LAP E1605 204B
- Retaining Wall Location Plan E1605 205D
- Longitudinal sections roads and sewers sheet 1 E1605 207B
- Longitudinal sections roads and sewers sheet 2 E1605 208B
- Longitudinal sections roads and sewers sheet 3 E1605 209A
- Longitudinal sections roads and sewers sheet 4 E1605 2010A
- Longitudinal sections roads and sewers sheet 5 E1605 2011A
- Drainage Area Plan to Soakaway T E1605 213B
- Drainage Area Plan to Soakaway P E1605 214B
- Surface Water Drainage Network Plan E1605 215
- G A Storage Tank P and T E1605 216
- Deep Borehole Soakaway and Catch Pit Details E1605 217
- G A Storage Tank H E1605 218
- G A Storage Tank J E1605 219
- G A Storage Tank L E1605 220
- G A Storage Tank M E1605 221

- Drainage Layout 1:250 Sheet 1 of 2 E1605 223B
- Drainage Layout 1:250 Sheet 2 of 2 E1605 224B
- Drainage Area Plan to Soakaway L E1605 225
- Drainage Area Plan to Soakaway D E1605 226
- Drainage Area Plan to Soakaway H E1605 227
- Drainage Area Plan to Soakaway J E1605 228
- Drainage Area Plan to Soakaway M E1605 229
- SW Calcs Soakaway D May 2016
- SW Calcs Storage and Soakaway for P and T May 2016
- SW Calcs Storage and Soakaway for H May 2016
- SW Calcs Storage and Soakaway for J May 2016
- SW Calcs Storage and Soakaway for L May 2016
- SW Calcs Storage and Soakaway for M May 2016
- Alder House Type Plans 1459 174
- Alder House Elevations 1459 175
- Finchley House Type Plans 1459 179
- Alston House Type Elevations 1459 177
- Alston House Types 1459 176
- Cambridge House Type Elevations 1459 151 A
- Cambridge House Type Plans 1459 150 A
- Kington House Type Elevations 1459 157
- Kington House Type Plans 1459 156
- Morpeth House Type Elevations 1459 161
- Morpeth House Type Plans 1459 160
- Lincoln House Type Plans 1459 154
- Lincoln House Type Elevations 1459 155
- Ashford House Type Elevations 1459 171
- Ashford House Type Plans 1459 170
- Finchley House Type Plans 1459 158
- Finchley House Type Elevations 1459 159
- Dartmouth House Types 1459 172
- Dartmouth House Type Elevations 1459 173
- Tiverton House Type Elevations 1459 163
- Tiverton House Type Plans 1469 162
- Dewsbury House Type Elevations 1459 169
- Dewsbury House Type Plans 1459 167
- Thornbury House Type Elevations 1459 153
- Thornbury house Type Plans 1459 152
- Garages Plans and Elevations Sheet 1 1459 180
- Garages Plans and Elevations Sheet 2 1459 181

Reason

In the interests of clarity.

## Pre-Commencement Conditions

(3) 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)

(4) No development shall take place until details of the implementation, maintenance and management of the drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the drainage system throughout its lifetime.

Reason

In the interest of good land drainage

(5) No development shall take place until full details of the existing and proposed ground levels across the whole of the site, including details of any material to be brought onto site and a scheme for all retaining works and embankments in excess of 1.5m in height, has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of any retaining works at a scale of 1:200 and shall include the location, method of construction, drainage details, typical sections through, calculations, details of materials and landscaping and finished profile/elevations. The approved details shall be used in the construction of the approved development and shall be retained as such thereafter.

Reason

In the interests of public safety and residential and visual amenity.

(6) No development shall take place until a lighting scheme for the site has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme shall, as far as is practicable, incorporate best practice guidance to ensure the retention of dark corridors for the movement of bats with no direct lighting of vegetation.

Reason

Bats are European Protected Species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

(7) Prior to commencement of work on site a construction method statement shall be 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 following:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Storage of plant and materials used in constructing the development
- d. The erection and maintenance of a security holding including decorative displays and facilities for public viewing, where appropriate.
- e. Prevention of material discharge onto the Public Highway
- f. Measures to control the emission of dust and dirt during construction.
- g. Wheel washing facilities
- h. A scheme for recycling/disposing of waste resulting from the construction works.
- i. The number and frequency of lorries entering and leaving the site per day, vehicle routes and frequency of road sweeping.

j. This shall include a Traffic Management Plan detailing how construction vehicles will access and egress the site to avoid peak traffic movement (including where applicable school pick up and drop off periods) on the existing highway network.

Reason

In the interest of highway and pedestrian safety

(8) No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall pay particular regard to the retention of existing hedgerows and to the site boundary to Fairyland Road, and shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason

In the interest of visual amenity

(9) In addition to the landscaping of privately owned domestic gardens, the details required in connection with condition 11 above shall include full details of hard and soft landscaping schemes for the landscaping of all public landscape areas including the pedestrian footpaths, highway verge areas and public open spaces, and shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) Hard surfacing materials and designs;
- iii) Details of the design and location of minor artefacts and structures including street furniture, refuse bins, highway grit bins for development access road and footpaths;
- iv) 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 scheme 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 interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990

(10) No development shall take place until full engineering, drainage, street lighting and constructional details of the streets proposed within the site are submitted to and approved in writing by the Local Planning Authority in the form of an Estate Phasing and Completion Plan. The Estate Street Phasing and Completion Plan shall set out the development phases and standards that estate streets serving each phase of the development will be completed. Prior to occupation of the last three dwellings within each phase, all estate roads within that phase including the carriageway and footways shall be completed with surface course, drainage, street lighting and road marking.

#### Reason

To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highways

(11) No development shall take place until a survey of the site has been undertaken to identify the presence and extent of invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). If any such species are identified on site a methodology for their control and eradication shall be submitted to the Planning Authority for its approval in writing, and development shall thereafter be undertaken in accordance with the approved methodology.

#### Reason

To prevent the spread of Schedule 9 species.

#### Action Conditions

(12) Prior to first beneficial occupation of the 50th dwelling, detailed drawings showing the loop highway arrangement as illustrated on Drawing Number 1605 100 A, which links road 1 adjacent to plot 24 to road 2 opposite plots 69 to 70 shall have been submitted to and agreed in writing with the Local Planning Authority. The loop shall be constructed in accordance with the agreed details prior to the first beneficial occupation of the 51st dwelling.

#### Reason

In the interest of highway safety

(13) Prior to first beneficial occupation of any dwelling hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be fully implemented on site thereafter.

Reason

To ensure the residents will have their roads maintained to an approved standard.

(14) Prior to construction work commencing on any dwelling hereby permitted, an Open Space and Footpaths Management Scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. A plan identifying all parts of the site which will be subject to ongoing management under the scheme;
- ii. A timetable for its implementation, and
- iii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body, or any other arrangements to ensure all identified areas of open space and footpaths are managed throughout its lifetime.

Reason

in the interest of visual and residential amenity.

(15) Notwithstanding the submitted plans, a scheme shall be submitted at a scale of 1:200 detailing a right turn lane designed in accordance with Design Manual for Roads and Bridges, including any drainage, street lighting, signing and lining and the required widening on the B4434. The submitted plan as approved in writing with the Local Planning Authority shall be fully implemented on site prior to work commencing on the first property and retained on site as such thereafter. All highway works relating to the construction of the right turn lane into the primary access of the site shall be subject to Stages 1 to 4 Road Safety Audit in accordance with HD19/03, and submitted for the written approval of the Local Planning Authority at each stage of the audit.

Reason

In the interest of highway safety



(16)The vision splay shown on Drawing Number 1605 100 A detailing 2.4m x 90m in both directions onto the B4434 with nothing in this area having a height greater than 600mm shall be fully implemented on site prior to the construction on the first dwellinghouse.

Reason

In the interest of highway safety

(17)Prior to their use as part of the development hereby permitted, a schedule and samples of the materials to be used in the construction of the external surfaces of the buildings and in the external surface of the driveways and/or forecourts, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of visual amenity

(18)Prior to the first beneficial occupation of the dwellings on plots 122 and 124 the shared drives will have a minimum width of 4.5m and a minimum transverse length of 7m for the turning facility.

Reason

In the interest of highway and pedestrian safety

(19) Notwithstanding the submitted plans, the shared drive serving plots 6 to 10 and 28 to 33 shall be constructed with a minimum width of 4.5m across its entire length prior to the occupation of any dwelling.

Reason

In the interest of highway and pedestrian safety

(20)Notwithstanding the submitted plans a scheme at a scale of 1:200 shall be submitted to and approved in writing by the Local Planning Authority detailing the 1 in 12 footpath linking road 2 from opposite plot 129 and adjacent to plot 44. The plans shall detail lighting and drainage to the footpath which shall be surfaced in a material suitable for wheelchair use as approved by the Local Planning Authority. The approved scheme shall be fully implemented onsite prior to the first beneficial use of any dwelling within plots 44 to 69.

Reason

In the interest of highway and pedestrian safety

(21) A scheme shall be submitted at a scale of 1:200 detailing the method that will be implemented to prevent surface water from within the curtilage of each dwelling flowing onto the footway and carriageway. The scheme as approved shall be constructed as such prior to the occupation of each dwelling it serves.

Reason

In the interest of highway and pedestrian safety

(22) Prior to the first beneficial occupation of any dwelling hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The submitted plan shall include a monitoring regime that shall commence from the first beneficial use of any building, and include provision for a review 5 years after the last dwelling is occupied, which shall include measures designed to address, where necessary, any issues arising from the implementation of the Plan. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that the site is accessible by a range of modes of transport

(23) Prior to the occupation of the first dwelling, full details of a Welcome Pack containing details of a Travel Plan, including timetables of local bus routes; local facilities such as doctors, dentists, shops, services and amenities; crime prevention details; energy efficiency and sustainability details, including water conservation, refuse collection, recycling and composting shall be submitted to and approved in writing by the Local Planning Authority. A copy of the approved Welcome Pack shall be provided to the occupiers of each new dwelling on the date of purchase.

Reason

In the interests of pedestrian and highway safety and residential amenity.

(24) Before any dwelling is brought into use, the window(s) serving bathrooms / WC / ensembles shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason

In the interest of residential amenity.

(25) No dwelling hereby approved shall be occupied until such time as new bus stops (poles) along the B4434 have been provided in accordance with a scheme which has first been submitted to and approved in writing by the LPA.

Reason

In the interest of sustainable transport

(26) Prior to construction work commencing on any dwelling hereby permitted, details of a scheme to provide artificial nesting sites for birds on dwellings within the site – which could be in the form of manufactured bird bricks incorporated into the fabric of the building or artificial nest boxes placed on the outside of the building - shall have been submitted to and approved in writing by the Local Planning Authority. All approved nesting sites shall be implemented in accordance with the approved details prior to occupation of each building to which it relates.

Reason

In the interest of Biodiversity

(27) Prior to the occupation of any dwelling it serves, the access road and footway from that dwelling shall be made up to base course level on both the carriageway and footway, drained and lit. The whole length of the access road shall be made up to surface level on both the carriageway and footway including all drainage and lighting being installed and operational to be approved in writing by the Local Planning Authority prior to the occupation of the last two dwellings.

Reason

To ensure access can be gained to properties creating a safer environment for both pedestrian and highway safety.

### Regulatory Conditions

(28) No surface water from the within the site shall be allowed to flow out onto the B4434 or connected into the highway drainage system of the B4434 and shall be maintained as such thereafter.

Reason

In the interest of highway safety

(29) All driveways shall be constructed with maximum gradients of 1 in 9 and surfaced in a porous material or with surface water diverted to a porous surface within the curtilage. At each access a pedestrian splay of 2.4m x 2.4m shall be constructed with nothing greater than 600mm in height within these splays.

Reason

In the interest of accessibility

(30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for additional windows, having regard to the particular layout and design of the estate

(31) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), the garages / car parking spaces identified on the approved plans shall be retained and kept available for the parking of motor vehicles at all times.

Reason: In order to ensure that adequate off-street parking is retained to serve the approved development, in the interest of highway safety.

(32) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

#### Reason

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

(33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected (other than those expressly authorised by this permission).

#### Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the estate.

(34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwellinghouse which fronts onto a road or private access drive other than any enclosure shown on approved plan A106005 107A.

#### Reason

In the interest of visual amenity