

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2017/0132	<u>DATE:</u> 16/02/2017
PROPOSAL:	Two storey residential dwelling (Outline with all matters reserved)
LOCATION:	10 Elias Road, Bryncoch, Neath SA10 7TN
APPLICANT:	Mr Alan Lockyer
TYPE:	Outline
WARD:	Bryncoch North

BACKGROUND INFORMATION

The applicant is one of the Elected Members for Neath North Ward, and while the site has previously had the benefit of planning permission, the time limit for submission of reserved matters has expired. Accordingly, this new application needs to be reported to Planning Committee for a decision.

SITE AND CONTEXT

The application site is located on land adjacent to 10 Elias Road, Bryncoch.

The application site is an irregular shaped parcel of land measuring approximately 0.023 hectares in area. It is relatively flat in profile, has a maximum width of 10m at the front reducing to 6m at the rear, and an overall depth of 31m. Pedestrian and vehicular access to the site is via Elias Road, an unmade track. The site is bounded by residential dwellings to the north, east and west, and the access track to the south. The site currently forms part of the garden area of Number 10, and is occupied by a small domestic shed and garage with some shrubs and hedges.

The site is located within the settlement limits as defined by the adopted Neath Port Talbot Local Development Plan (LDP).

DESCRIPTION OF DEVELOPMENT

This application seeks outline planning permission for the erection of one detached dwelling. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

The applicant has submitted an indicative layout and scale parameters. These illustrate the demolition of the existing garage and shed, and replacement with a single detached dwelling fronting onto the unmade part of Elias Road. The dwelling will measure between 5m-5.5m wide, 8m-9m in depth and 7m-9m high. Replacement parking for the donor property is proposed to the east of Number 10, with parking for the proposed dwelling on a new driveway to the east of the site.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2013/0191 Detached dwelling (Outline) approved 7th May 2013

CONSULTATIONS

Blaenhonddan Community Council: Council would not wish to see this application setting a precedent for further development along this “track” and is concerned as to whether the quality of the access is appropriate to serve a new development, and whether it should be improved if the application is to be approved.

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

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

Biodiversity Unit: No objection subject to conditions

Welsh Water: No objection subject to condition and informative

Footpaths Section: no objection subject to condition

REPRESENTATIONS

The neighbouring properties were consulted on 20th February 2017, with a site notice displayed on 23rd February 2017.

In response, to date no representations have been received,

REPORT

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

National Planning Policy:

The applicant states that there has been a change in policy since the previous application was refused and that [Planning Policy Wales](#) places an emphasis upon the need for housing within sustainable locations such as brown field sites and making the most efficient use of land.

The main thrust of Planning Policy Wales 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.

However 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 therefore take a balanced approach and ensure that the proposed development does not damage an areas character and amenity.

National Guidance

The following [Technical Advice Notes](#) are also of relevance:

- Technical Advice Note 12: Design
- Technical Advice Note 18: Transport

Local Policy

The Development Plan comprises the Neath Port Talbot Local Development Plan (2011 – 2026) (LDP) which was adopted in January 2016 and within which the following policies are of relevance: -

Strategic Policies

- **Policy SP3** Sustainable communities
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy EN7** Important Natural Features
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The [Parking Standards](#) SPG was approved in October 2016 and is of relevance to this application.

EIA and AA Screening

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion is not required for this application.

Issues

The main issues for consideration with regards to this planning application are the principle of residential development at this site – having regard to the previous approval for a dwelling on this site and any material changes in site or Policy circumstances - together with the impact of the proposal upon visual and residential amenity, and highway and pedestrian safety having regards to prevailing planning policies.

Principle of Development

Outline planning permission was previously granted for a dwelling on the site on 7th May 2013. Since that approval, the Council has adopted a new LDP, nevertheless the site remains within the residential settlement boundary for Bryncoch (Policy SC1) wherein “Development ... 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.”

Having regard to the previous approval, it is considered that there have been no material changes to site or policy circumstances, with the proposal considered to be of an appropriate scale, comprising an infill site where the general principle of a residential development within settlements is generally acceptable subject to an assessment of the acceptability in terms of other policies within the LDP.

Impact on Visual Amenity

Numbers 9 and 10, which are located immediately adjacent to the site also front onto the unmade part of Elias Road, are two-storey semi-detached dwellings with gable ended ridged-roofs running east-west. Although matters relating to appearance, scale and layout are reserved for subsequent approval, the indicative siting shows a detached dwelling also fronting onto the unmade part of Elias Road, and scale parameters indicate that the maximum ridge height of the proposed dwelling would be 9m, which is similar to the existing dwellings. The

layout plan also indicates provision of suitable parking and garden areas

Subject to conditions to ensure details of the slab levels, along with materials, are submitted as part of the reserved matters, it is considered that the submissions demonstrate that a dwelling can be constructed on the site which would not have a detrimental impact upon the overall character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

In respect of potential overbearing and overshadowing, due to the indicative siting and maximum height of the proposed dwelling relative to existing neighbouring properties, it is considered that a sympathetically designed and sited dwelling could be constructed without having an unacceptable adverse impact upon neighbouring properties.

Whilst no details of the means of enclosure have been submitted, it is considered that this can be dealt with at the reserved matters stage.

Turning to potential overlooking issues, it should be noted that the dwellings which bound the site are Number 10 Elias Road, plus Numbers 4-6 Briarwood Close. With regards to Number 10, it should be noted that there are no side-facing windows in the main pine-end of Number 10. As such, it is considered that the proposal would not create any unacceptable overlooking issues. With regards to Number 4, it should be noted that this is located to the immediate rear of the application site and is shown on the indicative plan as over 21m away (albeit siting is not for approval as part of this application). This separation distance would be sufficient to prevent any unacceptable overlooking issues. Turning to Number 6 Briarwood Close, as there is approximately 14m distance between the two properties at a 50-60 degree angle, and there are only two doors on the rear of the single-storey side extension of Number 6, this is considered adequate to ensure that a dwelling could be constructed on the application site without creating any unacceptable overlooking issues, albeit that the final design may need to be designed so that habitable room windows are sited on the front and rear elevations only at first floor level, with adequate means of enclosure around the proposed dwelling.

Parking and Access Requirements and Impact on Highway Safety

Members should note that Number 10 currently benefits from historic vehicular access rights over the unmade part of Elias Road. The proposed development would provide off-street car parking for the donor property on a driveway to the east of the dwelling, with off-street parking for the new property also on a new driveway to the east.

The Head of Engineering and Transport (Highways) has assessed the submitted information, including the swept path analysis, and offers no objection to the proposed residential development, albeit with recommendations in relation to off street parking, driveway widths, replacement off-street parking for the donor property, pedestrian vision splays, garages, gates and improvements to the access track. It is considered that the proposal would be acceptable in terms of highway and pedestrian safety subject to the above recommendations being imposed as suitably worded conditions.

It should however be noted that in order to provide adequate access, Highways have recommended that the access track should be widened to 4.5m. This land is not in the ownership of the applicant, is not owned by the Local Authority (albeit a Public Right of Way), and Land Registry records show the land as unregistered. The access is also situated outside of the application site. As such it is considered in this case that a suitably worded Grampian condition (as for the previous outline permission) should be imposed to prevent the start of the development until these off-site improvement works have been completed.

Subject to the above, the development is considered to be acceptable in terms of highway and pedestrian safety.

Drainage

The Head of Engineering and Transport (drainage) has advised that they have no objection to the proposed development subject to recommendations in relation to watercourses and ditches, land drainage and site drainage. It is considered that the proposal would be acceptable in terms of drainage subject to the above recommendations being imposed as suitably worded conditions.

Welsh Water has no objection to the proposal however have recommended a condition to prevent no surface water and/or land

drainage connecting to the public sewer, this can be imposed via a suitably worded condition.

Ecology

The local Authority's Ecologist has advised that the proposals will remove potential bird nesting/foraging habitats which must be mitigated for under the Habitat Regulations (amended 2012). As such they have recommended that the new building should include artificial nesting sites for birds. This can be imposed by a suitably worded condition. The application is therefore considered acceptable in terms of biodiversity

Footpaths

The Local Authority's Rights of Way Officer has advised that Footpath ANB.17 skirts the site, and has recommended that the Public Right of Way shall be protected at all times; a suitably worded condition can be imposed to ensure their recommendation is implemented.

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.

Having regard to the previous planning permission at the site, it is considered that following the adoption of the Neath Port Talbot Local Development Plan, there has been no material change in Policy or site circumstances such that there remains no objection to the principle of a residential development for the construction of one dwelling, which would also have no detrimental impact upon residential amenity, on the character and appearance of the surrounding area, or on highway and pedestrian safety. Accordingly, the proposed development accords with Policies SP3,SP15,SP20,SP21,SC1,EN7,TR2 and BE1of the Neath Port Talbot Local Development Plan.

RECOMMENDATION

Approval with conditions

CONDITIONS:

Time Limit Conditions

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

Reason

The application was made for outline planning permission.

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

Reason

The application was made for outline planning permission.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

Approved Plans

(5) The application shall be built in accordance with the following plans and documents:

Location Plan

Block Plan (annotated)

Reason

In the interest of clarity

Pre-Commencement Conditions

(6) No development shall take place until the access track leading to the development has been widened to a minimum width of 4.5 metres and surfaced and drained using porous materials in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained in accordance with the approved scheme.

Reason

In the interest of highway and pedestrian safety and to ensure adequate access is provided to the site.

(7) As part of the first reserved matters applications details of the floor level of the development, including cross-sections of the site, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these agreed levels.

Reason

To ensure the development respects local character, in the interest of visual amenity

(8) As part of the reserved matters required by Condition 1, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 the visual amenity of the area.

(9) As part of the first reserved matters application details of the proposed means of enclosures to all property boundaries shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosures shall be erected on site prior to the occupation of the associated dwelling, and retained as such thereafter.

Reason

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

(10) As part of the reserved matters required by Condition 1, a detailed drainage scheme for foul, land and surface water, which shall ensure that the drainage of any adjoining land is not interrupted or otherwise adversely affected by the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented on site prior to occupation of the dwelling and retained as such thereafter.

Reason

In the interest of adequate drainage.

(11) Notwithstanding the submitted information, no development shall take place until three no. replacement off-street car parking spaces have been provided for the donor property (10 Elias Road), measuring a minimum width of 3.6m and a minimum length of 15.6m (three tandem spaces). The parking spaces/driveway shall be surfaced in porous material or a provision must be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwelling and shall be retained open and free for parking use, and permanently maintained so that it continues to comply with the above requirements.

Reason

In the interest of highway and pedestrian safety.

Action Conditions

(12) Prior to occupation of the dwelling hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason

In the interests of biodiversity to mitigate against the loss of potential bird nesting/foraging habitats

(13) Notwithstanding the submitted details, the reserved matters required by condition 1 shall include provision for one off-street parking space per bedroom (up to a maximum of three), which shall have a minimum width of 3.6 metres and a minimum length of 10.8m for two tandem spaces or 15.6m for three tandem spaces. The parking spaces shall be provided prior to first use of the dwelling hereby approved, and shall be surfaced in porous material (or a provision must be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwelling) and shall be retained open and free for parking use, and permanently maintained so that they continue to comply with the above requirements.

Reason

In the interest of highway and pedestrian safety

Regulatory Conditions

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

Reason

In the interest of adequate drainage.

(15) Foul water and surface water discharges shall be drained separately from the site.

Reason

In the interest of adequate drainage.

(16) No surface water from within the curtilage of the dwelling shall be allowed to flow out onto the public highway or be connected into the highway drainage system.

Reason

In the interest of highway and pedestrian safety and adequate drainage.

(17) 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 Highways and pedestrian Safety and adequate parking provision is provided and retained

(18) Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be maintained each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter.

Reason

In the interest of highway and pedestrian safety

(19) The Public Right of Way shall be protected at all times and any damage caused to the Right of Way shall be rectified to the satisfaction of this authority. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Council's Countryside Team.

Reason

To protect the public right of way