

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2018/0395	<u>DATE:</u> 28/09/2018
PROPOSAL:	Construction of 8 dwellings; Retention and completion of engineering works (relating to land levels / retaining structures as an amendment to planning permission refs. P2010/0880 and P2006/1780) (Amended plans and supporting information received on 28.08.18 and 28.09.18)
LOCATION:	Land adjacent to 40 Maes Yr Ysgol, Phase 6 Parc Y Dderwen, Pontardawe, Swansea
APPLICANT:	Coastal Housing Group
TYPE:	Full Plans
WARD:	Pontardawe

BACKGROUND INFORMATION

Ward Councillor Linet Purcell requested on 27th November 2018 that the application be reported to Planning Committee (in summary) on grounds relating to the potential impact on highway safety, having regard to the location of the site access opposite the school, and the developers previous failure to adhere to relevant conditions relating to delivery times excluding school pick up and drop off. Determination at Planning Committee will allow Cllr Purcell to speak on behalf of her Community to express the local concerns, and emphasise to the developers the critical importance of adhering to any such conditions that may be imposed, should permission be granted.

This request was subsequently discussed at a Committee call-in panel where it was agreed that the application should be determined via Planning Committee.

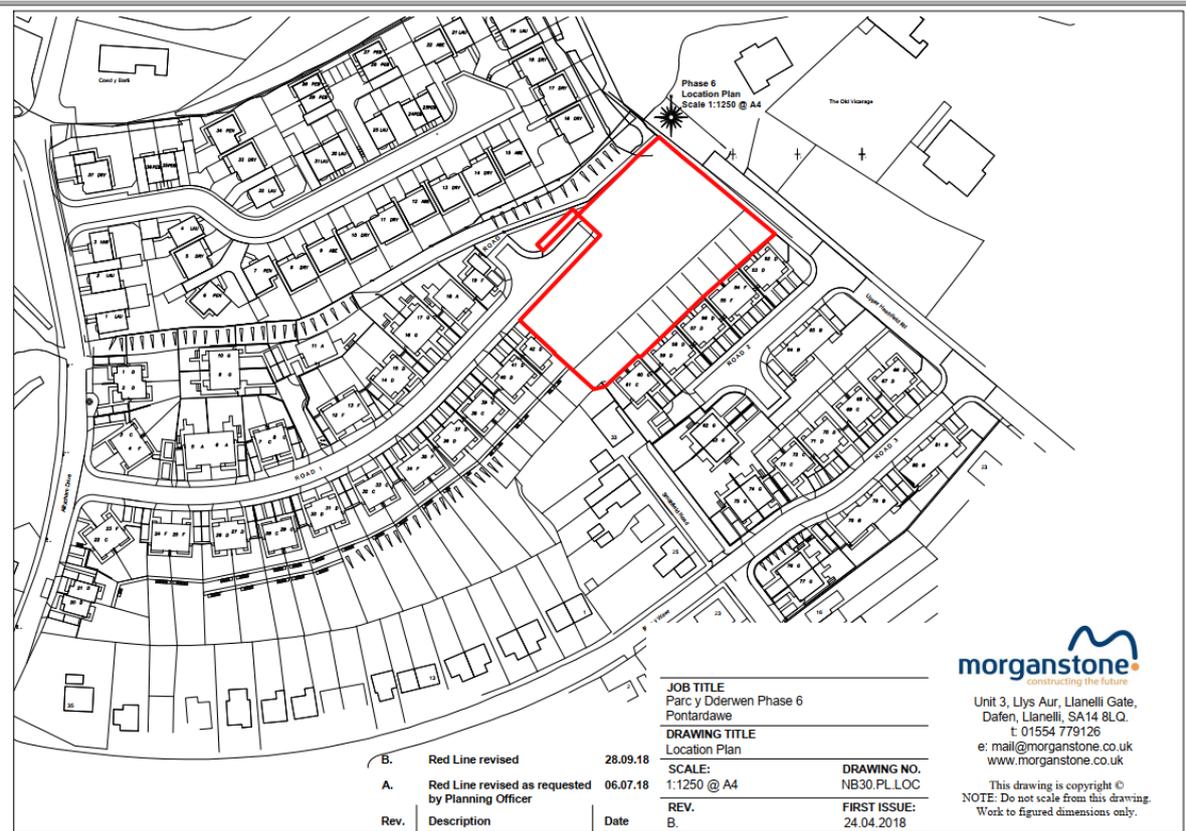
SITE AND CONTEXT

The application site is located on land adjacent to 40 Maes Yr Ysgol, Pontardawe and is also referred to as Phase 6 Parc Y Dderwen. The application site forms an unfinished section of a wider development benefiting from outline planning permission and reserved matters consent for residential development accessed off Maes Yr Ysgol.

The land is relatively level in nature but drops away to an embankment and retaining structure to the south east boundary, beyond which there are existing residential properties.

Members should note that outline planning permission (P2006/1780) approved on 28th August 2007 granted residential development at the Former Cwmtawe School, Pontardawe. A reserved matters application for 81 dwellings (P2010/0880) pursuant to the above outline planning permission was subsequently approved 14th September 2011. This development is largely complete, with the exception of the area of undeveloped land enclosed within the red line (remaining area of land), as identified within plan 1 below that forms the application site. The previously-approved scheme shows 9 dwellings within the current application site, with this scheme now proposing 8 dwellings.

Plan 1: Location of development



DESCRIPTION OF DEVELOPMENT

This is a full application for construction of 8 dwellings and also for the retention and completion of engineering works. The engineering works relate to land levels and a retaining structure located towards the south east boundary of the application site that have been constructed without the benefit of planning permission.

The residential development element of the scheme proposes 4 pairs of semi-detached dwellings comprising 2 no. 2 bedroom dwellings and 6 no. 3 bedroom dwellings.

The Council's Housing Section has confirmed that all of the 8 dwellings proposed are in the Social Housing Grant Programme and are affordable housing.

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 pre-application discussions covering a number of planning issues including the layout, trees, highways and pedestrian safety, drainage, designing out crime, affordable housing, open space requirements and protected species.

PLANNING HISTORY

The application site has the following relevant planning history: -

- **P2006/1780** Residential Development (Outline). Approved 28.08.2007
- **P2010/0880** Residential development of 81 dwellings with associated highways and landscaping (Reserved matters application pursuant to outline planning permission P2006/1780 granted on 28/08/2007). Approved 14.09.2011

CONSULTATIONS

Pontardawe Town Council: Council is pleased to support additional social housing in the area but wishes the Unitary Authority to ensure that planning restrictions placed on contractors in relation to the area's trees are adhered to. They also wish to ensure that contractors honour the restrictions on works traffic especially during school pick up and drop off times.

Natural Resources Wales: No objection

Welsh Water: No objection, subject to condition

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

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

Arboricultural Officer: No objection, subject to condition

Building Control: No objection

Structures Section: No objection, subject to condition

Housing: Has advised that the development is in the Social Housing Grant Programme and all 8 dwellings are to be affordable housing.

Crime Prevention Design Advisor: Has made several observations in relation to designing out crime

Biodiversity: Raise concerns over impact on protected species and impact of the development on a protected species license.

REPRESENTATIONS

The neighbouring properties were consulted and site notices displayed. In response, to date 16 no. representations have been received, with the issues raised summarised as follows: -

- Not clear number and type of houses being built. Told land was going to be grassed and seating area because planning was denied in 2015. Also it was said the land was to be park for our children to play on.
- Clarification required as to what the land at end of turning area will be
- Development will result in land locked area which are not maintained. Not providing a maintainable area of similar angle in one of the existing properties which does have access and would be maintained by their tenant
- Land encroachment for land to be built up for the new development – land overgrown and dumped with rubble
- Drainage / flooding issues – water drains from site into gardens at Clos y Cwm – further development will exasperate. Drainage

issues from builders not laying soakaways properly or in line with drainage plans.

- Out of scale with existing development on the street of Maes Yr Ysgol
- Detrimental visual impact on Maes Yr Ysgol
- Overshadowing and loss of natural light to our home
- Might impact our privacy. Would significantly impact the privacy of my property due to the proposed distance and elevation
- Negative effect on the character of Maes Yr Ysgol
- Excessive affordable housing provision. Problems with the Coastal properties already on the street with police being called on some occasions to these properties
- devalue my property
- Prior phases of this build have not been built responsibly. The builders have not built to their previous submitted plans
- We will have more traffic up and down the road than there already is
- still waiting for them to finish the road surfaces – properties were not built to plan so the road will in fact take 5 years to be topped and adopted rather than 1 year as promised
- Mares tail present on site

REPORT

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 SP6** Development in the Valleys Strategy Area
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space

- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy SC2** Protection of Existing Community Facilities
- **Policy I1** Infrastructure Requirements
- **Policy H1** Housing Sites
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG were approved in October 2016 and are of relevance to this application: -

- [Planning Obligations](#)
- [Affordable Housing](#)
- [Pollution](#)
- [Parking Standards](#)

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 and ecology.

Principle of Development

Strategic Policy SP3 Sustainable Communities states “The delivery of Sustainable healthy and cohesive communities and the conservation of the countryside will be promoted”, with Policy SC1 - Settlement Limits – stating that “Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the settlement hierarchy will be acceptable in principle.”

The original proposal for the development of the wider site was for a total of 81 dwellings, and as a result of this current application the total number of dwellings to be constructed is reduced to 80. However, this application site forms part of a wider site identified by Policy H1/LB/31 (Cwmtawe School Phase 1) within the LDP for residential development. This allocation indicatively proposed 80 dwellings for this site and therefore the principle of residential redevelopment has already been accepted at this site and it is considered that despite the overall reduction in houses proposed, the number of dwellings proposed is also acceptable.

Taking into account the above it is therefore considered that the principle of residential development is acceptable, subject to the impacts of the development being considered acceptable in accordance with the other policies set out within the LDP.

Impact on Visual Amenity

Layout

The proposed layout of the development is heavily influenced by the roughly rectangular shape of the application site and also the position of existing adjacent roads and landscape features, including the steep bank and retaining features located towards the rear of the application site. A combination of direct access from the existing Mayes Yr Ysgol estate road together with a new shared drive leading from this road is proposed. Parking is shown to the side of each property.

The layout of the road also clearly distinguishes what is the main road through the site and what is the shared drive through the use of different road surface materials (i.e. block pavements to shared drive).

In terms of wider layout issues, concern has been expressed locally relating to the proposal having an unacceptable impact on visual amenity and specifically that the proposed dwellings are set forward and in front of the existing adjacent properties at Maes Yr Ysgol and closer to the access road. While this is noted, the need to protect the amenity of the properties to the rear of the site is a contributory factor in the siting of the proposed dwellings. Setting the properties back deeper into the site would bring them closer to those existing properties at Clos Y Cwm and given the change in levels, potentially result in an unacceptable level of overlooking / overshadowing impact on these properties. Notwithstanding this, it is considered that the varied building line proposed – which lies at the end of this internal access road - adds a sense of place and interest within the site, and provides a form of development that is neither inconsistent with, or has any unacceptable adverse impact on, the surrounding area.

The development also includes the retention and completion of engineering works (relating to land levels / retaining structures as an amendment to planning permission refs. P2010/0880 and P2006/1780). These works consist of the retaining structure (Tensar Wall) and slopes to the rear of the proposed plots. In terms of visual amenity subject to appropriate landscaping, it is considered that these features would not detract from the character and appearance of the wider area.

As such, in terms of layout the development is considered to amount to an acceptable form of development which would contribute positively to the character of the area.

Appearance

There are 2 different variations of house type proposed which provides a variety and choice of housing types and also a varied streetscene. The proposed properties will be two storey, have pitched roofs with a simple gabled form and canopies over the main front access points. The general scale and design of these properties would ensure that they harmonise with each other, whilst also reflecting the general vernacular of the immediate area.

Concern was raised locally in relation to the development being out of scale with the rest of the development at Maes Yr Ysgol. However, the developer has provided a streetscene elevation that indicates that the finished ridge height of the proposed dwellings will be similar to those of the existing adjacent properties at Maes Yr Ysgol. Similarly the general proportions and scale of the proposed dwellings, whilst slightly larger, are generally considered to also be similar and not at odds with those existing adjacent properties. In addition, the applicant has provided some details of the proposed elevational treatments that indicate the use of both brick and render finishing. These materials are similar to other houses in the vicinity and are therefore considered to be in keeping with existing built form. Samples of the final materials have not yet been provided however a condition can be imposed to ensure this detail is submitted for approval prior to their use.

As such, it is considered that the design of the proposed dwellings and development in general reflects and follows the general vernacular of the immediate area.

In respect of boundary treatment, the applicants have provided a layout plan which indicates the positions, design, materials and type of boundary treatment to be erected. A mixture of 1.8m and 1.2m close board fencing together are proposed. However, given the potential for overlooking issues from the ground floor windows and rear garden areas of the proposed properties the siting of the fencing in the rear gardens is critical. Furthermore, as there is a lack of detail shown to some boundaries and given the inadequacy of some of the proposed boundary treatment, a condition will be imposed requiring the final details of boundary treatment to be provided prior to occupation of the development.

As such, it is considered that the appearance, layout and scale of the proposed development within the context of the application site and wider surrounding area would be appropriate, and would accord with the objectives of Policies BE1 and TR2 of the Local Development Plan, and the Design SPG.

Impact on Residential Amenity

Overlooking, overbearing and overshadowing issues within the proposed development.

The development has been designed to allow an acceptable distance between units to ensure that the proposal will safeguard the residential

amenities of future occupiers in terms of any overbearing / overshadowing impact.

In terms of potential overlooking, given the orientation of the proposed properties habitable rooms comply with the council's 21m distance between habitable room windows.

With regard to amenity space, it is considered that the proposed layout ensures a satisfactory level of privacy and private amenity space will be provided for all the future occupiers. As referenced earlier in this report, a condition will however be imposed requesting final details of the siting and design of boundary treatment.

Overlooking, overbearing and overshadowing issues within the existing in relation to the existing neighbouring properties.

In respect of residential amenity for existing adjacent residents in terms of overlooking. The rear facing windows of the proposed dwellings comply with the council's privacy standard in that a distance in excess of 21m is maintained between the habitable room windows of the proposed dwellings and those existing properties located towards the rear of the site at Clos y Cwm.

Notwithstanding this, given the existing topography of the land the proposed finished floor and garden levels of the properties dictate that the proposed dwellings will be located on higher ground than those properties located at Clos y Cwm. Despite this, it is still considered that given the distance between habitable room windows and the positioning of boundary treatment (which will be controlled via planning condition), there will be no direct or unacceptable overlooking issues resulting from the proposed development to the properties at Clos y Cwm, including to their rear amenity space.

Generally, there would be no issues of direct and obtrusive overlooking from proposed side facing windows since the habitable rooms windows proposed to the side elevations of the properties serve landings / stairs only which are not considered to be habitable rooms. However, in the case of proposed plot 43, given the orientation of this dwelling in relation to number 40 Maes Yr Ysgol, a condition will be imposed requiring that the side facing window, despite the comments above, is fitted with obscure glazing.

Finally, in respect of the front facing habitable room windows, these windows mainly look towards open land that leads to the separate

housing development on elevated land to the north-east and as such there is no unacceptable overlooking in this respect towards these properties. However, plot 43 and to a lesser extent plot 44 look towards number 31 Maes Yr Ysgol and the adjacent properties on this side of the road, at their closest point the separation distance between these properties is approximately 13.7m. However, while this distance falls below the privacy standard of 21m, views are at an oblique angle, and there is an intervening road which gives the perception of a greater separation distance. Notwithstanding this however, it is considered that an element of mutual overlooking is commonplace in urban situations, particularly in high density housing estates. Providing this would not cause significant harm, as is considered to be the case in this instance, it is generally accepted. In this case therefore, it is considered that there would be no unacceptable harm in respect of overlooking issues.

In terms of any overbearing and overshadowing impact, it is noted that the proposed dwellings are located on higher ground when compared to the lower properties located at Clos Y Cwm. However, given the separation distances between the properties, together with the close attention given to the garden levels which dictates that they are graded gently away from the common boundary, it is considered that there will be no unacceptable impact arising from the development in terms of overbearing or overshadowing impact in this respect.

Concerns were expressed locally in respect of the fact that the proposed dwellings were set forward of existing properties at Maes Yr Ysgol and close to the boundaries of these properties, particularly number 40 Maes Yr Ysgol and that the proposal would result in overshadowing and loss of natural light to an adjacent property. However, there is a separation distance of 4.4m between the side wall of number 40 Maes Yr Ysgol and plot 43 which is sufficient to ensure that there will be no unacceptable overbearing impact. Furthermore, the development complies with the 45 degree rule that is a method used by Local planning authorities to measure the impact from a proposal on sunlight and daylight to neighbouring properties.

In summary therefore, it is considered that the development will not have any unacceptable impacts on existing properties and as such the amenities of existing adjacent occupiers will be protected.

Parking and Access Requirements and Impact on Highway Safety

Three dwellings will be served off the access road, with a further five accessed off a new shared drive in block pavements created off the main estate road.

Concerns have been raised locally in respect of highway and pedestrian safety issues including by Pontardawe Town Council and the Ward Councillors Linet Purcell in relation to ensuring that contractors honour the restrictions on works traffic especially during school pick up and drop off times.

These concerns are acknowledged, and it is accepted that previous failures to adhere to delivery timescales to avoid school drop-off and pick-up times have been regrettable and unacceptable on highway safety grounds. In this regard, Members' attention is drawn to the fact that formal enforcement action has previously been taken as a result of these breaches.

Nevertheless, it remains the case that suitable and appropriate controls can be imposed on this new development to ensure there would be no unacceptable impact on highways safety or on the safety of children attending the school. In this respect, a condition is imposed restricting delivery times to the site with particular emphasis on preventing construction traffic accessing or leaving the site during the main drop-off and pick-up times of the adjacent school. This is in addition to the usual requirement for a Construction Method Statement. Moreover, any identified breaches of such condition will likely be met with further action.

In respect of the concerns raised relating to the fact that the road surfacing on the site has not been finished, the highway itself lies outside of this application site (red line) and therefore cannot technically be conditioned under this application. Nevertheless, the requirement to complete the road surfacing forms part of the earlier consent, although following discussions with the developer it is understood that it is the developer's intention for the final surfacing of the road on the wider site to be undertaken prior to occupation of the final phase of the development (this being the land subject of this application). This is not an unusual situation and, provided this development proceeds in the near future (should consent be forthcoming), then it is not currently considered expedient for the Council to pursue completion of such works pending completion of the overall development.

It is noted that there is also concern that the development will result in more traffic up and down the road than there already is. However, as referred to above, the area of land subject of this application has already got planning permission for 9 dwellings whereas 8 dwellings are now proposed. Accordingly, it could be expected that the traffic generation from the proposed development would not be dissimilar to that already approved. Notwithstanding this, the application site forms part of an allocated housing development and part of the process of assessing the suitability of this site for housing would have considered highways and pedestrian safety issues.

Finally, The Head of Engineering and Transport (Highways Section) has assessed the application and has no objection subject to the imposition of conditions.

Secure by Design:

The Crime Prevention Advisor is generally pleased with the site layout - all the vehicle parking bays are within curtilage and/or overlooked. Whilst it is not possible to incorporate all the recommendations of the Advisor, it is considered that the scheme is generally acceptable in terms of the principles of Secure by Design.

Drainage

While concerns were raised locally in respect of site drainage, as part of the application the applicant has submitted drainage details which establishes the broad principles and the philosophy behind the proposed drainage strategy. The Head of Engineering and Transport (Drainage Section) and Welsh Water have assessed the information submitted and have no objection subject to conditions.

Ecology and Trees

Ecology

The applicant submitted an ecological appraisal and a bat survey in support of the planning application. The bat survey indicated there was no evidence of bats using a tree that is to be removed to accommodate the development for roosting purposes.

Notwithstanding the above, the Local Authority's ecologist has assessed the submitted information. In response, concern was raised that the development could impact upon mitigation linked to a European

Protected Species (EPS) Licence affecting the land subject of this application and also the wider development / site. Specifically, it is stated that a thorn hedge that was a requirement of the first bat licence for the site on the eastern boundary was not evident in the current proposals. Additional concerns were also raised relating to retention of landscaping / trees that were proposed as part of bat requirements and that mitigation proposals had not been translated on to the site plans.

Given the concerns raised, Natural Resources Wales (NRW) were contacted and broadly concurred with the Council's Ecologist's concerns stating that it seems that the original application did state that the eastern boundary vegetation would be retained and it directly refers to a hawthorn hedge. However, the applicant at the time removed this vegetation counter to their proposals in the licence, and Welsh government felt that they couldn't enforce this aspect of the application. NRW as such state that they tried to use the latest planning phases to ensure that suitable dark corridors and vegetated flight lines were in place to allow the bat house (the formed part of the mitigation) to function.

NRW has confirmed that in terms of the recent phase of development, so much vegetation has been removed along this eastern boundary that, even if it were reinstated within this phase it would not connect anywhere. As such, NRW's focus would now be on ensuring that the north phase of the wider development (and land outside of the application site subject of this application), where the bat house is located, is working and is in line with what was agreed at planning.

As such, while it is regrettable that elements of the mitigation that were proposed for this section of the site have not been provided, given the comments above any further requirements / mitigation will be provided outside of the confines of the land subject of this application. There would therefore be no justification in asking for additional information in relation to this matter as part of the consideration of this current planning application. The matter of the compliance with the licence would however have to be addressed by the developer outside the remit of this application.

Notwithstanding the above, in order to ensure that the development does not adversely impact on ecology, conditions will be imposed requiring bat boxes to be erected on site and details of landscaping provided. The requirement for landscaping details to be provided will also address concerns raised locally in relation to the maintenance of the bank.

Finally, a condition will also be imposed requiring any invasive species to be treated / eradicated.

Trees

In response to those concerns raised by Pontardawe Town Council in respect of planning restrictions on trees at the site. A tree survey was carried out by Treescene. A total of six trees have been listed in the Treescene survey. Out of the 6 trees 4 require removal, primarily due to damage that has occurred to the trees and their condition. The Council's Arborist has advised that he agrees with the information and recommendations within the survey and recommends that the proposed works are allowed to proceed.

The Council's arborist does state however all construction work in the vicinity of the two retained trees T1 and T6 must be completed in accordance with the guidelines in the tree survey and the recommendations in BS5837:2012 Trees in relation to design, demolition and construction should also be followed at all times. Furthermore the Council's arborist states that to retain the trees the recommendations and guidance in the Treescene survey and tree protection plan should be followed.

As such, while it is regrettable that trees will have to be felled, in this instance it is considered there is justification for their removal. As such, subject to conditions, including a landscaping condition to require selective replanting, it is considered that the development will not give rise to any unacceptable impacts.

Land stability / structures

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 application site has been subject to retaining works in the form of the construction of a Tensar wall prior to the submission of the planning application. The Tensar wall is located towards the rear boundaries of the properties at Clos y Cwm. Furthermore, given the sloping topography of the application site, the proposed development requires that the site would be significantly excavated to allow for the new gardens of the proposed dwellings to be set within the existing slope and to a gradient that does not result in impacts on amenity in terms of overlooking and overshadowing. These matters mean that the proposal needs to take account of land stability, piling / foundation design, integrity of existing retaining structure's and slope stability in the development design. Concern has also been addressed locally in respect of the angle of the bank to the rear of the properties and how it will be accessed and maintained.

While some supporting information has been submitted with the application in respect of this issue, 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 a requirement for a detailed scheme to be submitted for the piling design and methodology for the foundations of the dwellings, together with full construction and design details of all retaining works, including the tensar wall / slope design. These details should include both individual structural reports and calculations, including existing and proposed profiles together with a combined assessment and structural engineers reports confirming that the works for the foundation design and the retaining structures are designed to take account of each other, and the timescales and methodology for the combined works to be undertaken, including any long term management of maintenance of the retaining structures. 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.

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 8 residential dwellings, albeit as a re-plan of a previously-approved residential scheme.

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 Pontardawe area, a 10% affordable housing target is sought.

Under the original application ref. P2010/0880, however, of the 81 dwellings approved 59 would be affordable (72.8%), with 14 rented (grant funded social rented) and 45 dwellings classified as Low Cost Home Ownership / shared ownership properties with the RSL. The remainder were open market properties.

At that time, the Council required 20% affordable housing provision, although this figure under the LDP is now 10% for the Pontardawe spatial area. For this proposal, the applicant is a Registered Social Landlord (RSL) and has indicated that all of the 8 residential units proposed will be affordable housing. In order to satisfy the requirements of Policy AH1 it is necessary to ensure that 10% of the units remain affordable in the long term. It is considered that the imposition of a condition would be the appropriate mechanism for securing future compliance with this policy should the development not be Social housing Grant Funded.

Overall, however, both this development and the wider approval would exceed the required level of affordable housing, and contribute significantly towards the Council's overall affordable housing requirement to meet identified needs.

Education

The development falls below the threshold (10 or more houses or 2 or more beds) triggering a requirement for a developer contribution to affordable housing. Therefore there is no requirement to consider a contribution towards education

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.

The site lies within the Pontardawe ward, where there are existing shortfalls in all categories of open space, except pitch sport. The development proposal generates open space requirements. However, in this case, a financial contribution of £35,775 to be spent on existing leisure facilities within the Pontardawe ward was secured at the time of the reserved matters application for the wider development via a section 106 agreement. This was required by Condition 21 of the outline planning permission.

As such, in this instance and particularly since the number of dwellings proposed has been reduced from 81 to 80 as a result of the proposed development, it would be unreasonable to expect the developer to provide a further developer contribution given that the matter has already been addressed.

Other Matters

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

In response to queries relating to the number of houses being built and what is proposed for the application site, the report addresses this matter in detail and sets out the details of the development proposed. Furthermore, it should be noted that the land to the end of the turning head will be a tarmac footpath with 0.6m timber knee high rail.

In response to the concern relating to the maintenance of the land locked area to the rear of the proposed dwellings, a condition will be imposed requiring a landscaping scheme for this land together with the bank and existing Tensar wall.

Concern raised in relation to the current condition of the site including reference to waste may be dealt with by other legislation. However, it should be noted that were this application approved, the development itself would result in the redevelopment of this land which would result in the removal of the current waste at the site and the tidying up of the site.

In relation to the matter raised concerning land encroachment / ownership and loss of property value – these matters are not a material planning consideration.

In respect of those matters raised relating to drainage / flooding concerns, Natural Resources Wales, The Council's Head of Engineering and Transport (Drainage Section) and Welsh Water have assessed the application submissions and have no objection subject to conditions (conditions only recommended by Welsh Water and The Council's Drainage Section). Any existing drainage matters or other matters in relation to the wider development not being built in accordance with submitted plans / responsibly would be dealt with as a separate matter to the details submitted as part of this application.

In response to concerns raised about future antisocial behaviour problems from residents, excessive amount of affordable housing and support for affordable housing. Antisocial behaviour problems would be a matter for the landlord or Police. While the council can secure the necessary affordable housing provision as part of developments, they cannot control the tenure / ownership of properties.

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 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 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 with Policies SP1, SP2, SP3, SP4, SP6, SP7, SP8, SP10, SP15, SP16, SP18, SP20, SP21, SC1, SC2, I1, H1, AH1, OS1, EN7, EN8, RE2, TR2 and BE1 of the Neath Port Talbot Local Development Plan and national guidance in Planning Policy Wales (Edition 9) 2016 and associated Technical Advice Notes.

RECOMMENDATION: Approval with 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:

- NB30.PL.LOC Rev B
- NB30.PL.SLP Rev C
- NB30. TMP
- 100 Rev B
- 200 Rev -
- 210 Rev -
- 201 Rev -
- 221 Rev A
- 231 Rev -
- 251 Rev A

Reason: In the interest of Clarity

Pre-Commencement Conditions

(3) Notwithstanding the submitted information, no development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Demolition and 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 construction phase. 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 the construction works
- ix. A method statement showing the route of construction traffic to and from the development , delivery times to avoid peak school drop-off and pick-up times, together with controls to ensure that movement of HGVs and other vehicles delivering to or leaving the site do not have any adverse impact on highway safety or the safety of children at the nearby school (see also condition 7 below).
- X. a scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- Xi. Identification of the significant construction noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.
- Xii. Hours of working on site to accord with conditions 5 and 6

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

(4) Prior to the commencement of any work, the tree protection fencing as identified on the tree protection plan within the tree survey by Treescene Arboricultural Consultants Tree Survey dated 17.04.18 shall be erected and maintained throughout the construction phase and the recommendations and guidance in this document and the tree constraints plan dated 04/2018 together with BS5837:2012 Trees in relation to design, demolition and construction shall be followed at all times.

Reason

To ensure the root protection zones for the trees to be retained is protected during construction and to ensure the retention of the trees on site

Action Conditions

(5) Notwithstanding the submitted information, and prior to any development taking place on the construction of the dwellings, including prior to any foundation construction, a detailed scheme shall be submitted for the piling design and methodology for the foundations of the dwellings, together with full construction and design details of all

retaining works, including the tensor wall/ slope design. These details should include both individual structural reports and calculations, including existing and proposed profiles, together with a combined assessment and structural engineers reports confirming that the works for the foundation design and the retaining structures are designed to take account of each other, and the timescales and methodology for the combined works to be undertaken, including any long term management of maintenance of the retaining structures. The development shall be fully completed in accordance with the approved details and timescales.

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 and as the geotechnical design submitted from Tensor didn't match the ground profile.

(6) No construction activity or any delivery related to implementation of the development hereby approved shall take place outside the hours of 08:00 and 18:00 from Monday to Friday inclusive, 08:00 to 13:00 on Saturdays, and at any time on a Sunday or a public holiday.

Reason

In the interest of residential amenity

(7) Notwithstanding condition number 6, in addition to the specific measures identified within the Construction Method Statement approved under condition 3, no construction traffic / plant, deliveries, vehicles for removal of waste or works vehicles (other than private cars / light goods vehicles) shall access or leave the site via any route during the hours of 8am to 9am and 3pm to 4pm during school term times.

Reason

In the interest of Highway safety, having regard to the need to ensure the safety of users of the nearby school during peak periods.

(8) Notwithstanding the submitted details and prior to their use in the development hereby approved samples of the materials to be used within the development hereby permitted, including the shared drive, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed materials and retained and maintained as such thereafter.

Reason:

In the interests of visual amenity of the area.

(9) Surface water within the curtilage of each property shall not discharge onto the highway and surface water from the highway shall not discharge into the curtilage of any property and no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and no dwelling shall be occupied until the surface water and foul drainage works have been implemented in accordance with the details that have been submitted to and approved in writing by the local planning authority as part of this application.

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 and in the interest of highways and pedestrian safety

(10) 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

(11) Prior to the occupation of any dwelling hereby approved, the associated car parking spaces and drive/hard standing 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 and shall be drained so that no surface water including roof and yard flows out onto the public highway or vice versa. The drive/hard standing / parking spaces shall be retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(12) 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.

(13) Prior to occupation of the last dwelling both the footway and carriageway fronting plots 43 to 45 (inclusive) shall be completed up to surface course, and the shared drive serving plots 46 to 50 (inclusive) provided. The development shall be retained and maintained as such thereafter.

Reason

In the interest of highways and pedestrian safety

(14) If the entire scheme is not Social Housing Grant Funded a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10 % of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason

To ensure the satisfactory provision of affordable housing in perpetuity in accordance with Policy AH1 of the Neath Port Talbot Local Development Plan.

(15) Notwithstanding the submitted plans, prior to the first beneficial use of any dwelling, full details of landscaping works including for the Tensar wall and bank shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include (but not be limited to):

- The proposed tree planting scheme shall compensate for the loss of trees to be felled. 2 trees of a local provenance shall be planted to replace each felled tree unless there is justifiable reason that this cannot be achieved.

- The scheme for soft landscaping works shall contain a majority of native and/or wildlife friendly species and include all public areas and include the embankments along the north West Boundary.

- Details of the root barriers for any trees proposed in the footway or within 2 metres of the back of footway.

The approved works shall be carried out within the first planting season following completion of the development. If within a period of five years from the date of the planting of any trees or plants is removed, uprooted or destroyed or dies, (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree or plant at the size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance in accordance with condition 16.

Reason:

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act.

(16) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas (including the Tensar wall and bank), other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwellings. The landscape management plan shall be carried out as approved.

Reason

In the interest of visual amenity, and clarity

(17) Notwithstanding the submitted plans and information, details of the proposed siting, design and finish of all proposed means of enclosure shall be submitted to and agreed in writing with the Local Planning Authority prior to occupation of any of the dwellings hereby approved. The means of enclosure shall be erected in accordance with the

agreed details prior to occupation of any of the dwellings hereby approved.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990.

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

Reason

In the interest of highways and pedestrian safety

(19) Prior to the occupation of the first dwelling, bat boxes shall be erected on site in accordance with a scheme which shall first be submitted to and agreed in writing by the local planning authority.

Reason

In the interests of ecology, having regard to the need to ensure no adverse impact on known protected species within the locality.

(20) A minimum of two off-street car parking spaces shall be provided for each dwelling prior to first occupation of each associated dwelling. The car parking spaces / driveways shall be kept clear and used for parking vehicles only and retained and maintained as such thereafter.

Reason

In the interests of highway and pedestrian safety

(21) Notwithstanding the details submitted and prior to the occupation of the proposed plot 43 the window on the south west elevation serving the landing / stairs shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a minimum of 1.7 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

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

Regulatory Conditions

(22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that

dwellinghouse which fronts onto a highway, carriageway, shared driveway or footpath.

Reason

In the interests of visual amenity as the estate is open plan in character.

(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), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason

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

(24) 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 and raised decking) 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 and design of the estate.

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

Reason

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

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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 adopted January 2016

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 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 with Policies SP1, SP2, SP3, SP4, SP5, SP7, SP8, SP10, SP15, SP16, SP18, SP20, SP21, SC1, SC2, I1, H1, AH1, OS1, EN7, EN8, RE2, TR2 and BE1 of the Neath Port Talbot Local Development Plan and national guidance in Planning Policy Wales (26) 2016 and associated Technical Advice Notes.