

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2014/0083	<u>DATE:</u> 15/04/2014
PROPOSAL:	Proposed residential development for up to 50 dwellings with access to be determined (Outline)
LOCATION:	Land at Chain Road, Glynneath
APPLICANT:	Cuddy Group Limited
TYPE:	Outline
WARD:	Glynneath

PLANNING COMMITTEE URGENCY ACTION: COVID-19

This application was previously brought forward for determination as a 'Planning Committee Urgency Action' during the Covid-19 pandemic (in accordance with the [Council's agreed procedure](#)) on 7th April 2020, at which time it was resolved as follows: -

That, given the need for transparency of decision-making at this time under urgency action procedures, a decision on the application be DEFERRED to allow Officers to:

- 1) request submissions from the applicant on the viability/deliverability of a 100% affordable housing scheme, and
- 2) to allow an additional 21 days consultation with Ward Members in Glynneath and Blaengwrach Wards, so that they may consult locally and provide any further representations.

Such additional submissions to then be reported back in May 2020 either as an Urgency Action item or to Planning Committee (in whatever form it may exist at that time).

The matter is now brought before Members of the full Planning Committee as a 'remote Committee meeting' in accordance with the [Local Authorities \(Coronavirus\) \(Meetings\) \(Wales\) Regulations 2020](#) which came into effect on 22nd April 2020 and which enable local planning authorities to reconvene planning committees by making temporary provision during the COVID-19 pandemic.

The report which follows is that presented to the 7/4/2020 urgency action meeting, amended to incorporate additional comments received, and responses to the matters raised.

SITE AND CONTEXT

The site is located on the western edge of Glynneath, positioned between Chain Road to the east and the B4242 to the west. For the purposes of the adopted Local Development Plan the application site is located outside the defined settlement limits (as identified on figure 1 below).



Figure 1: Residential settlement Boundary (Policy SC1 refers)

The site is vacant other than a Western Power electricity sub-station located in the north-western part of the site and a Welsh Water compound located towards the site’s southern boundary (the land on which the Western Power electricity sub-station is located is not included in the red line boundary).

The total site area is approximately 2.8 hectares, with vehicular access provided directly off Chain Road.

DESCRIPTION OF DEVELOPMENT

This is an application made in Outline for up to 50 residential units with everything reserved except for access.

The indicative layout provided proposes a total of 49 units. The schedule of accommodation is set out as follows:

House Type	Specification	Floor area	Number units
Type A	1 bed	749 sq ft	4
Type B	2 bed	798 sq ft	3
Type C	2 bed	805 sq ft	24
Type D	3 bed	956 sq ft	18

The development parameters are as follows:

House Type	Specification	Max Height (to ridge)	Min Height (to ridge)	Max Width	Min Width	Max Length	Min Length
A	1 bed / 2 person	7910mm	7869mm	9010mm	8908mm	7546mm	7444mm
B	2 bed / 4 person	7230mm	7194mm	9187mm	8941mm	8602mm	8355mm
C	2 bed / 4 person	8190mm	8155mm	6378mm	6276mm	8633mm	8261mm
D	3 bed / 5 person	8655mm	7241mm	5754mm	5652mm	9669mm	9567mm

The vehicular access point is proposed to be provided off Chain Road, located to the south of the current Ynys Cadwyn Junction.

NEGOTIATIONS:

Members will note that this is a very old (2014) application, which was submitted in advance of the adoption of the Local Development Plan (LDP). Indeed, at the time of submission the site was included in the settlement boundary of the Unitary Development Plan (UDP).

Since submission the agents were kept informed of the process regarding the (now adopted) LDP, notably its location outside of defined settlement limits. Notably, they were also informed of the site's location within the defined C2 Flood Zone, where development of this type was classified as *highly vulnerable* and therefore unacceptable at this specific site.

Nevertheless, the application has been held in abeyance to allow initially for submission of additional supporting information, including a change to a 100% affordable housing scheme, and to allow the applicant the opportunity to mitigate against such flooding scenarios.

This period stretched a considerable amount of time, with subsequent appeal decisions and Welsh Government interventions clarifying that regardless of flood mitigation measures being proposed, highly vulnerable development in areas designated as C2 under Technical Advice Note (TAN) 15 would not be acceptable in principle.

Subsequently, the applicant sought to challenge the DAM MAP designation with a view to having the site removed from Zone C2, and in light of the protracted delay in determination referred to above, a decision was made to allow such challenge to run its course before seeking to determine the application.

PLANNING HISTORY

The application site has no relevant planning history.

CONSULTATIONS

Biodiversity Unit: No objections

Footpaths: No objections

Glynneath Town Council: No reply received therefore no observations to make

Welsh Water: No objections

South Wales Trunk Agency: No objections

Arboricultural Officer: No objections

Contaminated Land: No objections

Pollution Control: No objections

Head of Engineering and Transport (Highways): No objections

Head of Engineering and Transport (Drainage): No objection

National Resources Wales: No objection

Environmental Health: No objection

REPRESENTATIONS

The neighbouring properties were consulted on 16th of April 2014, with a site notice also displayed on 17th of April 2014. In addition, due to the passage of time, together with the adoption of the LDP since original publicity was undertaken, the application was publicised on site on 14th

February 2020 and in the press on 26th February 2020 as a departure from the Development Plan.

In response, to date 1 no. representations have been received (to original consultation in 2014), with the issues raised summarised as follows: -

- A letter of objection has been received from Energybuild LTD, owner and operator of Aberpergwm Mine in Glynneath. They state that the development site is located within the Mineral Buffer Zone encircling the Aberpergwm Mine Site.
- In summary there is potential for the proposed Chain Road housing development to experience adverse amenity impacts as a result of existing and future mining/hauling operations associated with Aberpergwm Mine. As such the proposal is likely to prejudice the future operation of the mine site.

Following recent re-consultation, representations have been received from the Glynneath District Angling Association (GDAA) who state that they have the Fishing rights on the river along the ground alongside the proposed new development. They raise concern that their access should not be restricted to gain access to the river to fish and that the pathway is not closed alongside the river and is kept open. Also, if flood defences are built alongside the river then the GDAA insist that adequate, safe access, is provided for their members' to the river.

Representations have also been received from members of both the Glynneath Ward and the Blaengwrach Ward (the site being located in Glynneath Ward but with the houses directly opposite located in Blaengwrach ward), which are summarised as follows: -

Cllr. Del Morgan (Glynneath) - As the site is a very compact site, and located where it is, I think the community would be very much against a 100% Affordable Housing scheme, but would be far more amenable to a mix (say, no less than 50% of affordable housing) that would still deliver a substantial number of AH homes to our valley.

Cllr. Morgan also refers to a recent Western Mail article looking at how the Welsh economy can get back on its feet when Covid-19 lockdown ends, in which Sion Barry (Western Mail Business Editor) writes the following: *"We also need an explosion in new homes, but not just modular homes, but traditional bricks and mortar; building on tentative collaborations already in place, like between family-run and owned*

housebuilder Llanmoor Homes in Pontyclun and housing association Pobl”, and notes that he seems to favour this kind of “hybrid” development, not just because that would be desirable by communities but also because it would seem to be the best way to stimulate the local economy, post-pandemic.

Such a ‘hybrid’ development would be desirable by communities but also because it could also seem to be the best way to stimulate the local economy and assist the Welsh economy to get back on its feet when Covid-19 lockdown ends.

Cllr. Carolyn Edwards (Blaengwrach) - This development is not in my ward but directly adjoins my ward and will have a big impact on the area. Whilst supporting development in the area we have to look at the impact it will have locally and there are serious concerns regarding pedestrian access because of the damaged bridge (which was found to be badly damaged on the 19th March and immediately closed to pedestrians) and impact on utilities in the area. Dwr Cymru, Western Power and BT have all had to move their services from this bridge and repair/replacement of the bridge is still under consideration. This pedestrian access is crucial to the two villages and there is no alternative pedestrian access between Cwmgwrach and Glynneath at the moment.

Other comments raised include: -

- There is also much needed work to be done on the flood defence measures slightly further up the river bank. Work was supposed to be commenced this April but has had to be delayed until after this present situation with the pandemic is eased.
- I would support Cllr Morgan’s request to defer this decision until the problems with the bridge are solved.
- The application is outside of the LDP which will go against all advice given previously when dealing with other recent applications.
- The section 106 agreement sounds good but where you will find land for that is a puzzle.

REPORT

National Planning Policy:

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

In relation to placemaking, PPW states that;

2.3 The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

2.6 Sustainable placemaking is an inclusive process, involving all of those with a professional or personal interest in the built and natural environment, which focuses on developing plans, making decisions and delivering developments which contribute to the creation and enhancement of sustainable places.

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk

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 SP3** **Sustainable communities**
- **Policy SP4** **Infrastructure**
- **Policy SP10** **Open Space**
- **Policy SP15** **Biodiversity and Geodiversity**
- **Policy SP17** **Minerals**

Topic based Policy

- **Policy SC1** **Settlement limits**
- **Policy H1** **Housing Sites**
- **Policy BE1** **Design**
- **Policy TR2** **Design and Access of New Development**
- **Policy I1** **Infrastructure Requirements**
- **Policy OS1** **Open Space Provision**
- **Policy M1** **Development in Mineral Safeguarding Areas**
- **Policy M3** **Development in Mineral Buffer Zones**

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development given the site's location outside of the settlement boundary and within a flood zone, together with the impact on visual amenity / local character, the amenities of neighbouring residents, and highway safety.

Principle of Development (Settlement)

The application was submitted in January 2014, at a time when the adopted Development Plan for the area was the Neath Port Talbot Unitary Development Plan (UDP). The UDP (now superseded) did not allocate the site for residential development, but it was included within the residential settlement limit.

The application was not progressed at that time due to the applicant seeking to resolve the site's flooding issues (discussed in detail below), and since that time the Council has adopted its Local Development Plan in January 2016. The application must, therefore, be assessed solely against the Policies within the adopted LDP.

The application site now lies outside the adopted settlement limits for Glynneath, whereat Policy SC1 of the LDP emphasises that "outside settlement limits, development will only be permitted" under 12 specified circumstances. None of these criterion apply to this development or site and accordingly, as a matter of fact, the proposed development of this site for residential purposes is contrary to Policy SC1.

When faced with development contrary to the Development Plan, it is necessary to consider whether there are any material considerations which would outweigh such harm. In this respect the applicant has put forward a case that the development should be acceptable in principle having regard to the LDP and the Council's regeneration aspirations for Glynneath and the previously developed status of the site. Regard is also had to matters of housing land availability. These are addressed below.

Regeneration and Housing Land Availability

The LDP notes (at 4.0.35) that Glynneath is the key settlement in the upper Neath Valley, having good links to the upper Dulais Valley and the Brecon Beacons National Park as well as to Neath and the Coastal Corridor Strategy Area via the A465 (T) Dual Carriageway. It therefore states that significant growth in the Glynneath Area / Upper Neath Valley will benefit the wider area and enhance the sustainability and attractiveness of both Glynneath and Resolven.

While the site lies within the Upper Neath Valley Strategic Growth area, and as a consequence of the above the Development Plan allocates 4 development sites in Glynneath for housing (totalling 264 units), the application site has not been allocated for housing. This, however, was

primarily due to the flooding issues affecting the site, which are discussed in greater detail below, with the site enclosed by highway infrastructure and generally considered to have a clear and direct relationship with the remainder of the settlement.

In having regard to such matters, it is also emphasised that the Council has identified a regeneration priority within the Glynneath area centred around Park Avenue (one of the four sites referred to above), that site having been chosen due to its size, ability to accommodate a mixture of commercial and residential uses, and its sustainable and accessible location within the heart of the community. This regeneration priority has been further highlighted following the designation of the Park Avenue site as a mixed use Valleys Regeneration Scheme under Policy VRS1 within the adopted LDP.

This site, however, has yet to be delivered, while the other larger site (Heol y Glyn), while subject to recent discussions, has also yet to be progressed.

Looking at matters of housing land availability and housing delivery, it is noted that the Council adopted its LDP in January 2016, and the most up-to-date Joint [Housing Land Availability Study \(2019\)](#) concludes that the Council has a land supply of 4.5 years.

Nevertheless, on 9 October 2019 the Welsh Government published its consultation document, "[Delivery of housing through the planning system: Revisions to Planning Policy Wales and associated advice and guidance](#)", which itself followed the Welsh Government's disapplication of paragraph 6.2 of TAN1 in July 2018, which attached "considerable weight" to the lack of a five-year housing land supply as a material consideration in determining housing applications. Furthermore, as recently as 26th March 2020 TAN1 has been cancelled completely in Wales, with a new approach introduced in PPW to the monitoring of housing delivery, with the response to under-delivery now an integral part of the process of LDP preparation, monitoring and review.

It remains open to the LPA as decision maker, however, to attach the weight that it sees fit to the benefits of a scheme to improving housing land supply, any other benefits, and the extent to which the proposed development either accords or conflicts with key principles and policy objectives of sustainable development. In other words, material considerations and their weight is a matter for the decision maker.

Affordable Housing

In addition to matters of general housing need, the applicant has put forward a proposal to make the application a development consisting of 100% affordable units with the aim of releasing the application site for housing development.

Policy SP8 Affordable Housing requires provision to be made to deliver 1,200 affordable units by 2026 by means of contributions. In addition the Local Housing Market Assessment (2013) identified a need of 3,100 affordable units in Neath Port Talbot over the LDP period (2011-2026), which equates to 39% of the overall projected housing need.

LDP Policy SP8 sets out measures for the planning system to contribute towards the delivery of affordable housing. By the 31st March 2019, only 50 affordable homes had been delivered through Section 106 agreements, against a target of 478, representing just 10.5% of the target. The low rate of delivery is due to a shortfall in the development of general market housing and due to low viability on development sites coming forward.

The draft National Development Framework (NDF) also identifies the delivery of affordable housing as a key priority and aims to introduce a number of measures to increase the delivery of affordable housing. The draft NDF covers the period up to 2040 and estimates that 47% of new homes should be affordable.

The application site is located in an area where the LDP requires no contribution towards affordable housing due to the recognised viability issues in residential developments in the spatial area. In this respect, the applicant's willingness to contribute this site in its entirety as an affordable housing site is considered to add further weight to its development for housing since it will assist in delivering additional affordable housing to achieve the LDPs 3100 unit benchmark. Such weight should only be afforded, however, on the basis that the development would progress in the near future (i.e. not with a full 5 years to commence).

Having regard to the above, and noting the regeneration aspirations for the Glynneath area, it is noted that the application site is directly related to the settlement boundary (contained within existing highway infrastructure) and in an accessible and sustainable location for new residential development. In this respect, while outside of the settlement boundary, in light of the lack of housing delivery in this part of the Neath

valley against LDP targets, and notably the proposal to provide 100% affordable housing on the site, it is considered that provided a commitment is made to delivery of the housing within this application within an expedited period (i.e. requiring development to commence within three years, thus earlier than the usual five year time limit) then significant weight should be attached to the delivery of sustainable new affordable housing within the Neath Valley which in this case would justify a departure from the adopted Local Development Plan.

It is noted that the additional representations received from Cllr. Del Morgan (Glynneath) following the deferral on 7/4/2020 indicate his views that the community would be against a 100% Affordable Housing scheme, but would be far more amenable to a mix (say, no less than 50% of affordable housing) that would still deliver a substantial number of AH homes to our valley.

In response, it is noted that Officers have placed significant weight on the proposal to provide a 100% affordable housing development on this site, which lies outside of the settlement limit. Members are, of course, able to consider themselves the degree of weight that they might wish to afford to any proposal for a lesser amount of affordable units, and consider whether this would be sufficient on its own or in combination to justify the development. It should, however, be noted that even imposing a condition requiring a minimum of x % affordable housing, does not prevent a Registered Social Landlord coming along and developing an entirely 100% affordable scheme on this site without restriction should they choose to do so (which might be even more likely in the event of Social Housing Grant being agreed).

Viability / Deliverability

At the urgency action meeting on 7th April 2020 Members requested submissions from the applicant on the viability/ deliverability of a 100% affordable housing scheme.

Noting that such submissions had been made previously, the agents have provided information including letters of interest in the scheme from two established and successful house builders / contractors (Morganstone and Edenstone Homes) who both have a track record of delivery in the region, and who regularly deliver schemes themselves and in package deals for RSL's. The agents state that the interest shown indicates that the site is clearly viable and capable of being realistically developed in the short-term. The client / landowner and agents have also

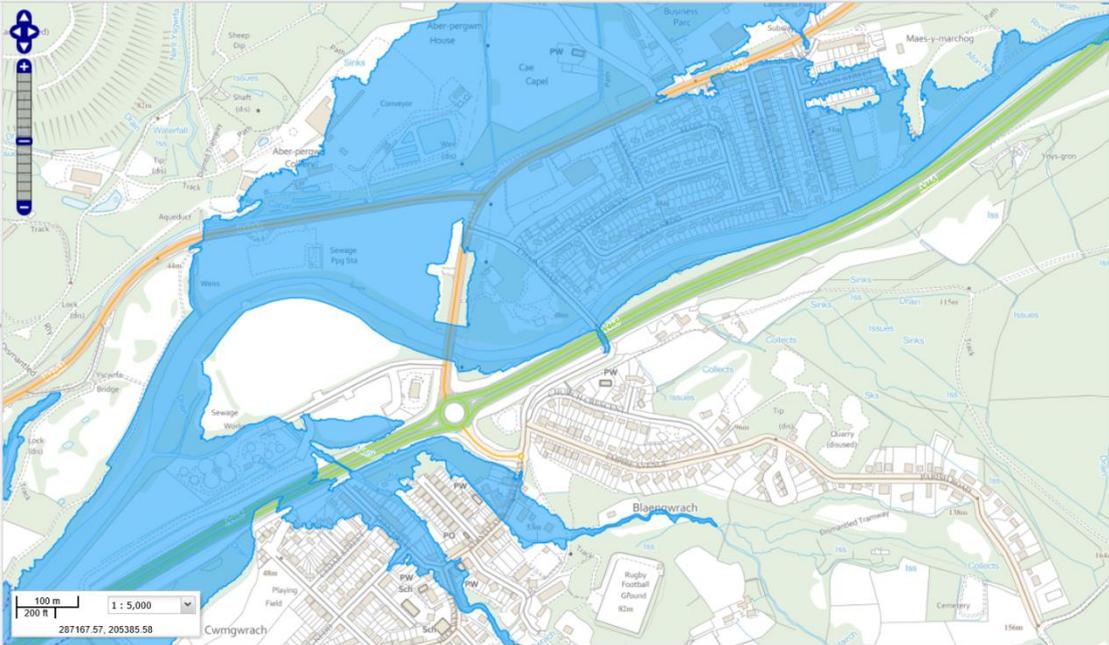
had dialogue with a number of interested parties, who despite not corresponding have expressed an interest in the proposals and opportunity. Clearly achieving planning permission on the site for the proposal put forward will help in advancing this interest further.

They therefore consider that these letters are sufficient to evidence / support the site’s viability / deliverability, and that this should accordingly be emphasised to Members.

In response, it is considered that the information provided is sufficient to demonstrate that there is interest in developing the site, and that this supports the Officer’s conclusions that there is justification for approving this 100% affordable housing scheme on this site as a departure to the LDP.

Principle of Development (Flooding)

The site has for many years been identified by the NRW Development Advice Maps (DAM) as being located almost entirely within Flood Zone C2 (identified in blue on the pre-2020 DAM map extract below). As a matter of principle, ‘highly vulnerable’ residential development would be contrary to guidance in Technical Advice Note (TAN) 15.



As explained earlier, however, the Authority has been very reasonable (largely due to the submission of the application prior to the expiry of the UDP and the settlement issues detailed above) and allowed the applicant the opportunity to address flooding matters at the site.

The applicant initially sought to address these issues by submission of a Flood Consequences Assessment (FCA), which in summary accurately modelled flooding in the area based on revised flow rates, and incorporated proposed mitigation to 'plug' the breach in the existing bund. As a result, they argued that the site would subsequently be classified as C1 i.e. a site "served by significant infrastructure, including flood defences". The modelling showed that the site will be protected against the most extreme 1 in 1000 year event.

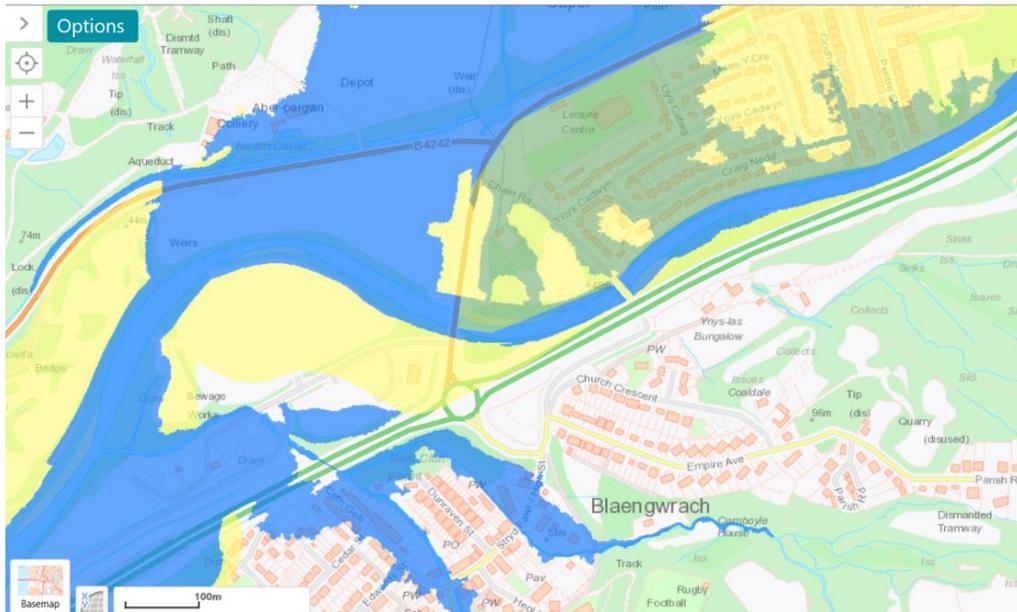
This document was assessed by Natural Resources Wales (NRW) who offered the following comments;

"With respect to the FCA, we accept the recommendations and conclusions which in summary propose removing the site from the extreme flood risk zone by blocking flood route from the river Neath. The proposed solution will require a Flood Risk Activity Permit in addition to planning permission. The main reason that this solution is now feasible compared to previous submissions is that the hydrology has now been revised and accepted with lower flow rates for the critical annual return periods of 1 in 100 and 1 in 1000 chance flood flows in the river Neath. Furthermore, the hydraulic modelling has shown that displacement of the relatively low volume of flood water that would have entered the site pre-development proposals does not increase flood risk elsewhere."

The applicant was afforded the opportunity to apply to Natural Resources Wales for the required Flood Risk Activity Permit, and to seek to undertake such works and subsequently seek reclassification of the site from C2 to C1 in advance of determination. This would have provided the certainty required in Policy terms that the site could be developed without adverse flooding consequences.

Notwithstanding the above, a decision was subsequently taken to move away from mitigation measures as a solution and instead to challenge the designation within the Development Advice Maps (DAM). This challenge took a considerable period of time, but has ultimately been successful.

As a consequence, NRW has recently amended its DAM which removes this site from Zone C2 into Zone C1 (see below)



Natural Resources Wales (NRW) have as a consequence also retracted their initial objection and subsequently confirmed they no longer have any objection to the development on flood risk grounds.

TAN 15 Acceptability Tests

Technical Advice Note 15 advises that new residential development: -

- 1) should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM); AND
- 2) Its location is necessary to assist a local authority regeneration initiative or strategy, or contribute to key employment objectives, necessary to sustain an existing settlement or region AND
- 3) The site meets the definition of previously developed land (i.e. it is not a Greenfield site) and concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development). AND
- 4) A Flood Consequence Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable.

As identified above, the site satisfies test 1 insofar as it is now located in Zone C1.

In respect of criterion 2, the site is located within the Upper Neath Valley Strategic Growth area, and while not allocated for residential development, it has been noted earlier in this report that despite the allocation of four residential sites in Glynneath totalling 264 units, no housing has been delivered on these sites during the Plan period. The provision of much-needed housing in the Upper Neath Valley growth area as identified in the adopted LDP is therefore considered to satisfy test 2, although as stated earlier the development would need to commence in a shortened 3 year time period to justify such stance.

In respect of criterion 3, while the site is not 'previously developed' in its strictest terms, it has existing development in the form of a Western Power electricity sub-station located in the north-western part of the site and a Welsh Water compound located towards the site's southern boundary and being enclosed by highway infrastructure is nevertheless not considered to be a 'greenfield' site. Moreover, the site is closely associated with the main settlement and is considered to be in a location which concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development).

Finally, in respect of criterion 4 NRW has advised, following a review of the submitted FCA, that they have no objections to the development.

Accordingly, it is considered that the development would generally accord with the objectives of Technical Advice Note 15 and be an acceptable location for new residential development.

Minerals

The proposal lies within a Mineral Safeguarding Area (sand and gravel), where LDP Policy M1 states that development would only be permitted where it can be demonstrated that the mineral is no longer of any value; the mineral can be extracted prior to the development taking place, it can be demonstrated that there is an overriding need for the development; or the scale and location of the development would have no significant impact on possible working of the resource.

For this site, given its proximity to residential areas, it is considered that objections should not be raised on grounds relating to the value of the resource or its ability to be worked first.

In addition, the site lies within a Mineral Buffer Zone, wherein Policy M3 only permits development proposal where it can be demonstrated that:

1. The mineral resource will not be sterilised; and
2. The proposals will not be adversely affected by mineral operations.

The buffer zone in question relates to the Aberpergwm Colliery, sited approximately 200m at its closest point to the application site. While objection was received from the quarry, that site has since been granted planning permission in September 2018 (during the course of determining this application) for additional underground mineral extraction. The introduction of 49 houses at the Chain Road site within the buffer zone could potentially have significant impact on working of the resource.

In response to the above policy concerns and pre-existing planning consents, the applicant directed the council towards Paragraph 40 of Minerals Planning Policy Wales 2000 (now superseded by PPW10 para 5.14.44):

'There is often conflict between mineral workings and other land uses as a result of the environment impact of noise and dust from mineral extraction and processing, and vibration from blasting operations. 57 Buffer zones have been used by mineral planning authorities for some time to provide areas of protection around permitted and proposed mineral workings where new development which would be sensitive to adverse impact, including residential areas should be resisted. Within the buffer zone, there should be no new mineral extraction or new sensitive development, except where the site of the new development in relation to the mineral operation would be located within or on the far side of an existing built up area which already encroaches into the buffer zone'.

At the time of their submissions (noting that the application has been with the Authority or some time) the applicant presented three scenarios that they believed could form the future life of Aberpergwm Colliery:

- i. The colliery may continue to operate at its current minimal capacity*
- ii. The colliery may close as is currently being consulted upon;*
- iii. Significant investment and modernisation may take place at the colliery, subject to planning permission being granted and output may increase.*

The applicant stated that none of the three scenarios above would result in prejudicial impact upon the amenities of future occupants of the proposed dwellings at Chain Road. In particular, they reviewed the noise submissions of the Aberpergwm application and argued that given the Chain Road site's distance from the Colliery exceeds the existing residential properties within the area, who themselves are all within the Minerals Buffer zone and closer to the colliery site than the development proposed, there is a strong argument for the acceptability of the development. This is further enforced by virtue of the 278m separation from the opposing uses. Furthermore the findings of the noise assessment have clarified that the appropriate mitigation can be put in place to protect the amenity of the future residents. This will eliminate any conflict between the two opposing land uses.

Given the above, it is concluded that proposed residential development at this particular site would not result in the mineral resources becoming sterilised and future occupants themselves will not be unacceptably affected by the workings of the mine(surface level works). The proposal is therefore compliant with Policy M3 of the Neath Port Talbot Local Development Plan.

Impact on Visual Amenity

Although the site is located outside of the settlement boundary it is enclosed by the adjacent highway infrastructure and river, and subject to appropriate control over the landscaping and screening of the site, there are considered to be no overriding concerns in respect of the ability to develop the site without any demonstrably unacceptable impact on the amenity or character of the area.

The application is made in Outline, and with all matters reserved. The immediate area is characterised by detached and semi-detached dwellings with some terracing further afield. Therefore given the existing house types in the immediate and wider area it is considered that the illustrative proposals put forward will not impact upon the character and appearance of the area as a whole. There is enough differentiation in style to allow a suitably designed estate to be constructed without impacting negatively on visual amenity.

As discussed earlier with regard to the mineral workings nearby, in order to protect the amenity of the future residents from noise and disturbance, the applicant plans to install an acoustic barrier. The appearance of such

a barrier and therefore its impact will need to be fully assessed at reserved matters stage. Therefore this will be fully assessed prior to any development taking place through the imposition of an appropriate condition.

As a consequence the proposal would comply with Policies BE1 and TR2 of the Local Development Plan.

Impact on Residential Amenity

The parameters of the development set out the scope of the proposals, and limit any future reserved matters application to these limitations. The submitted indicative layout plans shows adequate separation distance between proposed units and the nearest existing residential properties on Chain Road are separated by the highway. The indicative positioning of the houses does not lend itself to any unacceptable overbearing or overshadowing impacts.

The design of the dwellings, including the location of any windows would be considered in detail under any subsequent reserved matters application. It is however considered that the proposal can be adequately designed to ensure there is no overlooking of private space that would negatively affect existing neighbours or offer any conflict between habitable room windows.

In terms of amenity space, the level proposed afforded to the future occupiers is acceptable.

Noise

The applicant has conducted a full Noise Assessment which has been assessed by the Council's Environmental Health Section. The report concluded that an acoustic barrier along the southern boundary (closest to A465) and mechanical rather than passive ventilation in the southern most houses would be beneficial. Environmental Health concurred with these findings and recommend conditions be attached to any permission granted that would ensure these conclusions are implemented.

Therefore it is considered that development limited to the parameters as defined can be achieved without impacting detrimentally upon the amenity of residents of existing properties.

Parking and Access Requirements and Impact on Highway Safety

The Head of Engineering and Transport (Highways) has assessed the proposal and offered no adverse comments subject to the imposition of suitable conditions. These conditions are concerned with driveway and garage specifications, speed limits and highway surface water discharge.

Therefore, there is not considered to be any negative impact posed by this development on highway and pedestrian safety.

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 up to 50 dwellings.

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

This has been discussed at length earlier in the report under the principle of development section. The contribution of affordable housing attached to any consent will be 100% (as this forms part of the overall justification of the departure from the Development Plan)

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 in Glynneath for pitch sport, non-pitch sport, children’s play and allotments. 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 deficiency.

The POS requirement that the site will generate is as follows:

- Pitch sport 1317 sqm
- Non pitch sport 515 sqm
- Children’s play 286 sqm
- Allotments 218 sqm

The preference would be for on-site provision to meet the needs of future residents and the applicant has submitted an illustrative site plan, demonstrating where within the proposal Public Open Space can be provided. The allocation measures approximately 4026 square metres in total. This confirms in principle that the development will be able to meet the requirements of non-pitch sport, children's play and allotments, and such provision will be conditioned.

The Pitch Sport requirement will however have to be secured off-site, which will require a financial contribution of £14,200 in a Section 106 agreement. In order that the development is seen to be compliant with Policy OS1, the developer has agreed to such a contribution.

Other Matters

Councillor Edwards (Blaengwrach) has raised her concerns about the impact of the recent bridge closure linking (different parts of) Blaengwrach and Glynneath wards.

While it is acknowledged that this pedestrian link is of particular importance to the local communities, and the recent closure of this bridge is noted, it is nevertheless considered that even in the absence of such a pedestrian link the development of this site for housing is acceptable. Moreover, it would not be reasonable or possible to require the development to make any contribution towards the reinstatement of such a link.

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.

It is considered that the proposal represents a departure from the Local Development Plan yet the material considerations proposed by the development in the form of the deliverability of a fully affordable housing scheme is enough to justify a departure from the adopted planning policies.

RECOMMENDATION:

1. APPROVAL subject to the following heads of terms:
 - That the scheme is 100% Affordable Housing
 - Financial contribution of £14,200 towards Public Open Space (Pitch Sport) in the locality
2. If within 3 months of the date of this resolution the S106 Agreement is not signed, the application shall be refused for the following reason:
 1. By reason of the failure to sign the required legal agreement to secure the required delivery of a 100% affordable housing scheme and financial contribution towards off site open space provision, the application amounts to an unjustified residential development outside of the adopted residential settlement boundary which fails to accord with Policies SC1 and OS1 of the Neath Port Talbot Local Development Plan.

CONDITIONS

Time Limit Conditions

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

Reason: The application was made for outline planning permission

- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, and since a shorter time limited permission is required to justify this residential development outside the settlement boundary as a departure from the Local Development Plan

- 3 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: The application was made for outline planning permission.

- 4 The development shall begin either before the expiration of 3 years from the date of this permission or before the expiration of 1 year from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, and since a shorter time limited permission is required to justify this residential development outside the settlement boundary as a departure from the Local Development Plan

List of Approved Plans

- 5 The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Site Layout 17147 (5) 105 (w/POS)
- Site Location Plan G2698 (5) REV A
- Existing Site Layout G2698 (05) 101 REV A
- Site Constraints (Existing Easements) G2698 (05) 110 REV A
- Site Constraints (Proposed Easements) G"698 (05) 111 REV A
- Site Constraints Workable Site G2698 (05) 112 REV A
- Site Sections (Existing) G698 (05) 102 REV A
- Site Sections (Proposed) G2698 (05) REV A
- Extended Phase 1 Habitat Survey
- Flood Consequences Assessment - Stage 2 Addendum Report
- Flood Consequences Assessment - Stage 2
- Transport Assessment

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 6 Before beginning any development at the site, you must do the following: -
- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
 - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

- 7 No development shall commence on site 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 historic environment shall be prepared and submitted to and approved 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, and to

ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 8 As part of the first reserved matters application an assessment of the nature and extent of contamination affecting the application site area shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings 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) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
 - groundwater 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; and-
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

9 No development shall commence (including any site clearance), until a Demolition & Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction method statement shall be 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:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) Routes of vehicles, plus delivery and construction times, taking into account the proximity of residential dwellings;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities to prevent deposition of material onto any hard surface road;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) scheme for the erection of temporary/semi-temporary signage warning drivers of speed restrictions;
- j) The frequency and size of vehicles used to transport the waste material arising from the demolition works;
- k) Measures to prevent stacking of vehicles onto the public highway;
- l) 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;
- m) Hours of working on site, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to adjoining properties.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies

BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Development Plan.

- 10 No development shall take place until a detailed design of the compensation storage area, culvert, substation floodwalls and the on-site emergency access required taking into account local ground conditions and services is submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with the requirements of the revised Flood Consequences Assessment and implemented as such.

Reason

In the interest of good drainage.

- 11 No Development shall take place until a detailed ventilation scheme is designed for the dwellings closest to the A465 so that the sound insulation performance of the structures and layout of those dwellings is such that the internal ambient noise levels do not exceed the values detailed in Table 4 of British Standard BS8233:2014. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in full accordance with the approved details and each dwelling shall not be occupied until the developer has demonstrated that the works are effective in achieving required noise and ventilation performance levels.

Reason

To ensure that the residential amenity of all residents is protected, and to comply with Policies BE1 and EN8 of the Local Development Plan.

- 12 No development shall take place until an acoustic barrier scheme for the southern boundary of the site is submitted to and approved in writing by the Local Planning Authority. The scheme shall then be fully implemented before the development is brought into use and retained as such thereafter.

Reason

To ensure that the residential amenity of all residents is protected, and to comply with Policies BE1 and EN8 of the Local Development Plan.

- 13 As part of the first reserved matters details of the means of enclosure to all dwelling boundaries shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to occupation of any unit and retained as such thereafter.

Reason

In the interest of visual and residential amenity.

- 14 As part of the first reserved matters details of the existing and proposed ground levels and finished floor levels of each property shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved levels.

Reason

In the interest of visual and residential amenity.

- 15 As part of the first reserved matters details of the proposed external materials shall be submitted to an agreed in writing with the Local Planning Authority. The development shall be built in accordance with the agreed materials.

Reason

In the interest of visual amenity.

- 16 As part of the first reserved matters full details of a buffer of existing vegetation between the site and river will be provided as part of the site layout in order to preserve the character of the riverbank and provide protection from development of any otters using the area.

Reason

In the interest of ecology.

- 17 As part of the first reserved matters full details of landscaping containing a majority of native and/or wildlife friendly species will be submitted to an approved in writing by the local planning authority and these works shall be carried out as approved.

Reason

In interest of ecology

- 18 As part of the first reserved matters a scheme shall be submitted to an approved in writing with the Local Planning Authority for reptile mitigation, including artificial habitats, protected areas and a translocation statement.

Reason

In interest of ecology.

- 19 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.

Action Conditions

- 20 No building hereby shall be occupied until surface water 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 and assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN15 (or any subsequent version), 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. Include a timetable for its implementation; and

iii. Provide a management and maintenance plan for the lifetime 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

In the interest of good drainage

- 21 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 22 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 the details approved under condition 7 shall have been submitted to and approved in writing by 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 and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

23 Prior to first beneficial occupation of any dwelling hereby approved, an Open Space and Footpaths Management Scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. A plan identifying all parts of the site which will be subject to ongoing management under the scheme;
- ii. A timetable for its implementation, and
- iii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body, or any other arrangements to ensure all identified areas of open space and footpaths are managed throughout its lifetime.

Reason

In the interest of visual and residential amenity.

Regulatory Conditions

24 Any highway surface water discharging to a watercourse shall do so at the Greenfield rate and where infiltration techniques are proposed ground percolation tests will be required (No Soakaways shall be within 3.0 metres of the highway).

Reason

In the interest of highway safety.

25 Parking spaces shall have a minimum length of 4.8 metres by 2.6 metres width and a clear space of 6.0 metres (to allow for reversing).

In the interest of highway safety.

26 All internal shared drives (serving a maximum of 5 dwellings) to have a gradient not exceeding 1 in 9 to be a minimum of 4.5m wide, provided with a turning facility to allow vehicles to enter and exit in a forward gear, have vision splays of 2.4m by 4.3 m. Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be provided and maintained each side of each access within which nothing over 600mm height shall be erected or allowed to grow. Shared drives should not exceed 30 metres in

length, have a turning facility and be provided with bin storage to allow kerb side collection without obstructing the footway.

Reason

In the interest of highway safety.

- 27 Any garage shall have minimum internal dimension of 6m in length by 3m width to be considered as a parking space.

Reason

In the interest of highway safety.

- 28 All drives to have a minimum width of 3.6m (7.2m for two adjacent drives) have a gradient not exceeding 1 in 9 and a minimum length of 6m between back of footway and garage door. Each drive should have unobstructed visibility (i.e. not over the frontage of adjacent properties) of 33 metres in each direction.

Reason

In the interest of highway safety.

- 29 All drives to have a minimum width of 3.6m (7.2m for two adjacent drives) have a gradient not exceeding 1 in 9 and a minimum length of 6m between back of footway and garage door. Each drive should have unobstructed visibility (i.e. not over the frontage of adjacent properties) of 33 metres in each direction.

Reason

In the interest of highway safety.

- 30 All roads should be designed for a 20mph or less speed limit with bends having a centre line radius not less than 20m and any necessary bend sight line shown as being within the proposed footway.

Reason

In the interest of highway safety.

- 31 All roads to be designed in accordance with Manual for Streets, the Authority's Design guide and parking provision to be in accordance with the approved Parking Guidelines. All roads shall be provided with a turning facility of sufficient size to allow the authorities largest refuse vehicle to enter and exit in a forward gear.

Reason

In the interest of highway safety.

32 The Scale Parameters for the development are as follows:

House type A - Max Height: 7.9m; Min Height: 7.8m; Max Width: 9m;
Min Width: 8.9m; Max Length 7.5m; Min Length 7.4m

House type B - Max Height: 7.2m; Min Height: 7.1m; Max Width:
9.1m; Min Width: 8.9m; Max Length 8.6m; Min Length 8.2m

House type C - Max Height: 8.1m; Min Height: 8.1m; Max Width:
6.3m; Min Width: 6.2m; Max Length 8.6m; Min Length 8.2m

House type D - Max Height: 8.6m; Min Height: 7.2m; Max Width:
5.7m; Min Width: 5.6m; Max Length 9.6m; Min Length 9.5m

Reason

In the interest of clarity.

33 Provision shall be made within the development for safe and secure on-street visitor parking at a rate of one space per five dwellings which shall be clearly shown on the submitted site layouts.

Reason

In the interest of highway safety.

34 The access onto chain road shall have a minimum width of 5.5 metres with a minimum kerbed radii of 6.0 metres, a minimum visibility splay of 2.4 metres by 43 metres in either direction and a maximum gradient of 1in 20 for the first 15 metres thereafter 1in 12.

There should be no access to driveways within 20 metres of the proposed junction onto chain road.

Reason

In the interest of highway safety.