

<u>APPLICATION NO: P2014/0922</u>		<u>DATE: 24/09/2014</u>	
PROPOSAL:	Removal of Conditions 2, 3 & 4 (Code for sustainable Homes) from Planning Permission P2013/1010 (Approved on the 3/12/13)		
LOCATION:	Land Adjacent To Glas Y Dorlan, 65 Cardonnel Road, Skewen, Neath SA10 6BS		
APPLICANT:	Mr Arthur Davies		
TYPE:	Full Plans		
WARD:	Coedffranc Central		

BACKGROUND INFORMATION

Members should note that this planning application is referred to Committee as the applicant is Councillor Arthur Davies who is an elected Ward Member.

The application is for the removal of Conditions 2, 3 and 4 (Code for sustainable Home). There are no material changes from the previously approved planning application P2013/1010.

Planning History:

P2013/1010 – One detached dwelling – Approved 04/10/14

Publicity and Responses if applicable:

Coedffranc Community Council – No objections – 03/10/14

Site Notice displayed 3/10/14. To date no representations have been received.

Description of Site and its Surroundings:

The application site is located within the curtilage of the applicants existing dwelling house, which itself is located within settlement limits for the purpose of the adopted Unitary Development Plan.

The land within the application site slopes down generally from north to south and measures approximately 0.09 hectares. The donor property consists of a detached bungalow and there are a number of outbuildings present on site. Both pedestrian and vehicular access to the site is via an existing concrete driveway off the track located at the bottom of Cardonnel Road.

The A465 can be seen from the application site some 50m away to the south and a railway to the east. The surrounding area of Cardonnel Road comprises of a residential street with a mixture of detached and semi detached properties with a variety of designs and styles.

Brief description of proposal:

The application seeks the removal of Conditions 2, 3 and 4 (Code for Sustainable Homes conditions) from Planning Permission P2013/1010 (approved on 3 December 2013). The need to achieve a minimum Code for Sustainable Homes level is no longer a planning requirement due to a change in legislation, brought about due to changes to the Building Regulations in Wales and the subsequent cancellation of Technical Advice Note 22: Sustainable Buildings (2010) on the 31st July 2014.

The development approved was for a detached bungalow located to the south west side of the host bungalow. The submitted plans indicated that the proposal will measure a maximum 14.0 metres in width, 9.9 metres in depth and have a maximum height to ridge level of 6.0 metres. The proposed bungalow would incorporate a gable roof design with external materials consisting of facing bricks. There are no changes to the development proposed.

Material Considerations:

The main consideration in the determination of this application relates to the changes in Planning Legislation since the time of the original permission.

The principle of the proposed development, the impact upon the character and appearance of the surrounding area, the impact upon residential amenity of the occupiers of the adjacent dwellings and the impact upon highway safety remain unchanged.

As this new planning permission will replace the original permission, and in the interests of clarity all relevant issues are set out again within the report.

Policy Context:

Neath Port Talbot Unitary Development Plan

Policy GC1 - New buildings/structures and changes of use

Policy ENV17 – Design

Policy H3 – Infill and windfall settlements

Policy T1 – Location, layout and accessibility of new proposals

The application site is located within the identified settlement limits as set down within the Neath Port Talbot Unitary Development Plan, where the principle of development is considered to be acceptable subject to the development complying with the requirements of the other development plan policies.

Technical Advice Note 22: Sustainable Buildings previously required all new dwellings within Wales to achieve Code for Sustainable Homes Level 3+. As such there were a set of three standard conditions to be imposed on these permissions requiring the developer to provide evidence, through the submission of certificates that the development was achieving the required level.

As this Technical Advice Note has been cancelled, (July 2014), there is no longer a requirement to impose these conditions on future developments. In addition the advice provided by Welsh Government, is that where applications seek to have these conditions imposed, the Local Planning Authority should determine these in accordance with the policy change.

As such it is considered that the request to remove these conditions is justified, and would conform to current planning legislation, and Welsh Government advice.

Visual Amenity:

The local character of the immediate area is that of a detached bungalow within the confines of a large plot with a number of outbuildings where the applicant carries out gardening activities ancillary to the enjoyment of the dwelling house. The surrounding area of Cardonnel Road can be described as a residential area with a mixture of house types and designs utilising a number of different materials.

Residential Amenity:

The nearest dwelling to the proposed development is the donor property, Glas y Dorlan. The separation distance between the proposed dwelling's side elevation and the existing dwelling is 11.5 metres. This, together with the topography of the site and the restricted ridge height (6m), will ensure that there will be no overbearing or overshadowing impact on any existing residential properties.

A window is proposed in the side elevation (north) facing the donor dwelling. This window however is planned to serve a bedroom and therefore should any

permission be granted a condition will be attached requiring the window to be obscurely glazed. This condition will eliminate any issues of overlooking.

The applicant has indicated that he plans to incorporate a boundary fence to separate the two properties. No detail has been submitted, as such these details will be secured by condition and subject to suitable design an appropriate means of enclosure has the ability to further ensure the privacy of both the applicant and neighbouring property.

The submitted plans indicate sufficient private amenity space is to be provided to serve the dwelling house. This level of amenity space is considered to be more than adequate for a property of the size proposed.

Therefore, in view of the above it is considered that there would be no adverse affect on residential amenity.

Highway Safety (e.g. Parking and Access):

The submitted plans detail the creation of a new vehicular access and provision for three parking spaces. The Head of Engineering and Transport (Highways) have not been consulted on this occasion due to the nature of application, however they offered no objection to the previously approved application P2013/1010 subject to the imposition of suitable conditions to secure the provision of off-street parking spaces.

Ecology (including trees & protected species):

No issues related to Ecology or trees have been identified.

Others (including objections):

None

Conclusion:

The removal of the Code for Sustainable Homes conditions is in accordance with revised Welsh Government guidance, while the proposed development by reason of its size, design and siting will not have an adverse affect on visual or residential amenity, nor will it adversely affect highway and pedestrian safety. The proposal therefore complies with Policies GC1, ENV17, H3 and T1 of the Neath Port Talbot Unitary Development Plan.

RECOMMENDATION: Approval with Conditions

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.

(2) Prior to first beneficial use of the dwelling, the driveway including parking and turning facilities as detailed on drawing no: 66/2b shall be surfaced in porous material or a provision must be made to direct run-off water from the hard surface to a soakway located within the curtilage of the dwelling and must be permanently maintained so that it continues to comply with the above requirement.

Reason:

To ensure an adequate turning and parking facility is provided

(3) Prior to their use in the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of the visual amenity of the area.

(4) Prior to the commencement of works on site, details of the slab level of the approved dwelling shall be submitted to and agreed in writing with the Local Planning Department. The development shall then be carried out in accordance with these approved details.

Reason

in the interest of residential and visual amenity.

(5) Foul water and surface water discharges must be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

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

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(7) Prior to the first occupation of the dwellinghouse a scheme shall be submitted and approved in writing by the local Planning Authority detailing a means of enclosure to the property boundaries. The agreed scheme shall then be implemented prior to first occupation and retained as such on site unless otherwise agreed in writing.

Reason

In the interest of visual and residential amenity.

(8) The window serving the side elevation (north side) serving the bathroom shall be fitted with obscure glazing prior to the dwelling being brought into beneficial use, and shall thereafter be retained as such unless otherwise approved in writing by the local planning authority.

Reason:

In the interest of residential amenity

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 proposal will not have an adverse effect on visual or residential amenity, nor will it adversely affect highway and pedestrian safety. The proposal therefore complies with Policies GC1, ENV17, H3 and T1 of the Neath Port Talbot Unitary Development Plan.