

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

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

<b><u>APPLICATION NO:</u> P2014/0393</b>	<b><u>DATE:</u> 01/05/2014</b>
<b>PROPOSAL:</b>	79 residential dwellings and associated infrastructure.
<b>LOCATION:</b>	Land North Of, Neath Road, Rhos Pontardawe, Abertawe SA8 3EB
<b>APPLICANT:</b>	Persimmon Homes
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Rhos

### **BACKGROUND INFORMATION**

On 6<sup>th</sup> December 2016, members of the Planning Committee resolved to defer determination of the above application pending a Committee site visit 'to enable Members to assess the impact on the surrounding area and upon highway safety'. The site visit is scheduled for the morning of 10<sup>th</sup> January 2017.

The report which follows is as presented to the 6<sup>th</sup> December 2016 Committee, amended to incorporate the information presented on the Amendment Sheet.

The application was originally called to Committee by Councillor Alex Thomas (Rhos), who has concerns of the size of the development and the impact upon highway and pedestrian safety, surface water flooding and the impact upon the school (see representations below).

Councillor David Lewis (Alltwen) has also requested the application is brought to Committee due to local concerns over the impact on the foul sewer network.

### **SITE AND CONTEXT**

The application site measures 6.52 acres / 2.64 hectares and is located within the settlement of Rhos, some 2km east of Pontardawe and 5 km to the north of Neath. The site is located directly north of the A474 New Road on gently rising grazing land to the opposite side of Rhos Primary School.

The site itself comprises two main field parcels, separated by a hedgerow and individual trees that run from north to south through the centre of the site. The site is adjoined by existing housing to the east and west and the A474 immediately to the south. Both fields are agriculturally improved grassland used for grazing.

The site is enclosed to the south, east and west by residential properties, with houses to the east, on elevated ground, overlooking the site from the rear of existing properties. To the north-east, this enclosure by residential development and existing mature vegetation continues on the fringes of Rhos, near the entrance to Bryn Brych Farm.

The site forms part of a larger site allocated for residential development (Policy H1 / 28) within the adopted Local Development Plan, and is located within the defined Settlement Limits.

## DESCRIPTION OF DEVELOPMENT

This is a full application proposing the construction of 79 dwellings as Phase 1 of development of the larger allocated housing site area. The 79 units comprise a mixture of 2, 3, and 4 bed houses which will also incorporate 8 affordable units.

A full breakdown of the schedule of accommodation is detailed in the table below.

House Type	No. of Storeys	No. of bedrooms	Number of units
Chedworth	2 Storey	5 Bed	7
Roseberry	2 Storey	4 Bed	8
Clayton Corner	2 Storey	4 Bed	7
Hatfield	2 Storey	3 Bed	11
Rufford	2 Storey	3 Bed	7
Souter	2.5 Storey	3 Bed	9
Hanbury	2 Storey	3 Bed	12
Moesley	2.5 Storey	3 Bed	4
Modern	2 Storey	2 Bed	6
WHQS 835	2 storey	2 Bed	2 (affordable)
2.1.1 582	2 storey	1 Bed Flat	2 (affordable)
WHQS 788	2 storey	2 Bed	4 (affordable)

## Officer Report

The majority of the dwellings are two storeys in height, however there are some 2.5 storey houses incorporated to add visual interest. The proposed layout has evolved as a result of discussions and dialogue with the Local Planning Authority which has resulted in amendments to the access, road alignment and street scenes, together with incorporation of formal and informal public open space and a Local Equipped area of Play (LEAP).

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

### NEGOTIATIONS:

The application was submitted in April 2014, and has been the subject of numerous negotiations which includes the following:

- Highways improvements and relocation of access point and internal road layout
- Drainage improvements in relation to surface water and Foul connection
- Tree protection and ecological buffer zones
- The provision of a Welsh language Action Plan which identifies a measures to promote and enhance the welsh language.
- The inclusion of solar Photo Voltaic (PV) cells to 8 units as a result of the Energy Assessment required under policy RE2
- The inclusion of a Local Equipped Area of Play (LEAP) informal play areas and informal open space

### PLANNING HISTORY

None

### CONSULTATIONS

**Welsh Water:** No objection subject to condition

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

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

Officer Report

**Biodiversity Officer:** No objection subject to conditions

**The Arboricultural Officer:** no objection subject to conditions

**South Wales Crime Prevention Officer:** No response

**Play Officer:** No objection

**Education Department:** Has provided current and projected school capacity, and advise that no contributions are required to meet the demand.

**Natural Resources Wales:** No objection

**Cillybebyll Community Council:** No Objection, although the Community Council is still concerned about drainage issues. In particular it is concerned that the application incorporates offsite drainage proposals which appear to involve pumping over Penyralltwen,

**Councillor Alex Thomas** has responded as follows: -

Firstly, the application constitutes a substantial development in a small community - I believe the current proposal would increase the size of the village by close to 10%, and this is potentially the first stage of a two stage development. The impact it will have on its immediate locality is significant; this has been reflected in the level of local concern regarding the application. For this reason alone it should be classed as a contentious application requiring the upmost transparency in decision making.

Secondly, and arguably most significantly, specific concerns have been raised on valid planning grounds. Of the matters that have been brought up, the two that are most significant are those of highway safety and drainage. Both of these issues have been the source of longstanding problems in the locality, and there is a widespread worry that the development could substantially worsen these troubles.

Finally, the application, if consented, will have an impact beyond its immediate locality - it will have an effect of other areas of Council service and on at least one neighbouring ward. The sewerage solution proposed by the developers will inevitably affect residents

in Alltwen. As we have discussed at length over recent weeks, the size of the development is sufficient to mean that its impact on education provision needs to be considered.

## REPRESENTATIONS

The neighbouring properties were consulted, and site notices displayed, in May 2014, June 2016 and September 2016. The application was also advertised in the press on 15<sup>th</sup> May 2014 and 17<sup>th</sup> June 2016.

In response, to date 11 no. representations have been received, with the issues raised summarised as follows: -

### *Residential amenity*

- Loss of privacy and overlooking.
- Loss of light which can affect the health of existing residents.

### *Visual Amenity*

- The development would result in the loss of the open aspect of the area / green agricultural land.

### *Ground stability and drainage*

- Neighbouring residents, especially those living directly adjacent to the site, are still, concerned about the effect this development could have on their properties. The bend directly opposite the school has been the site of considerable surface water flooding. Despite excellent work from the Council's drainage team, the incidence of flooding, both from water courses breaking their banks and the road drainage network being overwhelmed, appears to be increasing in the Rhos area. Even if green field run off rates are achieved, many neighbouring residents are very worried about the possible consequences of the water storage mechanisms in the site being overwhelmed. They fear that should this occur a problem that was previously relatively dispersed will be concentrated in one specific location in a way that could cause a very serious danger and flooding elsewhere
- There are existing problem with the sewerage within the area.

## Officer Report

- If the existing system can take the additional drainage why are there current problems in Maeslan.
- At least one resident has commented that the effects of climate change will mean that freak levels of rainfall that would previously have been once in fifty year events could become more common, and that what are now considered unusually high levels will become the norm. There appears to be a degree of metrological support for this proposition. In this context the resident asked whether the contingency planning used in the design of the drainage solution was based on projected data that took these trends into account.

### *Ecology*

- The fields behind the objector's property (phase 2) are wet and allegedly contain newts and frogs, this development would drain this land and kill off the wildlife.
- Two residents are concerned with the loss of good quality farmland for the purposes of housing development and that this sits uncomfortably with the Council's stated commitment to sustainable development. Request biodiversity enhancement to mitigate the environmental loss.
- The loss of trees and hedgerows will destroy wildlife.
- There are owls and newts on the land.

### *Highway and pedestrian safety*

- Grave concerns regarding the proposed highways solution for the site. The A474 is a busy trunk road. The volume of traffic is generally high, particularly during rush hours. Visibility on either side of a potential junction is limited by relatively sharp corners in both directions. Even with the additional measures contained in the revised application, the visibility issue means there remains a concern that an entrance at proposed cross roads will create a traffic hazard.
- Why is there no roundabout proposed?
- The controlled junction will cause considerable difficulties for several residents living close to the lights to access/egress their properties at peak times, some of which reverse onto their drive so that they can leave in a forward gear.
- community life would be seriously disrupted by additional traffic.

## Officer Report

- A resident has been pointed out when temporary traffic lights were put up at the proposed junctions site they created substantial tailbacks in both directions. Aside from the obvious problem of delays on a significant commuter route, cars idling at the junction would increase pollution levels for neighbouring residents.
- Longstanding problems at school pick up and drop off times along Heol y Nant - congestion due to on road parking along this street has become sufficiently severe to cause a change in a bus route.
- Traffic jams will be intolerable for residents.

## *Others*

- Air quality within the village would be made worse.
- Once phase one is complete then this would make phase 2 more likely, the objector was told by the land owner they would not sell this land.
- The drainage, highways and environment reports are not intelligible to the average person, and should be simplified so average people can read them.
- The school is at capacity and cannot accommodate further children.
- Phase 2 would block light to objector's solar panels.
- Would contravene the Human rights Act

In addition two emails collating concerns from local residents have been received from Councillor Alex Thomas. These matters have been incorporated within the report, at the relevant section.

## REPORT

### National Planning Policy

The main thrust of [Planning Policy Wales](#) (Edition 9, 2016) is to promote sustainable development by ensuring the planning system can provide for an adequate and continuous supply of land, available and suitable for development to meet the needs of society that is consistent with the overall sustainability principles.

In particular it seeks to promote resource efficient settlement patterns that minimise land take and urban sprawl, locate

developments so as to minimise the demand for travel, ensure that all communities have good quality housing for their needs, promote access to shopping, education, employment, health, community, leisure and sports facilities and open space.

Paragraph 9.3.1 states “New housing developments should be well integrated with and connected to the existing patterns of settlements.”

Local Planning Authorities should ensure that the proposed developments should not have an unacceptable impact upon the character and amenity of an area. Sites with higher densities can help to conserve land resources, and adverse effects can be overcome by sensitive design and good landscaping.

Further advice contained in paragraphs 9.3.3 and 9.3.4 warn that insensitive, infilling or the cumulative effects of development should not be allowed to damage an area’s character and amenity. In determining applications local planning authorities should ensure that the proposed development does not damage an areas character and amenity.

*Technical Advice Notes:*

- Technical Advice Note 2: Planning and Affordable Housing (2006)
- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2014)
- Technical Advice Note 15: Development and Flood Risk (2004)
- Technical Advice Note 16: Sport, Recreation and Open Space (2009)
- Technical Advice Note 18: Transport (2007)



## Local Planning Policies

The Development Plan for the area comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, and within which the following policies are of relevance:

### Strategic Policies

- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP4** Infrastructure
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP20** Transport Network
- **Policy SP19** Waste Management
- **Policy SP22** Welsh Language

### Topic based Policies

- **Policy SC1** Settlement limits
- **Policy H1** Housing
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space provision
- **Policy EN7** Important Natural Features
- **Policy TR2** Design and Access of New development
- **Policy BE1** Design
- **Policy I1** Infrastructure Requirements
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy TR2** Design and Access of New Development
- **Policy W3** Waste Management in New Development
- **Policy WL1** Development in Language Sensitive Areas

### *Supplementary Planning Guidance:*

- Parking Standards (Approved October 2016)

## Officer Report

- Planning Obligations (Approved October 2016)
- Affordable Housing (Approved October 2016)

### EIA 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.

### Issues

The main issues to be considered in the determination of this application concern 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; residential amenity; highway and pedestrian safety; biodiversity; drainage; and flooding, together with other issues raised by consultees.

### Principle of Development

Strategic Policy SP 3 Sustainable Communities states *“The delivery of Sustainable healthy and cohesive communities and the conservation of the countryside will be promoted”*, with Policy SC1 - Settlement Limits – stating that *“Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the settlement hierarchy will be acceptable in principle.”*

The site forms part of a larger housing allocation under LDP Policy H1/28, with the proposal being the first phase of a two-phased development (the overall site is allocated for 150 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.

### Impact on 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. The loss of this area has also been raised by several objectors, however as detailed above the principle of developing the site for residential purposes has been established with the housing allocation under Policy H1/28 of the Local Development Plan. Accordingly, 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, including adjustments within the LDP to the UDP-defined green wedge boundary to exclude this site from such allocation. It is therefore considered that the specific issues relating to the detailed development proposal are most relevant to the determination of this application.

When considering the visual impacts of this development it should be considered within the context of the existing residential developments adjoining the site and in the vicinity. The houses along the main road where the development is accessed include a mix of brickwork and render with a variety of window detailing. The application development mainly consists of dwellings that are two storeys in height, however there are some 2.5 storey houses incorporated to add visual interest. The development proposes a diverse mix of house types that would complement the overall character of the area.

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 a sense of place. Sufficient informal open space and play areas have also been incorporated into the layout, and trees protected under a TPO which will ensure the character of the area will not be unduly harmed by the introduction of this development.

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.

### Impact on Residential Amenity

#### *Impacts within the development layout*

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 can be imposed to ensure that the glasses of all bathroom windows within the development are obscurely glazed.

In terms of potential overbearing and overshadowing impacts, the development has been designed to allow an acceptable distance between units to ensure that the proposal will have no not unacceptable impacts upon future residents. It is therefore considered that the proposed scheme would safeguard the residential amenities of future occupiers.

#### *Impacts on existing neighbouring properties*

In respect of any impacts on residential amenity for existing residents, to the Eastern side are the rear of the gardens and houses off Maeslan, with Bryn Brych farm to the north. The proposed rear and side elevations of the nearest dwellings are set a minimum distance of 21m to the rear elevations of these properties. Furthermore there is an existing hedgerow and trees between these dwellings. This is considered to be sufficient to ensure that the development will have no unacceptable impacts on the amenity of neighbouring residents.

To the South East is No 42 Neath Road, a large hipped roof bungalow. The distance between the side of plot 1 and the side of this property is approximately 11m, there are no habitable room windows in the side plot 1, therefore there are no issues in relation

to overlooking. Furthermore a separation distance of 11m is considered to be sufficient to ensure there is no unacceptable overbearing or overshadowing impacts.

Turning to the opposite West of the site, No 16 New Road is the nearest to the development. The separation distance between the sides of the nearest plot (Plot 59) is approximately 7m. There are no side facing habitable room windows in this side therefore no issues of overlooking of habitable room windows. Plot 59 adjacent would be set back approximately in line with the rear elevation of no. 16, and will therefore be fully visible from no. 16. However, this property has a large garden, including a rear garage close to the boundary, and an open aspect from the North West. Accordingly, and having regard to the distance separation, it is considered that the new dwelling would have no unacceptable overbearing impacts on the amenity of the adjacent property.

To the South of the site, across the main road is a school and other residential dwellings, these are located approximately 30m to 40m away and therefore raises no issues in terms of residential amenity.

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 this would be 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, taking into consideration the objectors comments noted earlier and especially taking into account the site's housing allocation within the Local Development Plan.

#### Parking and Access Requirements and Impact on Highway Safety

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 increase in traffic and the impact the traffic lights would have upon existing residents.

## Officer Report

The Transport Assessment that accompanies this application 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.

They have requested that prior to any works commencing on site a detailed scheme of the off-site works will be required to be submitted, which shall include the following: -

- Scheme for the existing drainage networks that include new gullies, relocation of existing gullies, upgrading existing pipe sizes.
- Details of the 2 Controlled pedestrian crossings/access.
- New footways, footway connections.
- H-Bars on existing highway
- Anti-skid resistance carriageway approach to traffic signals
- Traffic signals.
- Tactile crossing and pedestrian guardrails.
- Radii of the junction
- Highway marking (white lines, hatching)
- Traffic Regulation Order Scheme.
- Details of signage
- Details of the Emergency access off A474.
- A full traffic management scheme.

The Highways section has also made recommendations for the following:

- Construction Method Statement
- On site car parking scheme
- Details management and maintenance within the development
- Surfaced and lit footways
- Vehicular footway crossings
- Visibility splays
- Gates fronting onto the highway
- Restricting garage conversions
- Driveway dimensions
- Details of shared drives

## Officer Report

- Storage of materials or plant machinery on the public highway
- Bin storage areas.
- Trees within the footway
- Road Safety Audit
- Highway widths

These requirements can be addressed through a mixture of the s278 highway agreement and suitably worded conditions.

In respect of parking, the scheme is largely compliant with current parking standards, however there are a few plots where garages are not as large as required by the standards (Roseberry house type), and two plot where only one space is provided. Subject to a condition requiring the specific house design to be amended to increase the size of the garage (to require three spaces in total), the development is considered to be acceptable in terms of parking provision.

The scheme has been fully assessed by the Local Authority's Highways section who considers the development to be acceptable subject to the above matters being addressed by condition, however for clarity the following observations have been provided in relation to some of the concerns raised by objectors.

- *(In response to residents concerns regarding the proposed highways solution for the site)* The Head of Engineering and Transport (Highways) has advised that both junction fronting onto the A474 will be controlled and will not allow traffic to exit or enter until all other vehicles are stopped, which will provide a safe access and egress. Whilst adequate visibility is required under the new scheme, each junction is controlled and will make it safe for vehicles to manoeuvre in and out of the junctions safely and with conflict.
- *(In relation to concerns the controlled junction will causing considerable difficulties for several residents)* The developer is aware of potential stacking of vehicles in both directions along the A474 for short period of time. We have requested that H Bars be included to make drivers aware of the access to existing driveways therefore being considerate to existing residents.

## Officer Report

- *(In relation to some residents feel that community life would be seriously disrupted by additional traffic)* The Traffic and been assessed under an approved Transport Impact Assessment document submitted by the applicants consultants, the assessment has been modelled based upon two scenarios one assessing the current use (without development) and the other providing data for the current use plus the proposed development, the data provided to the authority has been modelled to include traffic saturation levels based upon 15 year prediction. The data provided was considered to be acceptable.
- *(In relation to an instance when temporary traffic lights were put up at the proposed junctions)* The highways section notes that vehicles may be idling at the junction during brief traffic signal changes, but this will be controlled under a timed system which will give priority to the highways with the largest volume of traffic (A474), and new traffic orders are proposed to enforce indiscriminate parking within the new road layout.
- *(In relation to Traffic jams will be intolerable for residents).* As previously stated above the Transport assessment provided data which was considered to be acceptable.
- *(In response to children's lives would be at risk from this development due to the sharp bend)* The highways section considers that the new system would benefit and improve the access for pedestrians (children) because of the controlled crossing points. In addition to this the new traffic signal design for the new junction will be subjected to a full Road Safety Audit.
- *(In response to one resident asking why a roundabout was not proposed)* This was not required as the controlled junction is considered to be the best option for safety; free flowing roundabout will not have the ability to provide a suitable safe controlled crossing because of its need to keep the traffic flowing continuously.
- A resident has questioned what protocols will be put in place to ensure that site traffic during construction does not cause highways issues for existing residents?



Condition 5 requests a traffic Construction Method Statement which would consider amongst other things site traffic movements during the construction phase.

- The resident at No 29 has concerns relating to the effects of a traffic lighted junction so close to their driveway, noting that due to the volume of traffic they already have difficulty reversing into their drive, and that temporary traffic lights erected during recent works at that junction confirmed their fears. The local Member has enquired on their behalf whether there is any mitigating action that the developers would undertake to perform.

These issues have already been addressed within the report, however it is noted that H Bars are sought to make drivers aware of the access to existing driveways.

- A number of residents have looked in detail at the plans and do not feel that the proposed site entrance is safe, given the proximity to blind bends and the speed at which drivers take this section of the road. As previously mentioned the location of the school greatly exacerbates this concern.

The position of the access and highway and pedestrian safety have already been considered within the report and found to be acceptable.

### Biodiversity / Ecology

Policy EN 7 - Important Natural Features – states that development proposals that would adversely affect ecologically or visually important natural features such as trees, woodlands, hedgerows / field boundaries, watercourses or ponds will only be permitted where:

1. Full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible; or
2. The biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

As part of the application the Authority's biodiversity unit has considered the submitted Ecological report and Badger 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:

- *Trees* – The biodiversity section have recommended that all mature native trees should be retained as they may provide habitats for nesting birds and roosting bats. It should be noted that the majority of trees along the hedgerow and one located centrally within the site have been protected as such the Local Authority's Arboriculturist has no objection to the proposal subject to protection of these trees during construction.
- *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.
- *Bird nesting* - The proposals will remove potential bird nesting/foraging habitats which must be mitigated for under the Habitat Regulations (amended 2012). A condition relating to a scheme showing nesting boxes can be conditioned.
- *A landscaping management plan* - this should include long term design objectives, management responsibilities and maintenance schedules for all landscape areas play area, and areas of informal open space, this can be imposed via a suitably worded condition.
- *Protected species* - it has been recommended that a note is attached in relation to protected species and what to do should any be discovered.
- *7m watercourse buffer*- A 7m buffer zone has been shown and a condition can be imposed to ensure their protection during and after construction.

## Officer Report

The ecologist has also made several recommendations for informatives relating to avoiding developing during the bird breeding season, protective species and bat bricks.

The Local Authority has fully assessed the site in terms of its ecological value however for clarity, the following objector's comments have been further addressed.

- In relation to the concerns about proposed development draining the fields that form (phase 2) and ultimately kill off the wildlife; the drainage within this site is to dispose of surface water from the development and not to drain land outside of the application site.
- In relation to concerns with the loss of good quality farmland for the purposes of housing development this matter was however considered within the Public Examination associated with the LDP and addressed within the Planning Inspector's report of October 2015. However in terms of ecological value this habitat is heavily grazed by cattle and is generally considered to be of little ecological value. In addition this habitat type is widespread in the locality and in the wider region.
- In relation to owls and newts, the ecological survey did not report any of these species to be present on the application site.

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 ensure that any impacts can be mitigated.

- A concern from a nearby resident was received, who has had extensive problems with knotweed originating from the farm site. This has now been treated, but the occupants have clauses in their mortgage agreement relating to the control of knotweed and they are, anxious that any future building work does not cause a resurgence of the infestation.

## Officer Report

An ecological survey was carried out that did not report any Japanese knotweed. However, should Japanese knotweed be discovered in the future, it would be the land owner's responsibility to ensure its control and eradication.

- There are a number of mature oak trees and hedgerows on the farm site. A resident has asked what protection is to be afforded to them, and will TPOs be placed on any trees on the land.

A number of mature trees on and along the perimeter of the site were protected by Tree Preservation Order on the 24<sup>th</sup> May 2014. Existing retained trees will be protected during the construction phase.

### Drainage

As part of the application a drainage strategy has been submitted, accompanied by several drainage drawings. The following provides a summary of the proposed drainage scheme along with consultee responses

#### *Foul Water*

The Foul water will be drained from the site via a piped gravity sewer to the proposed pump station which is located in the South Western corners of the site. The foul water is then pumped from the pump station to the public sewer. This will be communicated with the foul manhole SN73030301 located in long Bryn Llewelyn

The applicant has advised that this location has been agreed with Dwr Cymru Welsh Water (DCWW). The foul sewers for the site will be adopted by DCWW where the sewer passes through more than one property or where the sewer falls in the highway or public space. This is in accordance with DCWW requirement and Sewers for Adoption 7<sup>th</sup> edition.

Welsh Water have advised that they have no objection with the proposal and that Persimmon have confirmed the connection, which is option A, on Welsh Water's planning consultation response dated 05/07/16. Notwithstanding this a condition in line with WW recommendations can be imposed to ensure the development can overcome recorded incidents of hydraulic

overload and pollution on the public sewer network downstream of the proposed development.

Welsh Water has also recommended that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network which is to prevent hydraulic overloading of the public sewerage system. Furthermore Welsh Water has advised that no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Natural Resources Wales have no objection subject to the development connecting to the mains sewer.

### *Surface Water*

The submitted strategy illustrates that surface water flows will be managed via a piped gravity system which will connect to the drainage ditch/culverted water course on/near the site in two locations which can be seen on the latest Engineering Layout drawing. There are two connection points due to the topography of the development.

As required under current drainage regulations new developments cannot discharge surface water from the development any faster than what has been experienced pre-development. In order to manage this, a hydro brake (a piece of apparatus which limits the flow of water through it hence limiting the amount of water which can leave the development) and onsite water attenuation will be required. Due to the restricted flow from the site water will back up the sewer which means storage will be required to hold the water captured in major storm events. The developer is intending to use two forms on this site which are:

1. Precast concrete tanks – the tanks will be located under the road and only fill up during a 1 in 30 or greater storm event.
2. Plastic Attenuation – located beneath the Open Spaces and car parking where the loading from above is low. The Plastic Tanks work in the same way as the concrete tanks. Due to adoption requirements the attenuation is split. One tank will contain all the flows associated with a storm event up to a 1 in 30 year storm event. This tank will be adopted by DCWW and therefore maintained by them. The second and third tank

## Officer Report

will provide further capacity for up to a 1 in 100 year storm plus 30% for climate change. This tank will be maintained by the management company set up for the development.

The surface water sewers for the site will be adopted by DCWW where the sewer passes through more than one property or where the sewer falls in the highway or public space. This excludes the plastic attenuation required for storm events greater than 1 in 30 year events as these will be maintained by the management company. This is in accordance with DCWW requirement and Sewers for Adoption 7<sup>th</sup> edition.

The proposed system shows that the development will not increase the risk of flooding and likely benefit the development as the flows will be managed more efficiently via a piped system. The Head of Engineering and Transport (Drainage) has assessed all the drainage information submitted and has no objection to the proposal subject to conditions relating to the following:

- No highway (adopted) gullies are allowed to connect directly or indirectly into the private and/or publicly maintained "Welsh Water" sewer and vice versa.
- Foul water and surface water discharges must be drained separately from the site. No interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site
- A drainage strategy showing the means to safely control and dispose of the ground and surface water during the course of construction
- A Construction Method Statement (CMS)
- Details of the approved Management and Maintenance Company whose intention is to be partly responsible for cleansing and maintenance of the approved system.

Natural Resources Wales also has no objection subject to the above conditions.

Whilst drainage of the site has been fully assessed, the following comments are made in relation to concerns raised by residents

- *In response to flooding concerns* the Head of Engineering and Transport (Drainage) has advised that development has been designed to attenuate surface water and release a flow

which is better than greenfield run off rate. In addition the developer will seek to upgrade the existing highway culvert to complement the works previously undertaken by the council. The scheme seeks to improve the run-off from within the site at a controlled rate using long term storage systems.

- *In relation to the concerns relating to existing sewerage problems within the area*, the existing system will be provided with slightly less water from within the site because of the offline, long term storage attenuation system provided.
- *In relation to the effects of climate change*; the hydrology design for the development has considered climate change and factored in 30% in the surface water return period design (i.e designed for a 1 in 100yr event plus 30% climate change).
- A serious concern has been raised regarding the process by which reports (drainage) have been produced, and the degree of faith we can place in them. Allegedly, when workmen visited the site to take measurements relating to the hydrometry of the land, they mentioned to at least one resident that they had been to the site on a previous occasion, but had been told by the landowner not take measurements at that time as recent heavy rain would demonstrate a high water table level.

The concerns have been raised with the Local Authority's Drainage Officer, who has confirmed that the submitted drainage details are acceptable.

### Waste

Policy W3 - Waste Management in New Development – requires proposals for new build development to demonstrate that provision is made for the design, layout, storage and management of the waste generated by the development both during the construction phase and occupation.

As part of the application a Site Waste Management Plan (SWMP) was submitted, the overall objective of which is to ensure that

throughout the construction period and once completed, any site waste is dealt with properly as per Neath Port Talbot's guidelines. The report illustrates that Persimmon Homes will take all reasonable steps to ensure that all waste from the site is dealt with in accordance with the Waste (England and Wales) Regulations 2011 and that all materials will be handled efficiently and waste managed appropriately.

### Energy Assessment

Policy RE2 Renewable and Low Carbon Energy in New Development Schemes that connect to existing sources of renewable energy, district heating networks and incorporate on-site zero / low carbon technology (including microgeneration technologies) will be encouraged. Proposals for 100 or more dwellings will be required to submit an Energy Assessment to determine the feasibility of incorporating such a scheme and where viable, would be required to implement the scheme.

Whilst this scheme is for 76 and under the threshold, the whole housing allocation on this site was for 150, therefore it was felt reasonable to assess all phases.

As such an independent Energy assessment was carried out. This assessed all types of renewable energy and low carbon technologies. The assessment concluded that building integrated photovoltaic panels would be the most appropriate form of renewable energy that could be incorporated into the proposed development. Following discussion in respect of development viability, the applicant has agreed to provide a scheme to provide PV cells to 8 units (10% of the development), which in this instance of considered to be acceptable under Policy RE2.

### Section 106 Planning Obligations

Local Development Plan **Policy SP 4** (Infrastructure) states that "Developments will be expected 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) then 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 improvements; Community and public transport; Education and training.

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 79 residential units.

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

### *Affordable Housing*

Policy AH1 of the LDP states that all new housing developments will be required to contribute to affordable housing provision. Within the Pontardawe spatial area, a 10% affordable housing

target is sought. It should be noted that the application has been with the Council since 25<sup>th</sup> April 2014, at which time the UDP was the adopted Development Plan, within which Policy H4 sought to achieve a 20% affordable housing contribution. However the site at this time was located outside of settlement, as such the applicant chose to delay progressing the application so that it would be considered against the LDP.

The proposed 79 unit scheme would therefore be required to provide 7.9 units as an affordable housing contribution. The proposed layout plan PL-01 identified that 8 units of affordable housing would be provided on site, comprising 2 x 1 bed, 4 x 2 bed and 2 x 3 bed properties dispersed throughout the site. Such provision is in accordance with the emerging SPG and meets the requirement under Policy AH1, such housing to be appropriately controlled through a legal agreement.

### Education

Concerns have been expressed locally, including by locals Members, that the development would exacerbate existing overcrowding issues at local schools.

Throughout the course of the application, discussions have taken place between officers within the planning and education departments to determine the existing level of educational provision, both English and Welsh language medium education, and the potential need arising from the development proposal in question.

With such applications, the SPG advises that the need for a planning obligation will be established by assessing the capacity and suitability of existing educational facilities within whose catchment area the proposed development site is located. A planning obligation will be expected only where existing schools cannot adequately absorb the estimated number of additional pupils arising from a proposed development.

Based on the SPG figures, each new residential (other than 1 bed units) will likely generate 0.37 (0.21 primary; 0.16 secondary) children or young people with educational requirements. This equates to the following generated demand : -

## Officer Report

- Primary 77 x 0.21 = 17 pupils
- Secondary 77 x 0.16 = 13 pupils

Notwithstanding the concerns raised by local members, the community council and residents that Schools are experiencing crowding, the Education Department have reviewed the existing and projected capacity at local schools (Rhos Primary; Cwmtawe; YG Ystalyfera and YGG Pontardawe) and proposed phasing of the development, and advised that there is existing capacity at each school (with existing over-capacity issues at Cwmtawe noted to be 'worked out of the system' such that no contribution is required for that school).

While some information has been provided which suggests that the condition of some accommodation at Rhos Primary is deteriorating, negotiations/discussions with the developer pre-date such information being provided, and given the above capacity it is considered that no financial contribution towards the local schools should be sought from the developer on this phase.

### Public Open Space / Children's Play Facilities

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:

Open Space	Standard
Outdoor Sport	1.60 hectares per 1,000 population
Children's Play	0.25 hectares per 1,000 population
Informal Space	0.55 hectares per 1,000 population
Allotments	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 shortfalls in all of the above categories within the ward. 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.

## Officer Report

Whilst it is noted that the submitted plans indicate 0.08ha of informal open space (800sqm), a 400sqm LEAP (Play area) and a Children's Play area of 0.16ha (1600sqm), there is no provision for the remaining categories of open space. There is no opportunity on this proposal for pitch/non-pitch sport or allotments, however the area already benefits from Rhos Park where there are playing fields, non-pitch sports facilities and allotments. This is a well-used facility that is run by the community council and as such an ideal candidate site for any monetary contributions, as any enhancements to this site would benefit the whole community.

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

	<b>Open Space requirement (sq. m)</b>	<b>Open Space "On-site" Provision (Sq.m)</b>	<b>Open Space "Off-Site" Financial Contribution</b>
79 dwellings			
OUTDOOR SPORT-PITCH	2080	0	£22,464
OUTDOOR SPORT-NON PITCH	814	0	£81,400
CHILDRENS PLAY	452	400leap + 1600 informal play	£0
INFORMAL SPACE	995	800	£975
ALLOTMENTS	343	0	£3739

The legal agreement therefore seeks a financial contribution of **£108,578** for provision of off-site POS to be spent within Rhos Park. It is therefore considered that 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. As a result discussions have taken place between the developer and Council in respect of offsite mitigation work which include traffic lights, 2 pedestrian crossings and pedestrian footpaths. Such matters would be secured through a Section 278 agreement.

### 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 WL1** 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 new 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 WLAP has been reviewed by the Local Authority's Policy Section, and it is noted that as part of the measures proposed the applicant is prepared to offer a financial contribution to promote these services – be it through 'Menter Iaith CNPT' or through the activities arranged by the Welsh language organisation, 'Yr Urdd'.

In this respect, a Financial Contribution has been agreed with the Developers of **£39,500** (£500 per unit to cover 3 years) towards the mitigating against the impact on the Welsh language. This would need to be agreed and would be likely to cover such things as bilingual site signage, welcome packs (placing the language in its context and setting out the local Welsh language provision) and use on Strategic projects to help increase Welsh usage in the community and protect, promote and enhance the Language.

### Other Matters

*Responses to matters raised in representations not covered in the report on the main issues.*

As identified earlier in this report, a number of objections were received in response following the publicity exercise. In response

to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- It is not considered that development of this allocated housing site would have any adverse impact on air quality within the village.
- In response to the concerns relating to phase 2; this application assesses phase 1 only, should a further application be submitted for phase 2, it would be assessed at that time.
- Matters relating to the likely sale of land for phase 2 by the land owner is not a material planning consideration.
- While technical, the submitted reports are considered to adequately identify the impacts of the development and necessary mitigation.
- Neighbours have queried would they receive any direct compensation for the noise and inconvenience caused during construction.

Any development would result in a level of noise and disturbance during the construction period however this disturbance would only be temporary and would not have any long term unacceptable impacts in relation to residential amenity. There is a condition imposed requiring the submission of a construction method statement which would seek to reduce any potential impacts to an acceptable level.

- A resident has asked whether “all” footpaths and rights of way on the site have been considered? They have advised that there is a right of way that is no longer marked, but still legally extant, that would be unintentionally extinguished by the development.

There are no footpaths within the application site, although there is a footpath (No.30) located outside the site along the Northern boundary that runs through Bryn Brych Farm. This will not be affected by the development (but would need to be considered under phase 2 of the development when that proposal comes forward).

- Is the farm house listed?

The farm house is not a listed building.

- A number of residents have asked whether the developer will be making any contribution to support the increased burden on local GP surgeries, stating that there are already capacity issues within the area.

This is not is not a material planning consideration and therefore has not been taken into consideration when assessing this application. GP surgeries are run as private businesses, and if an increase in need, justifies additional investment, this would be a private matter.

## **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 application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

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 the provision of affordable housing, open space, welsh language 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 8 units (10%) of affordable housing
- Provision of 400 sq.m. Locally Equipped Area for Play (LEAP)
- Financial Contribution of £30,500 (or equivalent scheme) to protect, promote and enhance the Welsh language.
- Financial Contribution of £108,578.00 towards public open space provision

## 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 application shall be built in accordance with the following plans and documents:

Document/Plan Name Revision Rev

Planning Statement Rev. B

Design and Access Statement

Planning Layout PL-01 Rev. K

Masterplan MP-02 -

POS Provision Plan PPP-01

548 Morden Floor Plans & Elevations MR-WD16 Rev. J

739 Moseley Floor Plans & Elevations MS-WD16 Rev. L

761 Hanbury Floor Plans & Elevations HB-WD16 Rev. P

870 Rufford Floor Plans & Elevations RF-WD16 Rev. P

932 Souter Floor Plans & Elevations SU-WD16 Rev. R

969 Hatfield Floor Plans & Elevations HT-WD16 Rev. S

999 Clayton Corner Floor Plans & Elevations CCA-WD1 Rev. F

1096 Roseberry Floor Plans & Elevations RS-WD16 Rev. S



## Officer Report

1222 Chedworth Floor Plans & Elevations CD-WD10 Rev. N  
1222 Chedworth Corner Floor Plans & Elevations CDC-WD06  
Single double garage SGD-01  
788 WHQS Planning Drawing WHQS-WD16  
835 WHQS Planning Drawing 835-WHQS-WD01 Rev.F  
Revised Transport Assessment 14-00344/AD/01  
Network Flow Diagrams 14-00344  
Proposed Signalisation RSA PH/1415/341/08  
Drainage Strategy Feb 16 Rev. B  
Link Road Drainage Plan 10040-200  
Engineering Layout 10040-001 Rev. L  
Street lighting Layout GC/002334  
Longitudinal Sections 10040-002-01 Rev. D  
Highway Construction Details 10040-003-A Rev. A  
Manhole Sections 10040-005 Rev. D  
Hydrobrake Details Manhole S3 10040-006-A Rev. A  
Hydrobrake Details Manhole S27 10040-007-A Rev. A  
Link Road Drainage Plan 10040-200  
Section 104 Foul Rising Main Plan 10040-S104-01  
Section 104 agreement 10040-S104-C  
Ecology Report October 2013 HE/40/2013  
Badger Survey March 2014 HE/87/2013  
Updated Badger Survey  
Welsh Language Impact Assessment  
Energy Assessment  
Waste Management Plan  
Landscape and Visual Appraisal - Amglam  
Design and Access Statement  
Planning Statement  
Drainage Summary  
Headwall Construction Detail 14120-108 Rev 2  
Cellular Storage Detail 14120-107  
2.1.1 DQR 1 Bed Flat  
Pumping Station A0-13586-2G  
Street Scene Elevation SE01  
Rhos Network 1, Rev A 100yr+30%  
Rhos Network 2, Rev C 100yr+30%

## Reason

In the interest of Clarity

## Pre-Commencement Conditions

## Officer Report

(3) Prior to any development commencing on site, the developer 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, including any site clearance, until such time as a detailed scheme for the off-site highway and drainage improvement works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the agreed details and phasing programme (see note 1).

### Reason

In the interest of highway and pedestrian safety

(5) No development shall take place, including any works of demolition or site clearance until a Construction Method Statement (CMS) and Drainage Construction Method Statement (DCMS) been submitted to and approved in writing by the Local Planning Authority. The approved Statements shall be adhered to throughout the whole of the construction period (see notes 2 and 3).

## Officer Report

### Reason

In the interest of highway and pedestrian safety, the environment, and the amenity of residents.

(6) Notwithstanding the details submitted the Roseberry house type located on Plots 24, 28, 29, 41, 44, 48, 76 & 79 shall be amended to provide a garage with a minimum internal dimensions of 3m by 6m, or a revised house type and plot layout providing at least two car parking spaces, three if the gross floor area of that dwelling exceeds 120 sq.m, provided within the curtilage of each dwelling.

### Reason

In the interests of Highway and pedestrian safety.

(7) 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 shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained, and include full details for their protection throughout the course of development.

### Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990 and to ensure no damage is caused to the trees during construction.

(8) In addition to the landscaping of privately owned domestic gardens, the details required in connection with condition 7 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 informal play areas / public open space, and shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) Hard surfacing materials and designs and enclosures;
- 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;

## Officer Report

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

(9) Prior to the commencement of works on site the 7m wide buffer zone from the watercourse, as identified on drawing PL-01 Rev. K shall be fenced-off to provide protection from development activities. Following completion of development, the buffer zone shall be retained thereafter and maintained as an open channel (wherever possible), with naturally vegetated margins.

### Reason

In the interest of Ecology

(10) 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

### Action Conditions

(11) Notwithstanding the submitted plans, no dwelling shall be occupied until a public lighting scheme for the site has been submitted to and approved in writing by the Local Planning Authority, and the street lighting from the site access to that dwelling has been completed and is operational in accordance with the approved details.

#### Reason

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

(12) Prior to construction work commencing on any dwelling hereby permitted, details of a scheme to provide artificial nesting sites for birds within the site shall have been submitted to and approved in writing by the local planning authority. All approved artificial 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 and mitigation for the loss of habitat within the site.

(13) Prior to the first beneficial occupation of any dwelling hereby permitted, a scheme detailing the location of a minimum of 8 residential units which will incorporate solar PV panels shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the panels and elevations and locations plans identifying which units they will be located on. The development shall be constructed in accordance with the agreed details prior to the occupation of each associated dwelling(s), and retained as such thereafter.

#### Reason

In the interest of providing low carbon energy generation within the development to accord with the requirements of Policy RE2 of the Local development Plan.

## Officer Report

(14) Notwithstanding the details submitted, prior to the commencement of development of any dwelling a scheme detailing the proposed means of enclosure to all property boundaries shall have been submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be provided in accordance with the agreed scheme prior to the occupation of the associated dwelling, and retained as such thereafter.

(15) Prior to the construction of any dwelling details of the Local Equipped Area for Play (LEAP) shall be submitted to an approved in writing by the local planning Authority. The submitted scheme shall detail the size, location and the details of the facilities to be provided, together with a schedule of works which shall detail when the proposed facilities will be provided on site. The facilities shall be fully implemented on site in accordance with the approved details.

### Reason

To ensure the development provides essential infrastructure to serve residents needs in accordance with Policy OS1 of the Local Development Plan.

(16) Prior to their use as part of the development hereby permitted, a schedule/plan and samples of the materials to be used in the construction of the external surfaces of the buildings and on the external surface of the driveways and/or forecourts, shall be 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

(17) Prior to the first occupation of any dwelling, a management and maintenance plan for the all landscaped areas other than privately owned domestic gardens (including all areas of informal or formal open Space, including the equipped play area, ) shall have been submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall be implemented and adhered to in accordance with the approved details thereafter (see note 4).

## Officer Report

### Reason

in the interest of visual and residential amenity, and to ensure the long term management and maintenance of all public open spaces, formal and informal that lie outside of the curtilage of individual properties.

(18) Prior to the first occupation of any dwelling a scheme outlining the location of the bin storage areas shall be submitted to and approved in writing by the Local Planning Authority, this scheme shall allow for kerb side pick for both refuse and recycling. The scheme as approved shall be implemented to serve that property prior to its first occupation, and retained for such use thereafter.

### Reason

In the interest of highway and pedestrian safety and the amenity of residents.

(19) Prior to the beneficial occupation of the development hereby approved, the developer shall ensure:

a) That the foul discharges from the development hereby approved are communicated with the foul sewer at or downstream of manhole SN73030301 located in long Bryn Llewelyn; or

b) That a surface water removal strategy delivering sufficient compensation for the foul flows from the development hereby approved has been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The submitted surface water removal strategy shall include:

i. Details demonstrating that a quantifiable volume of surface water has been identified, and can be removed from the public sewer network downstream of the proposed point of communication; and

ii. Details demonstrating a feasible method for the disposal of the surface water removed from the public sewer network; or

c) That a hydraulic modelling assessment has been commissioned in liaison with Dwr Cymru Welsh Water, and the foul sewerage infrastructure works required by the commissioned hydraulic modelling assessment have been completed and approved in writing by Dwr Cymru Welsh Water and the Local Planning Authority.

## Officer Report

### Reason

To overcome recorded incidents of hydraulic overload and pollution on the public sewer network downstream of the proposed development, which render it unable to accommodate the anticipated foul discharges from the proposed development.

(20) Prior to the installation of the foul pumping station, a scheme shall be submitted to and approved in writing by the local planning Authority detailing the apparatus to be installed. The scheme shall also include plans and elevations, and also provide details of noise and odours emissions. The pumping station shall be installed in accordance with the agreed details prior to the first beneficial use of any dwelling.

### Reason

To ensure satisfactory foul drainage is provided and in the interest of visual and residential amenity.

### Regulatory Conditions

(21) The new junction off the A474 shall maintain visibility splays of 2.4 metres by 70 metres in either direction where nothing over 600mm shall be allowed to grow or constructed.

### Reason

In the interest of highway and pedestrian safety

(22) Any gates fronting onto the highway shall be of a type which open inwards only, and maintained as such thereafter.

### Reason

In the interest of highway and pedestrian safety

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

### Reason

In the interest of highway and pedestrian safety



## Officer Report

(24) Notwithstanding the submitted plan each drive shall be a minimum length of 6 metres (10.8 metre length for parking in tandem) from the back of footway to the front of the garage structure, 3.6 metres (6.2 metres wide for two car parking opposite) minimum width, and prior to the first use of the dwelling each drive shall hard surfaced in porous asphalt or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house to a maximum gradient of 1 in 9 and no less than 1 in 150.

Reason

In the interest of highway and pedestrian safety

(25) All shared drives (serving a maximum of 5 dwellings) to have a gradient not exceeding 1 in 15 gradient to be 4.5 wide, and have vision splays of 2.4 metres by 45 metres in both directions which shall be hard surfaced in porous asphalt or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house. Shared drives shall not exceed 30 metres in length (carrying distances for bins and recycling waste).

Reason: In the interest of highway and pedestrian safety

(26) No trees shall be planted within the footway nor any trees be planted within 2m of the back of footway unless a suitable root barrier is correctly situated.

Reason

In the interest of highway and pedestrian safety

(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) Unless otherwise approved under a condition, 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 protect the integrity of the public sewerage system

## Officer Report

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

Reason

To safeguard land drainage

(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 (or any order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway, carriageway, shared driveway or footpath unless otherwise approved through submission of a scheme under Condition 15 of this permission.

Reason

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

(32) 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), in respect of plots 21 to 26 (inclusive) and plots 47 to 55 (inclusive) there shall be no extension or external alteration, and no garages or outbuildings shall be erected (other than those expressly authorised by this permission), without the prior grant of planning permission.

Reason

In order to safeguard the protected trees by enabling the Local Planning Authority to consider whether planning permission should

be granted for extensions, having regard to the wellbeing of the protected trees

### Notes

(1) The developer is made aware that the scheme as required under condition 4 of this permission shall include but shall not be limited to the following:-

- Full drainage network details that include the position of new gullies,
- Relocation of existing gullies, upgrading existing pipe sizes.
- Controlled pedestrian crossings/access details
- New footways, footway connections.
- H-Bars on existing highway access.
- Anti-skid resistance carriageway approach to traffic signals
- Traffic signals.
- Tactile crossing and pedestrian guardrails.
- Radii junction details.
- Highway marking (white lines, hatching) etc
- Traffic Regulation Order Scheme.
- Signage.
- Details of Emergency access off A474.
- Full traffic management scheme.
- Phasing proposals.

(2) In respect of condition 5 the CMS shall provide for as a minimum;

- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction

## Officer Report

- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Scoping route for all deliveries to and from the development.
- A scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.

(3) The DCMS as required under condition 5 shall include method(s) of controlling ground water and surface water safely and without compromising working area, and to ensure that any adjoining land and highways is not interrupted or otherwise adversely affected by the development, together with methods of mitigating potential flooding downstream. The approved DCMS shall include details of monitoring and maintenance regimes.

(4) Those details required under condition 18 shall include as a minimum:

- 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.

(5) The lighting scheme as submitted under condition 12 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.