

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0717	<u>DATE:</u> 04/05/2017
PROPOSAL:	Detached split level dwelling, with associated engineering works and off street car parking
LOCATION:	Land Adjacent to 261 Graig Road, Godre'r Graig, Swansea SA9 2NZ
APPLICANT:	Mr Hugh Jones
TYPE:	Full Plans
WARD:	Godre'rgrraig

BACKGROUND INFORMATION

This application is reported to Planning Committee as the applicant is Councillor Hugh Jones, Ward Member for Cwmllynfell and adopted delegated procedures require that applications submitted by Councillors are determined at Planning Committee.

SITE AND CONTEXT

The application site is a parcel of land located on the northern side of Graig Road. The site slopes steeply in a south-eastern direction down towards Graig Road, and has been the subject of extensive excavation and clearance work, undertaken prior to the submission of this application. Previously the site consisted of relatively dense shrubbery growing on undulating land. A number of trees are still located both within and to the periphery of the site.

There are a number of residential properties situated along the Graig Road frontage. Number 261 Graig Road, a detached dwelling known as Glyn Mawr, is located immediately to the west boundary of the application site. To the east boundary a property known as Oakdene is located in an elevated position above the application site set at a distance of approximately 23.8m away. To the east a further residential property fronts Graig Road, set some distance from the application site by a vegetated embankment.

Within the site itself there is an existing surface water drainage channel that leads to a culvert running under Graig Road.

The site is located within the settlement limits as defined by Policy SC1 of the Neath Port Talbot Local Development Plan. Planning permission in outline was granted in August 2008 for one dwelling on this site. This application has now lapsed.

DESCRIPTION OF DEVELOPMENT

The proposed dwelling would sit within the front section of the plot and would be split level with the site being excavated to allow the new dwelling to be set within the existing slope. The building would appear as three storeys from the front elevation and two storeys from the rear. This design reflecting the restricted size and topographical constraints of the site.

The dwelling is of a contemporary design and would be slightly lower than the ridge height of the existing adjacent properties with a maximum ridge height of 9.2m to the front and 6.35 to the rear. It will have a maximum width of 9m metres and maximum depth of 10.8 metres, and be constructed with a slate pitched roof with its elevations being predominantly finished in a combination of natural stone and larch cladding to external walls.

Part of the first floor on the front elevation would be recessed into the dwelling forming a full width balcony. Similarly at second floor level, a balcony is proposed within the roof space. Vehicular access to the site would be directly from Graig Road, with a driveway leading to an integral garage at ground floor level.

To the rear the construction of a stepped garden is proposed with two main levels created though levelling the land and retaining works. Reinforced earth embankments are proposed to the side boundaries.

NEGOTIATIONS

The drainage arrangements / constraints, ecological issues, issues of contaminated land and requirements for details of retaining works to be submitted were discussed prior to registration of the application. Clearance and ground works, including changes in ground level were undertaken on site that resulted in land stability and drainage concerns prior to the submission of an application.

Supporting information was submitted during the course of this application seeking to address these concerns, and it will be noted that

conditions are to be imposed to address these matters, further details of which are discussed later in this report.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2007/0259 Erection of 1 residential Dwelling (Outline)
Approved 06/08/07

CONSULTATIONS

Ystalyfera Community Council – Note that there are streams running along the site and requested clarification regarding drainage plans/solutions.

Contaminated Land – No objection subject to condition

Structures – No objection subject to conditions

Arboricultural Officer – No objection subject to conditions

Biodiversity Section – Recommend refusal

Head of Engineering and Transport (Highways) - No objection, subject to conditions

Head of Engineering and Transport (Drainage) - No objection, subject to conditions

Natural Resources Wales – No objection

The Coal Authority – No objection

REPRESENTATIONS

2 Neighbouring properties were consulted and a site notice was posted close to the site. In response, 6 no. neighbour representations have been received from 2 different properties. The main points of concern can be summarised as follows:-

- Development carried out so far has resulted in criminal damage and has been unregulated, hazardous and with scant regard for

environmental integrity or neighbouring properties and health and safety.

- Boundary of site is not correctly aligned to the land registry document.
- Development resulting in land contamination from leaked fluids coming from digger placed on site
- Concerns about the reliability and integrity of the information and conclusions presented in the Land Quality Assessment
- Unsuitable construction plot given original topography and existing drainage infrastructure
- Design and suitability of retaining walls and structures proposed not adequate and does not take account of all relevant factors. Specifications as to what methods and materials are to be used during the excavation and early construction phases required showing how adjoining land will not collapse.
- Land is unstable with over-steepened slopes as a result of works undertaken and adjacent land has been undermined and is unstable as a result of the applicants' activities. Backfill or retaining structure required to stabilise our property along the length of the boundary and maintain the integrity of both our and the applicants' land.
- Protection of adjacent land from instability as a result of existing and proposed works
- Land Quality Assessment and the Technical Note on the Stability of Land Adjacent to 261 Graig Road, Godrergrai have been unable to take account of prior work undertaken by the applicants in noting that there is no evidence of historical instability. Further, more comprehensive land report, required.
- Mynydd Allt-y-Grug is known as the moving mountain due to major land slippages that have occurred twice further along Graig Road – concerns about the safety of this development, both for the development itself, our property and the highway below.
- Established watercourse present on the site
- Temporary Headwalls and culvert have been completely blocked with sediment and detritus causing flooding to the road
- Adequacy of drainage report
- Impact on existing drainage infrastructure
- Inadequacy of temporary drainage works
- Earth moved by digger blocked all the open water channels on the site and surface water from adjacent property cannot now drain away on to application site causing flooding. Existing channel needs to be reinstated.

REPORT

National Planning Policy:

[Planning Policy Wales](#) (Edition 9 2016) sets out the Welsh Government's land use planning policy in respect of 'Promoting sustainability through good design' and 'Planning for sustainable buildings', which includes the role of local planning authorities in delivering good sustainable design.

Design is defined in PPW as:

“the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

PPW emphasises that:

“Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and, provides buildings and environments that are convenient and enjoyable to use for everyone.”

National Guidance:

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

Technical Advice Note 12: Design

2.5 Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design. The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

Technical Advice Note 18: Transport

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

Local Policy:

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

The application site lies within the settlement area as defined in the Neath Port Talbot Local Development Plan.

Strategic Policies

- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection

Topic Based Policies

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability

Supplementary Planning Guidance:

The following SPG was approved in October 2016 and is of relevance to this application: -

- [Parking Standards](#)

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; Land stability, drainage; and flooding, together with other issues raised by consultees.

Principle of Development

While the site benefited from outline planning permission which was granted in 2008, the period for the submission of reserved matters lapsed in 2011. Notwithstanding this, the proposed development lies within the settlement limits, as defined under Policy SC1 of the Neath Port Talbot Local Development Plan. Therefore the principle of a residential development on this site is generally acceptable subject to the development having no unacceptable impacts and complying with all other relevant policy.

Impact on Visual Amenity

Policy BE1 of the Local Development Plan relates to design. It states that;

“All development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

- 1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;*
- 2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its*

effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;

3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;

4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;

5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;

6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement);

7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;

8. It uses resources, including land and energy, as efficiently as possible through:

(a) Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;

(b) The layout and form of the development does not preclude the reasonable use of other adjacent land;

(c) Developing brownfield land in preference to greenfield land where possible;

(d) Minimising building exposure while maximising solar gain.

9. Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;

10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities."

The appearance of dwellings in the vicinity of the application site while predominately two storey in nature is not uniform. However the general characteristic of buildings along Graig Road is for them to be set in an elevated position above the road. The proposed dwelling to some extent departs from this principle as it is stepped down slightly from the adjacent properties to the east and west. This reflects the site constraints and opportunities, with a split level dwelling set into the

embankment with 3 storeys to the front elevation reducing to two storeys to the rear. This responds to the site's steep gradient allows for a level ground floor level with direct access for a garage onto Graig Road, allowing off site parking to be provided.

Setting the property into the embankment, also serves to reduce the overall massing and scale of the dwelling, appearing to be built into the natural landscape. The scale and massing is further reduced through the use of reinforced earth embankments to the side boundaries, limiting the requirement for excessive large retaining walls.

The balcony features and window openings to the frontage adds variation to the primary elevation of the building and breaks up an otherwise simple elevation. Furthermore, the use of traditional and natural materials in the external finishes, i.e. timber cladding, and stone echoes the traditional materials used within properties in the surrounding area and the suburban location of the application site.

Whilst clearly adopting a more contemporary style of architecture than many of its near neighbours, the fundamental characteristics of the context are respected. Furthermore, the proposals provide a residential development that is appropriately scaled and formed, would sit comfortably within its surroundings including the prevailing topography and thus preserve the character and appearance of the street scene.

Having regard to the above the development is considered to comply with the overarching thrust of national Planning Policy Wales, especially TAN: 12 Design, in terms of promoting and enhancing design standards generally. Further to this it is considered to comply with Policy BE1 of the Local Development Plan.

Impact on Residential Amenity

The proposed detached dwelling has adequate outdoor amenity space, offered through balconies and terraces / gardens. The internal space is considered spacious and features rooms of an acceptable scale with adequate natural lighting and outlooks in order to offer a good residential environment.

In terms of immediate neighbours, Oakdene is well separated from the east boundary of the application site set away at a distance of approximately 24m. Furthermore, there is a separation distance between the boundary of the site and the side elevation of number 261

Graig Road of approximately 5.8m. Both properties are also located on higher ground.

The level of separation between the two adjacent dwellings together with the fact that the proposed dwelling is set down from these properties, is considered to be sufficient to avoid any unacceptable overbearing impact.

In terms of overlooking, side facing windows are proposed, together with front balconies and a rear terraced garden. However, other than the ground floor balcony that will require screening to one side, it is not considered that the proposed dwelling will have any negative impact on the residential amenity enjoyed by the occupiers of both adjacent properties in terms of overlooking. This is as the proposed dwelling is set below the levels of the adjacent properties and a 1.8m high timber close boarded fence is proposed to the perimeter of the application site. This relationship will ensure that any views from side facing windows and terraced garden areas will be obscured by the finished ground levels and proposed fencing. The second floor balcony area is screen by nature of its design that dictates that it is recessed within the main form of the house.

Notwithstanding this, as referred to above, a condition will be imposed requiring that screening is provided to the west elevation of the first floor balcony in order to obscure views towards the adjacent property at 261 Graig Road.

It is therefore considered that the proposed development would have no detrimental impact upon the residential amenities of the residents of the neighbouring properties in terms of potential unacceptable overlooking, overshadowing and overbearing impact.

Parking and Access Requirements and Impact on Highway Safety

The submitted plans show that the dwelling is to be accessed directly off Graig Road, and incorporates an integral garage and parking and turning area which would be set approximately level with the road frontage.

The Head of engineering and Transport (Highways Section) has no objection to the proposed development subject to conditions.

As such, it is considered that this dwelling will not adversely affect either vehicular or pedestrian safety and the proposal is therefore acceptable on highway safety grounds.

Biodiversity / Ecology and Trees

Policy EN6 - Important Biodiversity and Geodiversity Sites - states that development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Interest for Nature Conservation (SINCs), sites meeting SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42 habitats or species will only be permitted where:

- 1. They conserve and where possible enhance the natural heritage importance of the site; or*
- 2. The development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site.*

Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable.

Whilst there are no protected trees on this site the application site has been identified as a Site of Interest for Nature Conservation (SINC), while also being within the boundaries of an Ancient Woodland.

The Biodiversity section has objected to the development because the site is identified as a SINC. Concern has also been expressed because the loss of ancient woodland, the loss of which cannot be compensated, such that the only option would be to allow the site to regenerate naturally back to woodland.

These concerns are acknowledged, and it is regrettable that site clearance has been undertaken prior to the submission of a planning application, resulting in adverse impacts on elements of the ancient woodland / SINC. A total of 10 trees will also need to be felled in order to accommodate the proposed development.

Noting that the works to clear and change the levels of the land have already taken place, and the woodland left is now of relatively low quality, the applicant has amended the scheme to exclude land beyond the extreme north boundary of the site to assist in the implementation of a scheme of mitigation. No details of the actual mitigation proposed

have been provided, however the parcel of land measures approximately 95 sq.m. and a condition can be imposed requesting that the detail of the mitigation scheme is provided prior to commencement of development on site. The scheme could for example include compensatory woodland/hedgerow planting.

It is also of note that Natural Resources Wales (NRW) in their response, are aware that the site is classified as ancient woodland, and as such “it is regarded as irreplaceable and considered seriously in planning policy”. Nevertheless, they note that the area is relatively small, and whilst raising their disappointment that the site was cleared prior to the submission of an application, accept that this is the current position, and offer no adverse comments in relation to biodiversity or ecology, subject to there being no further impact on surrounding woodland.

In concluding on this matter, the site clearance works have been undertaken and permission for the removal of the scrub and vegetation alone did not require permission. In addition the site lies within settlement limits and the principle of residential development, as clarified previously is acceptable, and notably in this case planning permission has previously been granted for development of this site. Within this specific site and policy context, it is thus concluded that the harm resultant from the works already undertaken have significantly affected the ecological value of the site, and whilst there is potential for this to re-establish, the development can provide a level of mitigation which whilst unable to replicate the lost habitat, will go some way in mitigating its loss. It is thus considered that the proposed residential development would, on balance, be acceptable and the impacts on biodiversity described above in this instance would not merit the refusal of this planning application.

Land Stability and Development Design

Policy EN8 states that proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk due to the following will not be permitted:

- Air pollution;
- Noise pollution;
- Light pollution;
- Contamination;
- Land instability;

- Water (including groundwater) pollution.

Proposals which would create new problems or exacerbate existing problems detailed above will not be acceptable unless mitigation measures are included to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.

The council's engineering / structures section advise that there is no history of natural land instability in the particular area the application site is located. A walkover survey provided by the applicant that includes reference to land stability concurs with this view. Notwithstanding this, the application site has been subject to extensive excavation works prior to the submission of the planning application. Furthermore, given the sloping topography of the application site, the proposed development requires that the site would be significantly excavated to allow the new dwelling to be set within the existing slope. This, together with the restricted width of the application site and its relationship with adjoining properties and their curtilages means that the proposal needs to take account of land stability in the development design.

While some supporting information has been submitted with the application in respect of this issue, the councils engineering / structures section is of the view that it is insufficient to fully address the matter. A condition can however be used to secure the required and relevant detail. Such a submission will need to include retaining wall details, slope details / design, temporary support works and general information on land stability. This investigation and analysis would clearly have to demonstrate that the site can be safely developed and that the proposed development will not have an adverse effect on structural stability of neighbouring properties (during and post-construction).

Subject to compliance with the above mentioned condition, it is concluded that the proposed development would not be at risk due to ground instability and that the development at the site if designed correctly would not cause instability to adjoining buildings, land or infrastructure, subject to the imposition of suitably worded conditions.

Drainage and Flood Risk

While the Authority's drainage engineer has confirmed that there are no ordinary watercourses on the land following inspection, it is apparent

that the site has been historically accepting drainage water from land outside of the applicant's control that adjoins the site.

There are currently a total of 4 tributaries located within the site through which the site is accepting surface water from the hill side. 3 of these are located towards the north boundary of the site and a fourth towards the land immediately to the south west (upslope of Glyn Mawr). The fourth drain has been cut into the hillside at the level of the top boundary of the site and captures water that would otherwise run downslope toward Glyn Mawr. This open ditch discharges onto the top southwestern corner of the site. Water from each of the tributaries is eventually captured and then discharged to the culvert that crosses beneath Graig Road.

Correspondence received from members of the public makes particular reference to the excavation and drainage works that have been carried out at the site and the fact that they have interrupted existing drainage arrangements to the detriment of adjoining properties, particularly number 261 Graig Road, and the highway which has led to instances of flooding.

The applicant has submitted a drainage strategy that includes calculations and supporting drawings together with a temporary drainage scheme to cover the period until the site is developed. It is understood that the temporary scheme has been implemented on site, and a condition is imposed requiring such temporary works (identified on dwg. 002 rev. A) to be retained until such time as the permanent drainage solution has been implemented.

The long term drainage scheme as proposed collects 3 out of the 4 surface water tributaries referred to above. These are then discharged into a flow control chamber and then discharges at an acceptable rate downstream together with sufficient attenuation on site. It does however fail to provide evidence of the fourth intake which is required to accept surface water discharge to the site from 261 Graig Road (Glyn Mawr), as the site has done so historically.

The drainage proposals have been assessed by the Councils own Land Drainage Officer who generally concurs with their conclusions, subject to a condition requiring that provision is made for the development to accept the historic surface water from the adjoining land via a fourth intake.

Contaminated Land

The applicant has submitted a Land Quality Assessment which has been assessed by the council's contaminated land officer. Initial concerns centred on whether the site was in fact a landfill. However, the council's contaminated land officer has confirmed that this is not the case. Notwithstanding this, it is recommended that a standard contaminated land condition is imposed so that if any unexpected contamination is encountered during development the council can ensure that it is dealt with appropriately.

Concerns were also raised in respect of the reliability / accuracy of the land quality assessment as it appeared to refer to adjacent land / property. However, the council's contaminated land officer is not concerned that this minor error would impact the conclusions of the report and is content that adequate information was available to carry out the assessment.

Other Matters

A number of issues have been raised by objectors to this application. The issues associated with drainage, land stability, the land quality assessment and the environmental implications of the development have been addressed within this report.

Other concerns have been raised in relation to construction vehicles causing contamination, the developer allegedly carrying out criminal damage and unregulated / hazardous works and health and safety issues – each of these issues are dealt with under separate legislation outside of planning control. Finally, the issue relating to landownership / land registry matters is not a material planning consideration.

Officers have considered carefully all objections to these proposals and have come to the view that the objections raised do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed in this report.

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.

The development is considered be a justified and appropriate form of residential development within settlement boundaries, complying with Policies SP15, SP16, SP20, SP21, SC1, TR2, BE1 , EN6, EN7 and EN8 of the Local Development Plan and also complying with the principles of good design as set out within TAN12: Design and Planning Policy Wales, which encourages and promotes good design principles having regard to a site's specific opportunities and constraints.

RECOMMENDATION: Approval with Conditions

CONDITIONS:

Time Limit Conditions

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

Reason

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

Approved Plans

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

- Drawing No. 001 Rev A - Site Location plan
- Drawing No. 002 Rev A - Existing site survey
- Drawing No. 003 Rev C - Proposed site plan
- Drawing No. 004 Rev A - Existing and proposed site sections
- Drawing No. 005 - Existing and proposed site sections 2
- Drawing No. 006 - Existing and proposed site sections 3
- Drawing No. 007 - Proposed elevations
- Drawing No. 008 - Proposed floor plans

Reason

In the interests of clarity.

Pre-Commencement Conditions

(3) Notwithstanding the submitted drainage scheme, with the exception of works required in connection with the temporary drainage scheme identified on drawing 002 rev. A, no development shall commence until such time as amended details of a permanent land drainage scheme for the site (including a management and maintenance regime and timeframe for works) that also fully ensures historical land drainage connections to the site from adjoining land and how they will be permanently incorporated into the development and measures for land drainage during construction, has been submitted to and approved in writing by the local planning authority. The dwelling hereby approved shall not be occupied until such time as the approved drainage scheme has been implemented in accordance with the agreed timeframe of works, and shall thereafter be retained, managed and maintained in accordance with the agreed management and maintenance plan.

Reason

In the interest of satisfactory drainage of the application site and to ensure the drainage of any adjoining land is not interrupted or otherwise adversely affected.

(4) Notwithstanding the submitted information, no development shall take place until details of all retaining works and final slope design have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):

i) A construction methodology outlining how the proposed works can be undertaken within the application site and not detrimentally impacting upon land adjacent to the site; ii) earthworks / slopes showing existing and proposed finished levels or contours; iii) retaining wall details including calculations; iv) temporary support works; v) hard surfacing materials; vi)

The development shall be carried out in accordance with the approved details

Reason

In the interests of public safety, to protect the stability of the site and adjacent land and in order to ensure adequate design of retaining features and slopes

(5) Prior to commencement of development on site an ecological mitigation scheme which shall include a tree re-planting scheme and landscaping proposals, shall be submitted to and agreed in writing with the local planning authority. The scheme shall include a tree replanting scheme which shall include tree numbers, species, location, full specification and planting methods and post planting maintenance. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years 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 biodiversity in order to mitigate to the loss of trees and habitat resulting from the development.

(6) Notwithstanding the submitted plans, prior to first occupation of the dwelling hereby approved, details of a privacy screen to west facing elevation of the first floor balcony shall be submitted to and agreed in writing by the local planning authority. The agreed privacy screen shall be in place prior to occupation of the dwelling and retained and maintained as such thereafter.

Reason

In the interests of residential amenity

Action Conditions

(7) The temporary drainage works identified on dwg. 002 rev. A shall be fully implemented on site within two months of the date of this decision, and shall thereafter be retained in its approved form until such time as the permanent drainage solution required by condition (3) has been implemented on site.

Reason

In the interest of satisfactory drainage of the application site and to ensure the drainage of any adjoining land is not interrupted or otherwise adversely affected.

(8) Prior to their first use in the development, samples of the materials to be used in the construction of the external surfaces of the development, including retaining structures and driveways / turning areas, hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(9) All retained trees on the site and adjoining land that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

In order to protect the long term health of the trees to be retained.

(10) Prior to occupation of the dwelling, three off-street parking spaces, of which one shall be retained in the integral garage, shall be provided for the dwelling and retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(11) Prior to the occupation of the dwelling, the associated car parking spaces as shown on drawing 003 Rev C 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 to a maximum gradient of 1 in 9 and no less than 1 in 150. The drive/hard standing shall be drained so that no surface water including roof and yard flows out onto the public highway or vice versa and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(12) Notwithstanding the submitted plans, the masonry boundary wall fronting the highway shown on drawing no. 003 Rev c shall be constructed to a height of no greater than 600mm and the timber close boarded fence to the boundary of the site shall be reduced to 600mm in height within 1m of the highway. Both the wall and fence shall be retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety and in order to allow for adequate vehicle and pedestrian visibility.

(13) Notwithstanding condition 12, the approved boundary treatment indicated on drawing number 003 Rev C 'proposed site plan' shall be completed prior to occupation of the development hereby approved and retained and maintained as such thereafter.

Reason

In the interests of residential amenity

Regulatory Conditions

(14) If during the course of development, any unexpected land instability issues are found / occur which were not previously identified, development shall cease immediately and measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The development of the site shall incorporate the approved measures which shall be retained [for the period agreed in the remediation scheme / in perpetuity].

Reason

In the interests of public safety and to protect the stability of the site and adjacent land

(15) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be

undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

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

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

Reason

In the interest of adequate drainage.

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

Reason

In the interests of highways and pedestrian safety

(18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no fences, gates or walls over 600mm in height shall be erected within the curtilage of the dwelling house forward of any wall of that dwellinghouse which fronts onto a road or private access drive.

Reason

In the interest of visual amenity and highways and pedestrian safety

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

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the elevated ground levels of the application site

(20) 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 of the development and design of the dwelling

(21) 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), there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) without the prior grant of planning permission in that behalf.

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 extensions, having regard to the particular layout of the development and elevated ground levels of the application site

(22) The use of the garage shall be restricted to the garaging of private motor vehicles and uses incidental to the use of the associated dwellinghouse only and for no industrial, commercial or business use and shall be retained as such in perpetuity.

Reason

In the interests of amenity and to clarify the extent of this consent.