

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval Following Members' Site Visit

<u>APPLICATION NO:</u> P2017/1094	<u>DATE:</u> 28/11/2017
PROPOSAL:	4 detached split level dwellings, associated parking and engineering works.
LOCATION:	Land off, Tabernacle Terrace, Cwmavon, Port Talbot SA12 9HS
APPLICANT:	Mr Wynne/ Ryan Edwards
TYPE:	Full Plans
WARD:	Bryn & Cwmavon

BACKGROUND INFORMATION

Application ref. P2017/0749 (prior to its withdrawal) was called into Planning Committee by Ward Members Cllr David Whitelock, Cllr Rhidian Mizen stating the following grounds:

- The impact it will have on the services in the village and in particular the road network.
- One of the proposed access routes crosses a widely used footpath both by children going to and from school also elderly residents going to the shops.
- The new development will be overlooking existing properties with the new houses having a clear view into the gardens directly below.

At that time, the Committee Call-In Panel met and agreed that that application should be brought to Committee on such grounds. The Call-In Panel also agreed to the Ward Councillors' request that a Members' Site Visit be held on such grounds.

The current application is almost identical to the earlier application, other than the submitted plans having been redrawn to ensure they accurately reflect the size of the site and relationship with nearby properties. Having regard to the above, this application has been reported to Members on the above grounds, and also a Members' site visit will be held on the morning of Committee.

SITE AND CONTEXT

The site is a vacant brownfield site (shown on plan 1 below) which historic records show was once a garage however this has long been demolished. The site has recently been cleared of scrub and vegetation.

Plan 1: Plan showing location of application site



The site is triangular in shape with an area of 0.18 hectares, the site is bounded to the North West by Tabernacle Terrace (front) and to the rear is Ty'r Owen Terrace and Old Market place to the rear. The northern boundary of the site does not extend up to the steps and footpath which leads down from Tabernacle Terrace towards the school. The 13m strip of land between the site and the steps is unregistered land.

The site is located within a predominantly residential area with residential dwellings to the front and rear, albeit with Tabernacle Chapel located to the north of the site. The site has an existing access onto Tabernacle Terrace.

In terms of topography the site slopes from Tabernacle Terrace down towards the rear at Tyr Owen Row, with a level difference of approximately 4m from Tabernacle Terrace to the lane at the rear of the site. There is an existing retaining wall along this lane at the rear of the site which varies in height but is approximately 2m in height

The site is considered to be in a very sustainable location, within 100 metres of a bus stop, school, church, a variety of shops and other community facilities.

DESCRIPTION OF DEVELOPMENT

This is a full application for the development of the site to accommodate 4 no. detached split level residential dwellings, parking and associated engineering works.

Each dwelling will appear single storey when viewed from Tabernacle Terrace and 2 storeys from the rear. The upper floor will have 3 bedrooms and a bathroom; the lower ground floor will have a kitchen, living room bathroom and utility room. Each dwelling will be provided with 3 off street parking spaces with plots 1, 2 and 3 each having driveway access off Tabernacle Terrace. Plot 4 will utilise the existing access off Tabernacle Terrace, with a parking and turning area provided to ensure that access/egress to that plot will be in a forward gear.

Externally the dwellings will have pitched roofs running parallel to the road and will be finished with concrete roof tiles and facing brick. Details of these materials can be imposed via a condition.

Due to the sloping topography of the site the front of the site will include retaining structures in order to support the highway. No details have been submitted however a condition can be imposed to ensure these works are acceptable.

To the rear of the site is an existing retaining wall, no details have yet been provided on this structure however a condition can be imposed to ensure this wall is structurally sound and ensure any works are acceptable.

Each dwelling will have a small patio area accessed off the lower ground floor and a small private rear amenity area. To the front of plots 1 to 3 will be a small front garden and parking spaces.

No details of landscaping have been provided however a condition can be imposed to ensure satisfactory landscaping is provided.

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

PRE-APPLICATION CONSULTATION / NEGOTIATIONS

Officers have engaged in extensive pre-application discussions covering a number of planning issues including the principle of development, the layout, highway and pedestrian safety, parking requirements safety, drainage, the structural integrity of the existing retaining wall and calculation for the proposed retaining walls.

Members should also note that the previous application was withdrawn to allow the applicant to provide more comprehensive information in relation to the site survey, existing and proposed levels, and siting of the dwelling.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P1986/5661 Change of use from Building depot in accordance with class XV of the Town and Country Order - Approved 2/10/1986
(note: use class XV was for clinics, Health Centres, Creches, day nurseries and consulting rooms)
- P1990/7682 Residential Development for 8 dwellings
Approved 31/05/1990
- P2004/1653 Outline application for residential development Approved 01/02/2005
- P2008/0115 Variation of condition 3 and 4 of planning application 04/1653 to extend the period for the submission of reserved matters.
Approved 21/04/2008
- P2017/0749 4 detached split level dwellings, associated parking and engineering works.
Withdrawn 12 Sept 2017

CONSULTATIONS

Natural Resources Wales: No objection subject to conditions

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

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

Biodiversity Officer: No objection subject to condition

Welsh Water: No objection subject to condition

Housing: Advised that a contribution should be secured towards the provision of affordable housing

Coal Authority: No objection subject to condition

Contaminated Land: No objection subject to conditions

Estates Valuation Officer: Has advised that the scheme is not viable to provide a full contribution however a contribution of £14,500 could be sought.

REPRESENTATIONS

The neighbouring properties were consulted on 4th December 2017, with a site notice also displayed on 4th December 2017.

In addition to the concerns expressed by the three Ward Members, to date 2 neighbours have made representations on the current application. For the purpose of completeness, the issues raised on both applications are summarised as follows: -

Residential Amenity

- Privacy, a neighbour (1 Tyr Owen) is concerned that their bedroom windows will be overlooked.
- The development would permanently overshadow No 1 Tyr Owen

Highways and Pedestrian Safety

- The area is already congested during school pick up and drops off times some of which park on Tabernacle Terrace. There is also a Church which not only has church services but also is used for band practice and other community uses.
- Children have to walk on the road because cars are parked on the pavement
- School Buses cannot traverse the street as they are packed with cars causing traffic jams
- A concern has been raised that the 4 3-bedded homes could each have 4 cars meaning another 16 vehicles with already very limited alternative parking available in the area.
- Concerns of cars accessing off Tabernacle Terrace including restricted views
- If this application is approved would there be time limits on the construction/ delivery traffic entering the site as it is part of the main footpath leading to Cwmafan School which is a safe route.
- Concerns that future occupiers cars would not always use the proposed parking

Land contamination

- A neighbour is concerned that radon gas would be released during construction and be a health risk.

Retaining Wall

- The retaining wall on the rear lane that support the rear of the development has bowed outwards and could collapse

Drainage

- There is already an issue with the sewers to the existing properties which Dwr Cymru are aware of.

Other

- In the planning application there are two reports that only mention 1 property being built
- The applicant has stated as the trees and hedgerows have been cut down as such the applicant has started.
- Having looked at the planning application it states that there will be no vehicular access from tabernacle terrace or any application being made, yet on looking at the site today it looks as if a driveway is already being built to access the plot.

REPORT

Planning Policies

National Planning Policy:

The main thrust of [Planning Policy Wales](#) (Edition 9, November 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 area’s character and amenity.

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

- Technical Advice Note 2: Planning and Affordable Housing (2006)
- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- 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 SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policy

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Affordable Housing](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Design](#) (July 2017)

EIA and AA Screening

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has not been screened in accordance with the requirements of Schedule 3 of the Regulations.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

Issues

The main issues in the consideration of the application are the principle of the proposed development having regard to Development Plan policy, along with the impact upon the character and appearance of the surrounding area, residential amenity, highway safety, drainage, land contamination and ecology.

Principle of Development

The site is located within the residential settlement of Cwmavon as defined by Policy SC1 of the Neath Port Talbot Local Development Plan. Accordingly, the principle of the development of this previously-developed / brownfield site is acceptable subject to an assessment of the acceptability in terms of other policies within the LDP, including the need for there to be no unacceptable issues with regard to visual amenity, residential amenity or highway and pedestrian safety.

It is also pertinent for Members to note that this site (albeit slightly larger) has benefited from outline planning permission on 3 occasions, the most recent being granted in 2008 under the Unitary Development Plan.

In 1990 outline permission was granted for up to 8 dwellings, with no specific restriction on numbers placed on the latter 2004 permission. The most recent 2008 consent included a condition restricting such development to a maximum of two properties, but the reason was because *“the provision and requirement for affordable housing has not been addressed”*, not because a greater number of dwellings would cause other harm.

It is noted that the current application is to be assessed against the Policies within the Local Development Plan, rather than the Unitary Development Plan which was in force in 2008. Nevertheless, it is considered that the general development Policies within both the UDP and LDP had the same aims and objectives such that, having regard to the above historical planning consents at the site for residential redevelopment, it is not considered that there has been any material change in the direction of Policies governing such development that it would justify concluding other than that the principle of residential development remains acceptable.

Density

Policy BE1 (8a) of the adopted Local Development Plan states that 'normally a minimum of 35 dwellings per hectare in the Coastal Strategy Area or a minimum of 30 per hectare in the Valleys Strategy Area' will be required.

This site falls within the Coastal Strategy Area where a minimum of 35 dwellings per hectare will be required. The site is approximately 0.18 hectares in size and 4 residential units are proposed providing a density of 21 dwellings per hectare. While this is under the 30 units that would normally be required, in this case the site is constrained by the levels, the position of the existing dwellings and the existing retaining structure. As such it is considered that 4 dwellings on this site would make the best and most efficient use of the land available whilst also taking into account the character and appearance of the area. The proposal therefore complies with the density requirements of Policy BE1.

Impact on Visual Amenity

Having been cleared of previous structures many years ago (albeit with some demolition materials remaining), the vacant site is prominent on Tabernacle Terrace and in views from the southeast, notably Old Market Place. There are a variety of house styles within the immediate area, using a mix of designs and materials.

The proposed development would consist of 4 split level dwellings that would appear one storey from Tabernacle Terrace and 2 storeys when viewed from the rear. The applicant has taken design steps to provide an attractive modern development that seeks to provide a fresh modern looking housing development. In addition to this, the house type / design makes good use of the topography of the site and, while different to the

traditional terrace on Tabernacle Terrace opposite, will nevertheless provide an attractive street frontage. A condition can be imposed to ensure sample of the proposed building materials are submitted to ensure they would be appropriate and provide an attractive development.

In terms of the proposed retaining structures to the front of the site (Tabernacle Terrace), the majority of these would be in front of the dwellings beneath ground level and hidden from view, although there will be sections that can be seen (the wall to the rear of the driveways) which will be approximately 3.3m in height (at its highest); this will be sandwiched between the dwellings on between plots 2 and 3 and plot 1 and 2. These would not be visible from Tabernacle Terrace and not overly prominent from the rear of the site. As such they would not unacceptably detract from the character and appearance of the area.

No details of landscaping has been provided however there is scope to provide soft landscaping on the rear strip, along the existing driveway and the front gardens of each dwelling. A condition can be imposed requiring details to be submitted.

The North Eastern edge of the development adjoins a parcel of scrub land approximately 13m wide which is currently un-registered; this parcel of land is adjacent to the steps leading down to Old Market Place. Officers have noted that this land (which currently appears visually as part of the application site) includes building rubble which has over spilled from the part of the application site, along with an accumulation of rubbish which has built up over time. The section submitted show the intention for this area to be graded with no visible retaining structures from the steps to the North. No details have been provided on how this area will be finished, and it is acknowledged to be outside of the application site. Nevertheless it is considered that all existing demolition materials/ rubble from the application site must be removed also from that part of the land, as part of the development, and that responsibility for removal of material should ultimately lie with the adjacent site owner. In this regard, the applicant has confirmed a willingness to generally tidy up this parcel of land, which would improve the public realm in the locality. While this cannot be controlled by condition, nevertheless a condition is imposed requiring details of the northern boundary, which will enable this matter to be reviewed at that time.

In terms of the existing retaining wall at the rear of the site – concerns having been expressed in representations - the condition of this has

been discussed with the applicant who subsequently commissioned SPR Hooper (Consulting Civil and Structural Engineers) to assess the wall. The consultants have advised that the wall is in a reasonably good condition, however some works are required such as removing vegetation and loose blocks from the head structure and clean out from the weep holes at the base. Pointing is also required to some small areas. The Engineer has stated the site has been designed so that the foundations do not encroach within the angle of influence from the base of the retaining wall and as such does not increase the load currently supported by the wall. It is considered that a condition can be imposed to ensure the works recommended within the report are undertaken.

Accordingly, subject to the conditions referred to above, it is considered that the proposed development by reason of its site, size and design would have no unacceptable detrimental impact upon the character or appearance of the surrounding area.

Impact on Residential Amenity

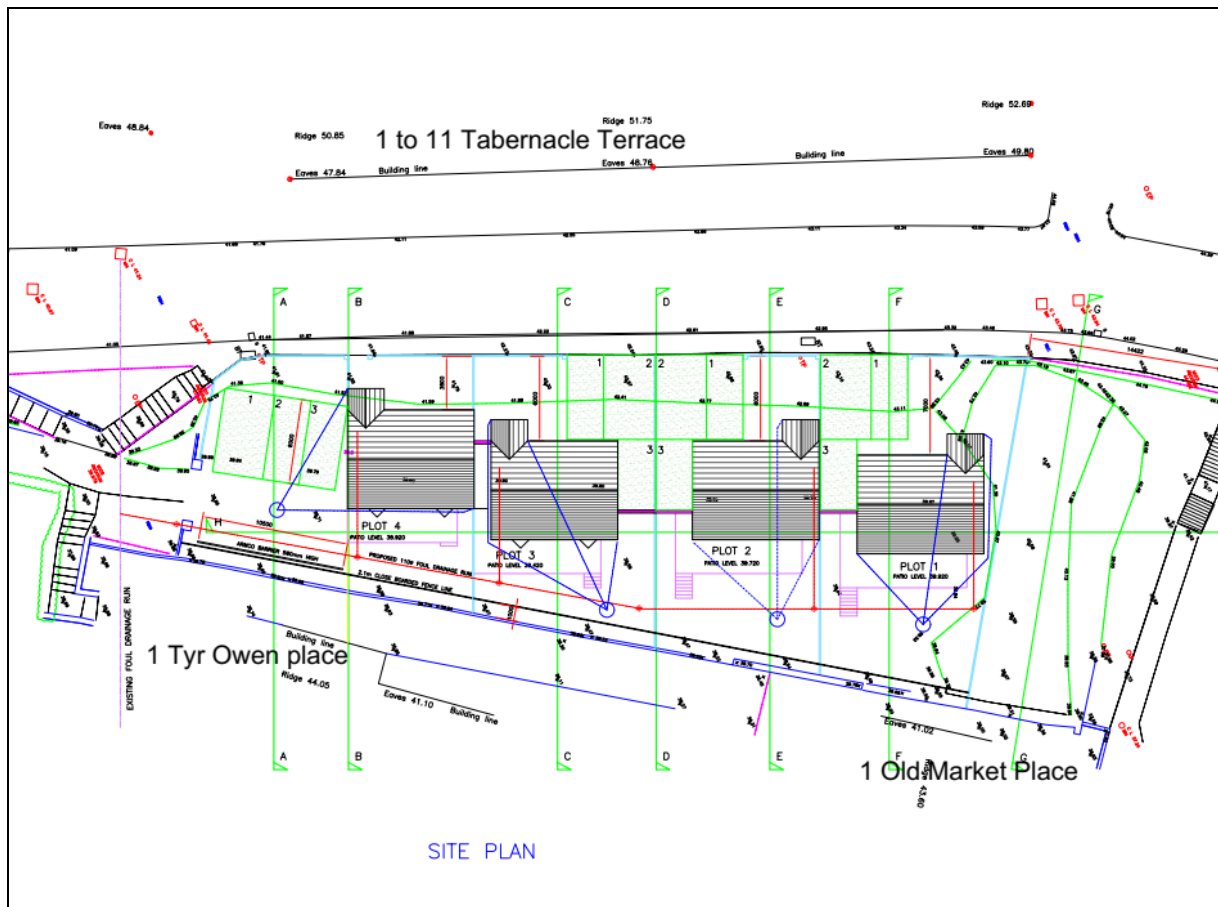
Impact upon existing properties

The impact upon residential amenity can be assessed the impact upon the following nearest residential properties:-

- No. 1 Tyr Owen Road (across the lane to the South East)
- No. 1 Old Market Place (adjacent to the site to the South East)
- No's 1-11 Tabernacle Terrace (across the road to the North West)

These dwellings are identified on plan 2 below

Plan 2: Plan showing nearest residential dwellings



1 Ty'r Owen Place

This is an end of terrace dwelling, which consists of a main 2 storey block with a projecting 2 storey rear wing. There are no side facing windows in the main part of the house however there are side facing window on the 2 storey rear projection. The first floor window serves a bathroom and the ground floor window serves a kitchen. There is also a rear facing bedroom window on the main section of the dwelling and one on the rear elevation of the 2 storey projection.

No. 1 Ty'r Owen is set at a lower level, to the South East of the application site. Between the application site and the No.1 is a lane which varies in width by approximately 3m to 4m. To the North of the lane is a retaining wall which varies in height between 2.4m and 3m high. The application site starts at this higher level and slopes upwards towards Tabernacle Terrace which is further to the North.

In terms of **overbearing and overshadowing** impact, Plot 4 (the nearest dwelling) is between 5.4m and 7.4m to the South Eastern edge of the application site (the existing retaining wall). The rear elevation of

plot 4 is between 9.5m and 13.6m from the side elevations on No1. Plot 4 is at a higher level however the submitted sections show the ridge level on the proposed dwelling only to be 2.3m higher than the ridge level of No1. It is considered that there is sufficient distance between these dwellings not to cause any unacceptable impact in relation to overbearing or overshadowing impact.

In relation to Plot 3 is 12.3m at its closest) and sits at a similar level to plot 4 again this distance, siting and design would ensure there would be no unacceptable impacts in relation to overbearing and overshadowing impact.

In terms of **overlooking and loss of privacy**, as stated above the two side facing windows serve a bathroom and a kitchen and are not considered to be habitable, nevertheless this was discussed with the applicant who has chosen a triangular oriel type window on the upper floors of plots 3 and 4, this means the side of the window facing towards No 1 can be obscurely glazed and fixed shut, this would prevent any unacceptable overlooking from the habitable room windows and the side facing windows. Any views from the ground floor windows would be restricted by the 2.1m high rear boundary fence.

The submitted sections (B-B) also show that any view from the raised patio and rear garden areas would be restricted by the fence (a condition can be imposed to ensure the fence is erected prior to the first beneficial use of the dwelling and thereafter retained).

Plot 2 is the next nearest and does not have the oriel type window; however the distances between the first floor bedroom windows and the bedroom windows on No.1 are 20m and 29m. The Design SPG advises the distance between habitable rooms when the properties parallel to each other should be 21m, where properties are at an angle to each other, this distance can be reduced. In this case, the angle between the habitable room windows means that the separation distance between them could be reduced to 5m. As stated above the distances between the windows is way in excess of this and therefore considered to be acceptable.

1 Old Market Place

This is also an end of terrace dwelling which is 2 storeys in height. There are no side facing windows with habitable room windows front and rear facing. Again this property is set at a lower level, although this site

immediately abuts the South East boundary of the application site (no lane). This boundary consists of a 2.5m high retaining wall. The level of the application starts at 2.5m higher and slopes upwards towards Tabernacle Terrace which is further to the North.

In terms of **overbearing and overshadowing** impact, Plot 1 (the nearest dwelling) is between 9.7m and 11.1m to the South Eastern edge of the application site (the existing retaining wall). The submitted sections (F-F) show the rear elevation of plot 1 is between 11.5m and 13m from the side elevations on No1 Old Market Place. Plot 1 is at a higher level; the submitted sections show the ridge height of plot 1 to be 3.8m higher than the existing dwelling, with the first floor level (42.7m) 900mm lower than the ridge level of no. 1. It is considered that the separation distance will ensure there is no unacceptable impact in relation to overbearing and overshadowing impact.

In relation to Plot 2, this is set further away than plot 1 and sits at a similar level. It is considered that the siting and design would ensure there would be no unacceptable impacts in relation to overbearing and overshadowing impact.

In terms of **overlooking and loss of privacy**, as stated above habitable room windows are front and rear facing. Therefore plot 1 would not have any direct view towards any habitable room window.

Plot 2 is the next nearest and the distances between the first floor bedroom windows and the bedroom windows on No.1 is in excess of 15m. These windows are at an angle to each other; as such the acceptable distance between them in accordance with the Design SPG could be reduced to 7m. As the distances between the windows are way in excess of this it is considered to be acceptable. Any views from the ground floor windows would be restricted by the 2.1m high rear boundary fence.

The submitted sections (E-E and F-F) also show that any view from raised patio and rear garden area would be restricted by the fence (a condition can be imposed to ensure the fence is erected prior to the first beneficial use of the dwelling and thereafter retained).

1-11 Tabernacle Terrace

This is a row of traditional looking terraced properties that sit approximately 1m to 500m higher than the road level. They each have a small front garden enclosed by small walls some with railings on top.

The proposed dwellings are split level so from Tabernacle Terrace they would appear to be single storey. The distance between the proposed dwellings and the existing terrace varies between 16.5m to 21m, across the existing highway, with the new dwellings each having only a small bedroom and bathroom window. It is therefore considered that whilst there will be some impact on these properties, this distance separation will ensure that there would be no unacceptable impacts on the properties on Tabernacle Terrace, either in terms of the physical impact of the development, or on overlooking / privacy grounds.

To conclude it is considered that the proposed development would be acceptable and would not have any unacceptable impact upon the residential amenity of any nearby residential dwelling. To ensure this remains, permitted development rights can be removed for extensions and windows and outbuildings to ensure any future development is properly assessed and the impacts upon existing residents taken into consideration.

Impacts within the Development

It is considered that the proposed layout ensures a satisfactory level of privacy and private amenity will be provided for future occupiers. In terms of potential overlooking habitable rooms are front and rear facing and there are no side facing windows. In terms of potential overbearing and overshadowing impacts, the development has been designed to allow an acceptable distance between the units to ensure that the proposal will have no unacceptable impacts upon future residents.

The parking area to plot 4 shows an Armco barrier within the garden to prevent cars accidentally manoeuvring into the fence. A condition can be imposed to ensure this safety feature is installed prior to the first beneficial use of plot 4.

Noise

In terms of noise during construction, the proposed development is located within a dense residential area, as such it is considered that the

construction method statement condition would address such concerns, including a need for working times to be restricted to sociable hours to ensure disruption is minimised. It is therefore considered that the proposed scheme would safeguard the residential amenities of future occupiers.

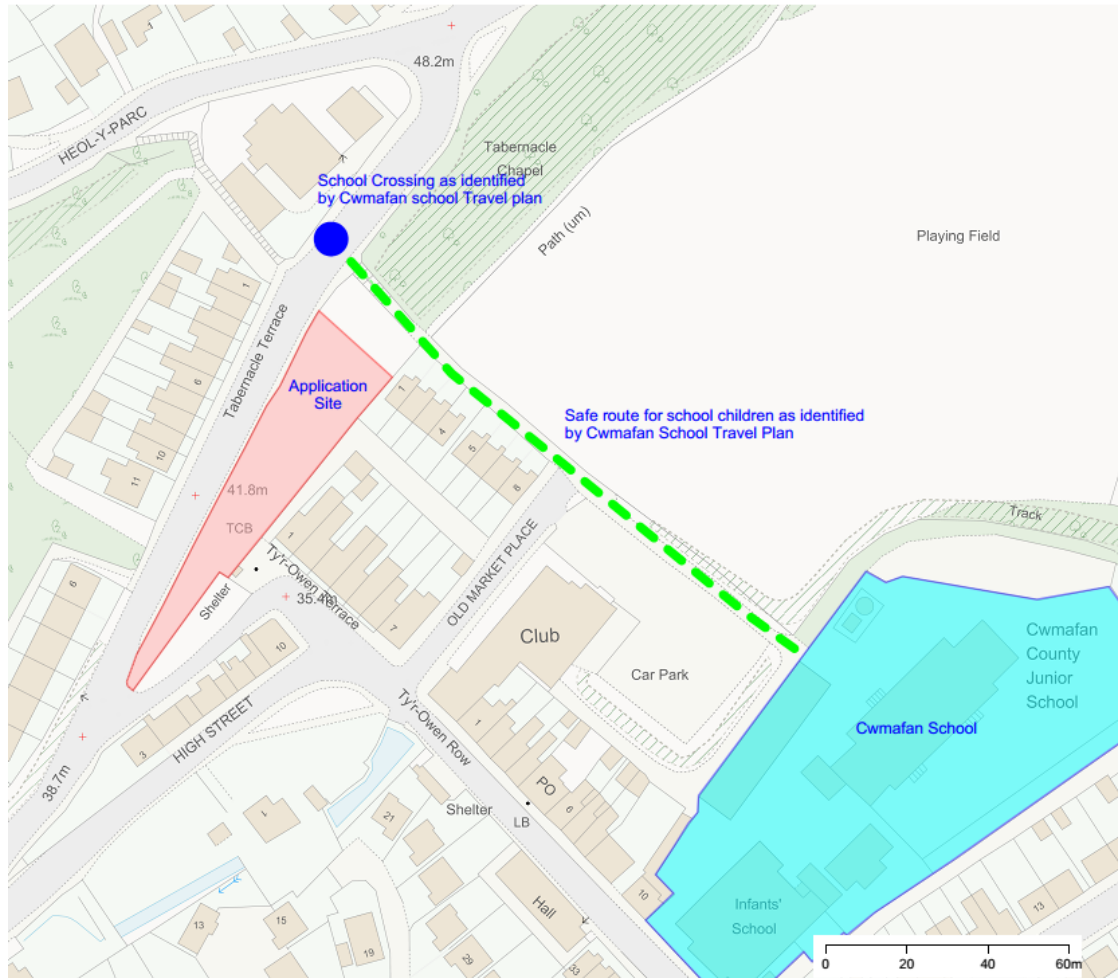
Parking and Access Requirements and Impact on Highway Safety

The proposed plans show that the 3 of the 4 dwellings will have direct access onto Tabernacle Terrace, with plot 4 having access from the existing highway access to the site. Each dwelling will have 3 off street parking space and plot 4 will have a turning facility so that vehicles can leave and enter the site in a forward gear.

The Highways Officer has no objection, however have made some recommendation which include the need to improve the visibility of the existing access onto Tabernacle Terrace; improve its surface, drainage and the pedestrian steps. They also require improvements to the existing footway along Tabernacle Terrace and ensuring pedestrian vision splays are provided; to ensure the driveways are surfaced in a porous materials or to direct surface water run off away from the public highway and to provide a Construction Method Statement and structural calculation for the proposed retaining wall. All these recommendations can be imposed via suitably worded conditions.

In relation the concerns of construction/delivery traffic entering the site and being a conflict with school children as it is part of the main footpath leading to Cwmafan School which is a safe route. **The safe route to schools is located to the North East (as identified on Plan 4 below) and is not affected by the application site. The other route is not the safe route children are meant to take. Nevertheless a construction method statement would be required by condition and as part of this we would require timings for construction and deliveries traffic, where we could ensure this did not conflict with school drop off and pick up times.**

Plan 3: Plan showing locations of school and safe route



In relation to the area being congested, the parking provision provided as part of this application complies with the Parking Standards SPG which requires 1 space per bedroom.

In relation to children having to walk on the road because cars are parked on the pavement. **Car being parked on pavements is not a material planning consideration and would be a matter for police.**

In relation to School Buses being obstructed by vehicles. **Buses being obstructed by cars parked on the road is not a material planning consideration, this development provides sufficient off street parking provision.**

A concern has been raised that the 4 Three bedded homes could each have 4 cars meaning another 16 vehicles with already very limited alternative parking available in the area. **The proposed dwelling each**

have 3 spaces which is in accordance with the current parking SPG.

In relation to the concerns of cars accessing off Tabernacle Terrace including restricted views. **The existing access is considered to be highway and could be utilised today with no improvements; however the highways officer has recommended improvements to this access which will improve highway and pedestrian safety. In terms of the new access, Tabernacle Terrace is not a classified road and therefore the creation of these accesses on this road would be acceptable subject to the appropriate pedestrian vision splays which can be provided and imposed via a condition.**

In response to future occupiers not always using the proposed parking and parking on the road, especially when laden with shopping bags. **Unfortunately we cannot make people use their off street parking provision; we can only ensure the development is provided with sufficient off street parking which this does**

When exiting from the site, vehicles would be coming out onto quite a busy road and with restricted view of traffic coming down Tabernacle Terrace.

As stated earlier the highways section have required conditions relating to vision spays, however they have no objection to the proposal

Having regard to the above, it is considered that there are no highway safety objections to the development

Drainage

As part of the application the applicant has shown they intend to use soakaways which will be positioned within the rear garden areas. Foul sewerage would be connected to the mains sewerage system.

Surface Water

The Head of Engineering and Transport (drainage) have advised that whilst the applicant has provided some details with regards to drainage (showing that they intend to dispose of water via soakaways), they have advised that more information is required for them to fully assess the

proposal. As such they have recommended a condition requesting further information. This can be imposed via a suitably worded condition.

Welsh Water has advised that they note that foul and surface water drainage detail has been shown. Surface water will enter into each dwellings individual soakaway. They are therefore satisfied the applicant does not intend to connect surface water into the public sewerage system. A condition can be imposed to ensure this.

Sewerage

A neighbour has stated that there are issues with the sewers to the existing properties which Welsh Water are aware of, however Welsh Water has not indicated any issues with these dwellings connecting to the sewer, however they have recommended that no surface water connects to the sewer which as stated earlier can be imposed by a condition

Water Supply

Welsh Water has previously advised that the proposed development is crossed by a 3 inch distribution water main, the plan shows the main to be in the road at the front of the site (Tabernacle Terrace) and the lane to the rear. There is a non-operational main the crosses the existing access road near to the steps. Welsh Water has advised a 3m easement is required to the main. It is considered the development would not infringe upon this, nevertheless the applicant will be made aware of the position of the main and a condition imposed in relation to the easement zone.

Ecology

The site had been cleared of any vegetation prior to the application being submitted however prior to this the site would have been bird breeding and foraging habitat, as such the local Authority's ecologist has recommend that bird boxes are installed on dwelling to compensate for the loss of this habitat, details of landscaping to be provided and invasive species eradicated from site. These recommendations can be imposed via a suitably worded condition.

Land Contamination

The site is within a former tin plate works and therefore there is a high potential for contamination. The Local Authority's Land Contamination section have advised that the environmental search that has been submitted with this application is not a risk assessment as required for the assessment of contaminated land. As such they have recommended standard land contamination condition, Natural Resources Wales have advised likewise As such it is considered that these can be imposed via suitably worded conditions.

In response to a neighbour being concerned that radon gas would be released during construction and be a health risk. The area is classed as category 3 which would require basic radon protection. Building control would ensure this is implemented. However it should also be noted that a large part of Cwmavon falls under this category.

Coal

The site is located within a development high risk area. As such as part the applicant has submitted a coal report and a coal mining risk assessment. The application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority have advised that the geological and mining information within the Risk Assessment correctly identifies the two thick coal outcrops which could potentially affect the site, but confirms that only one of them (Lower Seven Feet/Upper and Lower Five Feet Seam) is at a depth, which if worked could implicate on ground stability. Accordingly, the report recommendations include for intrusive site investigation works, including gas monitoring, prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

The Coal Authority concurs with the recommendations. As such a condition can be imposed to ensure that intrusive site investigation works, including ground gas monitoring are undertaken.

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 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th 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 4 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 Neath Port Talbot Local Development Plan states that all new housing developments will be required to contribute to affordable housing provision. Within the Port Talbot spatial area, a 25% affordable housing target is sought.

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new housing developments will be required to contribute to affordable housing provision. Within the Port Talbot / Neath spatial area, a 25% affordable housing target is sought.

However due to the extra costs to develop this site the applicant has submitted a viability assessment which has been assessed by the Local Authority and it was concluded that the site is unviable to provide a full affordable housing contribution. Nevertheless, the viability assessment has determined that £14,500 could be made available as part of this scheme. The developer will be required to sign a Section 106 Legal Agreement

Education

The development falls below the threshold of a minimum of 10 housing units that are of 2 or more bedrooms.

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:

<u>Open Space</u>	<u>Standard</u>
Outdoor Sport	1.6 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 ward shortfalls. Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed

development, and there is a need for the development to contribute towards addressing such a deficiency.

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

4 Units	Open space requirement (sq. m)	Open space 'On-site' Provision (sq. m)	Open space 'Off-site' Financial Contribution
OUTDOOR SPORT PITCH	105	0	£1136
OUTDOOR SPORT-NON PITCH	41	0	£4,120
CHILDREN'S PLAY	23	0	£3420
ALLOTMENTS	17	0	£192
TOTALS			£8,868

In accordance with Policy I1, the Local Planning Authority have to take into account the financial viability of the proposal and the costs of the new and development, and where necessary the Authority will require developers to make available financial information to demonstrate the levels of viability of a particular development. As stated earlier the applicant has undertaken a viability assessment which clearly shows the development can only provide a total contribution of £14,500, however the applicant has agreed that should an affordable housing scheme not be identified within the 1st 4 years then the money could be spent on open space provision.

Other Matters

As identified earlier in this report, representations were received in response following the publicity exercise. In response to the issues raised which have not been addressed elsewhere in this report, the following comments are made:

In relation to the trees being felled; **no trees on this site were protected as such permission was not required for their felling. Felling trees does not constitute development.**

In relation to neighbours' concerns that within the planning application only mention 1 property being built. **This application is for 4 dwelling, the neighbour was contacted and advised of this.**

In relation to there being no vehicular access from Tabernacle Terrace. **3 dwelling will have new accesses and 1 will use the existing access off Tabernacle Terrace, the objector has been contacted in relation to this**

CONCLUSION

The decision to recommend granting planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the redevelopment of this site will contribute towards the delivery of housing within the County Borough in a sustainable location, and that subject to the imposition of conditions and the signing of a Legal Agreement to secure a financial contribution towards affordable housing. 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, SP8, SP10, SP15, SP16, SP20, SP21, SC1, SC2, I1, AH1, OS1 EN7, EN8, TR2, and BE1 of the Neath Port Talbot Local Development Plan, and National Guidance in Planning Policy Wales (Edition 9) 2016 TANs 2,5,11,12,16 and 18

RECOMMENDATION

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

- Financial Contribution of £14,500 towards affordable housing provision or if no such scheme is identified within the first 4 years, the money can be then spent upon the provision of open space within the ward of Bryn and Cwmavon.

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:

Location plan

Ground floor plots 1 to 4

First floor plots 1 and 2

First floor plots 3 and 4

Proposed elevations plot 1

Proposed elevations plot 2

Proposed elevations plot 3

Proposed elevations plot 4

WE/TTC/17/A01 B Site Layout

WE/TTC/17/A02 0 Existing sections A-A to H-H

WE/TTC/17/A03 0 Proposed Sections A-A to H-H

Reason

In the interest of clarity

Pre-Commencement Conditions

(3) Prior to the commencement of work on the foundations for the dwellings hereby approved, the following works (as set out within the report/letter dated 3rd November 2017 by SPR Hooper Consulting Civil and Structural Engineers) shall be undertaken on site: -

- Remove all vegetation and loose blocks from the head of the structure;
- Clean out the weep holes at the base;
- Repointing of the joints where required to small areas;
- Repair the top of the wall to present an even surface.

Reason

To ensure stability of the existing retaining wall in the interest of highway and pedestrian safety, and visual amenity.

(4) No development shall commence until a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

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

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

(iii) an assessment of the potential risks to:

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

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

Reason

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

(5) No development shall commence until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme

shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason

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

(6) No development shall commence until full details, including structural calculations for any retaining structure within 4.5m of the highway (including footway) have been submitted to and approved in writing by the local planning authority. Such details shall ensure that any such retaining structure is designed in accordance with Eurocode 7.

Reason

In the interest of highways and pedestrian safety and residential and visual amenity

(7) Notwithstanding Dwg WE/TTC/17/A01 Rev B prior to work commencing on site a scheme shall have been submitted to and approved in writing by the Local Planning Authority detailing footway improvements fronting onto Tabernacle Terrace, which shall be in line with the Authority's Guide to the Layout of Development Roads and in accordance with Specification for the Construction of Roads for Adoption. Such footway improvement works shall be implemented as approved prior to first occupation of any dwelling unit hereby approved.

Reason

In the interest of highway and pedestrian safety.

(8) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Construction method statement shall be made in accordance with the requirements of British Standard BS5228-1:2009 - Code of practice for noise and vibration control on construction and open sites. The approved Statement shall be adhered to throughout the demolition and construction phases. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials

- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities to prevent deposition of material onto any hard surface road.
- Vi. Measures to control the emission of dust and dirt during construction
- vii. Measures to prevent stacking of vehicles onto the public highway.
- Viii. A scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. A method statement showing the route of construction traffic to and from the development
- x. Identification of the significant construction and demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.
- Xi. Xiii. Hours of working on site, and specified hours for deliveries and any elements of the construction that could lead to amenity issues from noise and disturbance to adjoining properties
- xii. Hours of deliveries and construction vehicles to ensure these do not conflict with school drop off and pick up times

The Statement shall be signed by a competent person(s).

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy and in the interest of highway and pedestrian safety

(9) Prior to the commencement of works on site the following shall be submitted to and approved in writing by the Local Planning Authority;

- I. The submission of a scheme of intrusive site investigations/gas monitoring for approval;
- II. The undertaking of that scheme of intrusive site investigations/gas monitoring;
- III. The submission of a report of findings arising from the intrusive site investigations/gas monitoring;
- IV. The submission of a scheme of remedial works/mitigation for approval; and
- V. Implementation of that remedial work/mitigation.

Reason:

In order to confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development

Action Conditions

(10) No dwelling shall be occupied until surface water and foul drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Ensure that proper drainage of any adjoining land is not interrupted or adversely affected
- iii. Include a period for its implementation; and
- iv. Provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(11) Notwithstanding the submitted plans, prior to the commencement of work on Plot 1 a scheme shall be submitted to and approved in writing by the Local Planning Authority, detailing the enclosure of the northern boundary (including any details of remedial / clearance works proposed to the adjoining parcel of land next to the access steps). The works as agreed shall be fully implemented as agreed prior to the first beneficial occupation of plot 1, or in accordance with such other timescale as may be agreed in the approved scheme.

Reason

In the interest of visual amenity

(12) Prior to any works vehicles gaining access to or from the proposed vehicular access for plot 4, the following works shall be undertaken in accordance with a scheme which shall first have been submitted to and approved in writing to the local planning Authority: -

- i. visibility improvements onto Tabernacle Terrace
- ii. Surfacing improvements along the public highway to include surface water drainage and overgrowth clearance.
- iii. Improvements to the existing steps

Reason

To improve highway and pedestrian safety by providing the surface, drainage and visibility of the existing access and steps.

(13) Notwithstanding the details submitted, prior to the occupation of any dwelling hereby approved a scheme detailing the proposed means of enclosure to all property and parking area boundaries shall be submitted to and approved in writing by the Local Planning Authority. Details of the following shall be included:

- i. The front boundary (this should consist of a low level wall, which may include a railing on top provided it does not interfere with any pedestrian vision splays)
- ii. Details and finish of any retaining structures within and on the boundary of the development.
- iii. Details of the Armco vehicle barrier to plot 4
- iv. Details and colour and type of fencing to be provided.
- v. Details of any balustrading or barriers

The means of enclosure shall be provided in accordance with the agreed scheme prior to the occupation of any associated dwelling, and retained as such thereafter.

Reason

in the interest of visual and residential amenity

(14) Prior to the occupation of any dwelling a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The details required in connection with this condition shall include full details of hard and soft landscaping scheme and shall include:

- i) Hard surfacing materials and finish of any drives parking areas and patios;
- ii) Planting schemes within the front gardens, the strip between the approved rear enclosure and boundary of the site along the top of the wall to the rear boundary, and along the existing driveway to plot 4, which shall include 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

(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) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 5 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(17) Prior to occupation of the dwellings hereby permitted, an artificial nesting site for birds shall be provided on two dwellings 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 interest of Biodiversity.

(18) Notwithstanding the submitted details and prior to their use in the development hereby approved 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 proposed details.

Reason:

In the interests of visual amenity of the area.

(19) Prior to the first beneficial use of any dwelling, a methodology for the control and eradication of any Invasive non native species on site shall be submitted to and approved in writing by the Local Planning Authority. The invasive non native species shall be eradicated in accordance with the agreed details.

Reason

In the interest of ecology and to ensure Invasive non native species on site are eradicated

Regulatory Conditions

(20) No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(21) Notwithstanding Dwg WE/TTC/17/A01 Rev B no soakaway shall be constructed within 5 metres of the existing retaining wall unless otherwise agreed under condition 10.

Reason

In the interest of structural stability of the retaining wall

(22) No structure is to be sited within a distance of 3 meters from the centre line of the water main.

Reason

To protect the water main

(23) 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 insertion of any new doors, windows or dormer windows (other than those expressly authorised by this permission) (Schedule 2, Part 1, Classes A, B & C)
- No provision of any building or enclosure or raised platform (Schedule 2, Part 1, Class E)
- no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principal elevation of that dwelling house. (Schedule 2, Part 2, Class A)

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 and alterations, having regard to visual and residential amenity

(24) Prior to the occupation of plots 3 and 4 the triangular oriel type windows on the first floor rear elevation serving the bedrooms shall be glazed with obscured glass in accordance with drawings entitled [proposed elevations plot 3 and proposed elevations plot 4] and retained as such thereafter .

Reason

In the interest of the amenities of the adjoining property and the safety of the occupiers of the applicant dwelling.

(25) The proposed driveways to each dwelling shall be constructed in accordance with Drawing WE/TTC/17A01 B and surfaced in porous material, or provision must be made to direct run-off water from the hard surface, to a permeable porous area or surface within the curtilage of the dwelling to a maximum gradient of 1 in 12, with no surface water allowed to flow out onto the public highway prior to the first use of any dwelling and maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(26) Notwithstanding the submitted layout plan each vehicular access point for plots 1, 2 and 3 shall have a pedestrian vision splay of 2.4 metres by 2.4 metre each side of each vehicular access point measured back from back edge of footpath within which nothing over 600mm shall be erected or allowed to grow which shall be retained as such thereafter.

Reason in the interest of highway and pedestrian safety