

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

APPLICATION NO: P2020/1071	DATE: 23 rd February 2021
PROPOSAL:	Construction of 4 x detached bungalows and 2 x semi-detached dwellings (Outline application with all matters reserved)
LOCATION:	Land at Heol Tabor, Cwmafan, SA12 9PS
APPLICANT:	Mr Wayne Goodridge
TYPE:	Outline
WARD:	Bryn and Cwmafan

BACKGROUND INFORMATION

This application is being reported to Planning Committee as it is a departure from the Local Development Plan.

SITE AND CONTEXT

The application site is located on land at Heol Tabor, Cwmafan.

The application site measures approximately 0.22 hectares in area and is gently sloping in profile from west up to the east, and from the south up to the north. It is currently vacant land which has been re-profiled in recent times, and there are some earth mounds remaining on site. It is partly enclosed with fencing.

The site (edged red on the OS plan below) is located outside of the settlement limits of Cwmafan, these being identified on the aerial plan below, but is bounded by residential dwellings to the east and west, with Heol Tabor to the south (off which access is gained), and open countryside to the north.



DESCRIPTION OF DEVELOPMENT

This is an outline planning application (with all matters reserved) for the construction of 4 x detached bungalows and 2 x semi-detached dwellings (6 units in total).

In support of the application an indicative block plan has been provided indicating the size and siting of the proposed dwellings comprising a pair of semi-detached two-storey dwellings (Plots 1-2) on the eastern side of the site, with the remaining (Plots 3-6) being detached bungalows. Each plot has off-street car parking and garden areas to the front and rear.

The illustrative site layout is shown below, while to accord with the outline requirements the agent has provided the scale parameters for the properties as follows:



	Houses	Bungalows
Height	7.2-7.7m	5-5.5m
Width	5.5-6m	8-8.5m
Depth	8-8.5m	9-9.4m

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

NEGOTIATIONS

An amended plan was requested from the agent in respect of vision splays for the driveway of plot 6 and this was duly provided.

PLANNING HISTORY

The application site does not have any relevant planning history.

CONSULTATIONS

Head of Engineering & Transport (Highways): No objection, subject to conditions.

Head of Engineering & Transport (Drainage): No objection, subject to a condition.

Welsh Water: No objection, subject to conditions.

Biodiversity Unit: No objection, subject to conditions.

Contaminated Land Unit: No objection, subject to conditions.

Coal Authority: No objection, subject to conditions.

REPRESENTATIONS

The neighbouring properties were consulted on 04/12/2020. A site notice was displayed on 03/12/2020, with the application also advertised in the press (as a departure from the Development Plan) on 16/12/2020.

In response, to date 4 no. representations have been received, with the issues raised summarised as follows: -

- Concerns over the lack of visibility splays from the site along Heol Mabon/Tabor.
- Concerns that bungalows would be out-of-keeping with the area and the existing properties along Heol Mabon and Heol Tabor.
- Concerns regarding water diversion from the applicant's summerhouse and lane discharging over the highway.
- Concerns regarding drainage of the site (and potential flooding) since it has been cleared and also in relation to the culvert.
- Concerns regarding sewerage capacity in the area.
- Concerns regarding coal mining legacy on the site.
- Concerns regarding the site address and advertising of the application site.

REPORT

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.

The following guidance is of particular relevance in the assessment of this planning application:

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

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 SP4** **Infrastructure**
- **Policy SP5** **Development in the Coastal Corridor Strategy Area**
- **Policy SP7** **Housing Requirement**
- **Policy SP8** **Affordable Housing**
- **Policy SP10** **Open Space**
- **Policy SP14** **The Countryside and the Undeveloped Coast**
- **Policy SP15** **Biodiversity and Geodiversity**
- **Policy SP16** **Environmental Protection**
- **Policy SP17** **Minerals**
- **Policy SP18** **Renewable and Low Carbon Energy**
- **Policy SP19** **Waste Management**
- **Policy SP20** **Transport Network**

Topic Based Policies:

- **Policy SC1** **Settlement limits**
- **Policy I1** **Infrastructure Requirements**
- **Policy AH1** **Affordable Housing**
- **Policy OS1** **Open Space Provision**
- **Policy EN6** **Important Biodiversity and Geodiversity Sites**
- **Policy EN7** **Important Natural Features**
- **Policy EN8** **Pollution and Land Stability**
- **Policy M1** **Development in Mineral Safeguarding Areas**
- **Policy M2** **Surface Coal Operations**
- **Policy TR2** **Design and Access of New Development**
- **Policy BE1** **Design**

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations \(October 2016\)](#)
- [Parking Standards \(October 2016\)](#)
- [Affordable Housing \(October 2016\)](#)
- [Pollution \(October 2016\)](#)
- [Open Space & Greenspace \(July 2017\)](#)
- [Design \(July 2017\)](#)
- [Biodiversity and Geodiversity \(May 2018\)](#)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

As the application site is located outside the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), there would ordinarily be a presumption against the principle of a residential development at this location – in order to protect the open countryside from inappropriate development. Indeed, as the site is located outside of the settlement limits, and does not accord with any of the 12 stated exceptions in Policy SC1, the proposal is as a matter of fact contrary to the Development Plan.

It therefore follows that there must be other material considerations of sufficient weight to outweigh the failure to accord with the Development Plan.

In considering such material considerations, it is noted that this site is unusual in that it is surrounded by the settlement limit of Cwmafan on three sides (east, west and south). It is understood that this area was excluded from the LDP settlement limits due to historic coal mining legacy issues (which are explored in further detail below). As such, there is an argument that the development would comprise 'infill' development.

In support of this application the agent has provided a detailed planning statement. This references a number of appeal decisions in relation to 'infill development' including [APP/3154507](#) for *4 dwellings on land off The Mews, Lydiard Millicent, Swindon SN5 3NR*. Within this reference is given to the Inspector's decision in formulating test criteria. These are detailed as follows:

- Does the site form a gap in an otherwise built up frontage?
- Does the proposal respect the existing settlement pattern?
- Does the proposal elongate the existing settlement pattern?
- Does the proposal extend the development into a sensitive landscape area?
- Does the proposal consolidate loose knit areas of development?

Whilst these are not definitive 'tests', they are a good starting point for assessment (with the first 'test' already considered above) and are explored in further detail below:

Existing Settlement Pattern

It is noted that the existing settlement pattern consists of residential development along and either side of Heol Mabon, which then leads into Heol Tabor. It is also noted that the settlement limit extends beyond Heol Tabor into Cornish Row and Heol-Y-Graig.

As such, the application site would relate well to the settlement and would not be 'edge' of settlement. As such, the proposal for residential development on this site would comply with this element as it would not result in encroachment any further than the existing residential development on either side.

Elongation of Existing Settlement Pattern

As stated above, the site is located within the northern side of the settlement limit of Cwmafan and would not result in the elongation of the settlement pattern further into the countryside. It is therefore considered that the proposal would comply with this element.

Sensitive Landscape Area?

It is noted that the site is not within a Sensitive Landscape Area.

Consolidation of Loose-knit Area?

It is noted that the development of this site would not result in the consolidation of loose-knit areas as the site is bounded on three sides by existing residential development. As such, the proposal would comply with this element.

SC1 Summary

As identified above the proposal does not fit into any of the identified exceptions to Policy SC1 and is therefore contrary to the Development Plan. The above assessment, however, has considered whether the development would amount to appropriate infill development, and it has been considered that, in this particular instance, the proposal would be acceptable as a 'departure' from the LDP. This is because the site is surrounded by residential development on three sides and would comprise an 'infill' site in the area, which would not encroach into the open countryside any further than the existing residential development on either side. It would also provide much needed 'small windfall' housing which would assist in meeting local housing needs, including Affordable Housing, as well as providing a financial contribution to open space in the Bryn and Cwmafan Ward.

Turning to Policy BE1 and the proposed density of the site specifically, criterion 8(a) requires the efficient use of land available through being of appropriate density taking into account the character and appearance of the area, with "*normally a minimum of 35 dwellings per hectare (dph) in the Coastal Corridor Strategy Area*" to be achieved.

It has been calculated that the 14 dwellings along the northern side of Heol Tabor have a total site area of approximately 0.3612 hectares, which equate to a density of 38 dph. On the western side, at Park Row, there is a site area of approximately 0.6227 hectares and 5 residential units which equates to a low density of 8 dph. It is noted that the submitted scheme of 6 units on a site area of 0.22 hectares equates to a

density of 27.2 dph. Although this is below the recommendation of 35 dph, it is considered that it would be in-between the low density of developments along Park Row and higher density of Heol Tabor and, given the potential restrictions due to Coal Mining Legacy (see below), the density would be acceptable in this instance.

Having regard to the above conclusion that the principle of residential development outside of the defined settlement limit is acceptable, it is noted that Policy SC1 requires that *“where development is permitted outside settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form”*. Such matters are considered further below.

Impact on Visual Amenity

Although development of this site would result in the loss of its current open appearance, given the conclusions above on the principle of development it is considered that no objections should be raised to its loss in terms of visual amenity.

It is noted that this application seeks outline permission for 4 detached bungalows and a pair of two-storey semi-detached dwellings. It is also noted that the existing properties along Heol Tabor comprise two-storey semi-detached dwellings, plus a block of flats, whilst the properties along Park Row comprise larger detached dwellings, plus a smaller block of flats beyond them. As such, it is noted that there is variety in the designs and layouts in the area.

Although there are no bungalows in the immediate vicinity, it is considered that the principle of the introduction of ‘infill’ residential development, subject to detailed design at reserved matters stage, would not have a detrimental impact upon the character and appearance of the surrounding area, open countryside or street-scene.

Impact on Residential Amenity

In respect of potential overlooking, it is noted that the application is in outline only, so no detailed floor plans have been submitted. Nevertheless, provided the main habitable room windows face north and south only, it is considered that the principle of the proposal would not create any unacceptable overlooking issues as these windows would overlook the existing street-scene to the south or open land to the north.

Turning to potential overbearing and overshadowing impacts, it is considered that the only property which could potentially be affected would be Number 1 to the east. However, given the likely separation distance of 9m and the fact that Number 1 is angled away, it is considered that the proposed two-storey dwelling on Plot 1 could be designed in a way which would not give rise to any unacceptable issues.

Impact on Mineral Resource

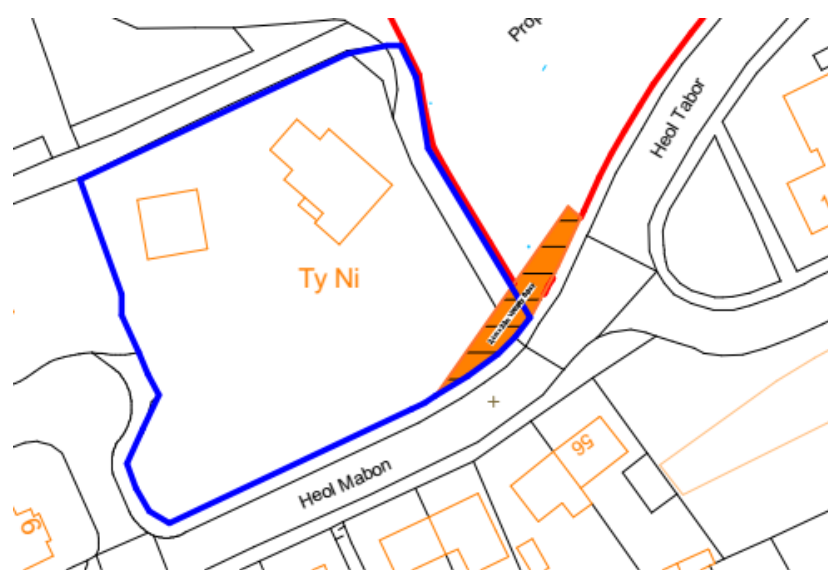
It is noted that the site is located within a Mineral Safeguarding Area (Coal) under Policy M1 of the adopted LDP. Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensure they are not sterilised or their extraction hindered.

Notwithstanding the above, it is also noted that the site is within the area defined by Policy M2. As such, it would preclude any surface development within 500m of the

settlement limit. Moreover, given the site's close proximity to the settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location, while in any event there is no longer Welsh Government policy support for extraction of coal. Accordingly, there is no objection to the principle of development on mineral safeguarding / Policy M1 and M2 grounds.

Parking and Access Requirements and Impact on Highway Safety

It is noted that each dwelling is proposed to have off-street car parking accessed off Heol Tabor. The Head of Engineering and Transport (Highways Section) raised some initial concerns with the visibility for Plot 6, due to the existing fence and landscaping to the applicant's property to the west (Ty Ni). However, an amended plan was provided (extract below) indicating that they had control over this land (which is edged in blue) and can therefore provide the necessary vision splays.



Provided that the requested conditions from the Highways Section are imposed on the application – which require the vision splay for Plot 6 to be provided on site before commencement of development (including the removal or re-location of any boundary structure, gate or vegetation/hedge greater than 600mm in height behind the marked vision-splay), and thereafter its retention – it is considered that the principle of the residential development would not have a detrimental impact upon highway or pedestrian safety such that the proposal would therefore accord with Policy BE1 of the Local Development Plan.

Biodiversity / Ecology

An Ecological Walk-over survey was submitted in support of the application. This has been assessed in detail by the Biodiversity Officer. As they offer no objection, subject to conditions, it is therefore considered that the proposal would be acceptable in terms of ecology.

Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit offers no objection to the proposal, subject

to conditions, it is considered that existing and future users of the site would not be adversely affected by ground contamination in terms of exposure to pollution.

Coal Mining Legacy

The site is located within a High Risk Coal Mining Area, and therefore a detailed Coal Mining Risk Assessment (CMRA) has been submitted in support of the application. This has been assessed in detail by The Coal Authority, who note that within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority's records indicate that a mine entry (adit, CA ref. 278192-003) is present adjacent to the north western boundary of the site, with its associated potential zone of influence extending across the site. The adit is oriented to the north. They advise that they hold no details of any treatment of this former coal mining related feature and, due to potential plotting inaccuracies, the adit could deviate from its plotted position by several metres. In addition, the site lies in an area of outcropping coal seam, which may have been subject to unrecorded working in the past. They note, however, that the planning application is accompanied by an Assessment of Land Quality/ Preliminary Risk Assessment (Desk Study) (October 2020, prepared by Quantum Geotechnic Limited), Section 6.0 of which provides a Coal Mining Risk Assessment.

Based on a review of appropriate sources of coal mining and geological information, the submitted report identifies the potential for the site to be affected by unrecorded surface extraction/crop workings, and potentially shallow underground mine workings that could pose a risk to surface instability. It also notes the presence of the recorded adit and assumes that this feature remains untreated.

They further note that Section 7.2 of the report goes on to make appropriate recommendations for the carrying out of intrusive site investigations, in the form of the drilling of rotary probe holes and trenching, in order to investigate the shallow coal mining situation, and to locate and establish the condition of the recorded adit.

The Coal Authority advises that the applicant should ensure that the exact form of any intrusive site investigation is designed by a competent person. The findings of these intrusive site investigations should then inform any mitigation measures, such as grouting and capping stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development. In addition, they advise that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities.

The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry, even when treated, should wherever possible be avoided. In light of their adopted policy, the Coal Authority therefore expect the intrusive site investigation works to be undertaken prior to the formulation of any Reserved Matters details relating to the proposed site layout. Once the recommended site investigation works have located the adit and established its associated zone of influence, an appropriate 'no-build' zone should be defined around the adit, with the detailed layout of development designed in a manner which avoids this area. Notwithstanding the above however, they offer no objection to this

application subject to the imposition of detailed conditions in respect of detailed on-site investigation and remedial measures.

Having regard to the above, while the investigations will be required to be undertaken before and to inform the reserved matters submissions – and thus may affect the layout of development – such matters can be controlled by condition and through the subsequent reserved matters application(s). It is therefore considered that the principle of residential development would be acceptable in terms of coal mining legacy.

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 6 residential units.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Affordable Housing

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new housing developments will be required to contribute to affordable housing provision. Within the Port Talbot spatial area, a 25% affordable housing target is sought. As this application is in outline form with all matters reserved, a suitably worded condition

would normally be sufficient requiring a 25% contribution towards affordable housing, which would need to be agreed at reserved matters stage.

However, as the 25% would in this case equate to 1.5 dwellings – with one unit to be provided on site (transferred to an RSL at 40% of market value), plus a financial contribution for the remaining 0.5 unit – this would need to be controlled through a Section 106 as financial contributions can only be secured through legal agreement.

Subject to the above agreement, it is considered that the development would comply with Policy AH1 of the LDP.

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, as detailed below. 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.

It should be noted that the site lies within the Bryn and Cwmafan ward, where there are existing ward shortfalls in all categories of open space, with the exception of informal open space.

The development, therefore, has the following open space requirements:

Pitch sport - 158sqm
Non pitch sport - 62sqm
Children's play - 34sqm
Informal open space - 76sqm
Allotments - 26sqm

Potential S106 Capital costs for Public Open Space are as follows:

Pitch sport - £1,704
Non pitch sport - £6,180
Children's play - £5,130
Informal - £0 (as overprovision)
Allotments - £288

Total - £13,302

This contribution can be secured through a legal agreement.

Other Matters

As identified earlier in this report, a number of objections were received in response following 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 respect of the concerns regarding water diversion from the applicant's summerhouse and lane discharging over the highway, it should be noted that this is an existing problem. However, the amendments to the fence/hedging to provide the required vision splays should, hopefully, address this issue.
- In respect of potential drainage and flooding issues, including the existing culvert on site, it should be noted that the Head of Engineering and Transport (Drainage Section) offers no objection to the proposal, subject to conditions including a surface water drainage strategy. It should also be noted that, prior to the commencement of any works on site, the developer will also be required to obtain SAB Drainage Consent from the Authority, which will deal with the detailed drainage of the site. It is therefore considered that the principle of the development would be acceptable in terms of drainage.
- Turning to the concerns regarding sewerage capacity in the area, it should be noted that Welsh Water offer no objection to the proposal, subject to a condition in respect of a foul drainage scheme. As they have not raised any capacity issues it is therefore considered that the proposal for up to 6 units would not create any unacceptable capacity issues.
- Finally, in respect of the concern regarding the address and advertising of the application these are noted. The address on the planning system has been changed to "Land at Heol Tabor" rather than "Land at 3 Heol Tabor". It should be noted that the address is used purely to help identify the site, particularly when it relates to 'land' rather than buildings. Nevertheless, it should be noted that the application site is defined by the site/land edged in red on the submitted location plan. It is therefore considered that the application has been advertised sufficiently in the form of neighbours letters, site notices and a Press Notice.

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.

While the proposal would constitute a 'departure' from the Local Development Plan, there are considered to be material considerations which justify approval of the application, notably that the Coal Mining Legacy issues have been suitably addressed and the site is surrounded by residential development on three sides, which in this particular instance allow a conclusion that the development would amount to appropriate 'infill' development. In addition, it would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/open countryside, and there would be no adverse impact upon highway and pedestrian safety. Accordingly, while the proposal would be contrary to Policy SC1, it would otherwise comply with Policies AH1, OS1, EN6, EN7, EN8, M1, M2, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

That the application is approved, subject to the following conditions, and a legal agreement under Section 106 with the following Heads of Terms:

- (1) That 25% affordable housing is provided in the form of one unit on the site and a financial contribution equivalent to 0.5 of a unit (in accordance with the Council's approved Affordable Housing SPG);
- (2) Prior to the first beneficial occupation of any dwellings on site a financial contribution of £13,302 shall be provided for off-site Open Space contributions within the Bryn and Cwmafan Ward; and
- (3) 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:

"Through the failure to sign the required S106 agreement to secure the required Affordable Housing and Open Space contributions the application fails to accord with Policies I1, AH1 and OS1 of the Neath Port Talbot Local Development Plan".

CONDITIONS:-

Time Limit Conditions

- 1 Details of the access, 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.

- 2 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years 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.

List of Approved Plans

- 3 The development shall be carried out in accordance with the following approved plans and documents:
Dwg. No. A100 Rev C.
Dwg. No. A101 Rev A.
Planning Statement.
Ecological Walkover (Koru Ecology Associates - Oct 2020).
Assessment of Land Quality/Preliminary Risk Assessment (Q0353/DS - Oct 2020).

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 4 As part of the first reserved matters application, a scheme shall be provided indicating the provision of a 2.4m x 33m visibility splay for plot 6 as identified on Dwg. No. A100 Rev C, including details of the removal or re-location of any boundary structure, gate or vegetation/hedge greater than 600mm in height behind the marked vision-splay, together with the finished appearance of such cleared area. No development shall commence on site until such time as the vision splay for Plot 6, as detailed on Dwg. No. A100 Rev C, has been provided on site in accordance with the approved details, with the vision splay thereafter retained and maintained in accordance with the approved details in perpetuity thereafter.

Reason:

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 5 Notwithstanding the submitted details and 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.

- 6 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.

- 7 The first reserved matters application seeking approval of a detailed layout of development for the site shall be accompanied by the results of a detailed scheme for intrusive investigations which shall have been carried out on site in accordance with the recommendations contained in the supporting Assessment of Land Quality/ Preliminary Risk Assessment (Desk Study) , in order to establish the exact situation in respect of coal mining legacy at the site. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance. Any reserved matters application seeking approval of a detailed layout of development for the site, shall include as a minimum the following details for consideration and approval by the Local Planning Authority:
- (i) A report of findings arising from the intrusive site investigations;
 - (ii) The submission of a proposed layout plan which: - identifies the positions of the recorded mine entry; identifies the potential zones of influence of the mine entry; and defines a suitable 'no build' zone around this feature; and the submission of details of remedial / mitigatory measures required to protect the development and site from the effects of coal mining related land instability, together with a timetable for their implementation.

The scheme, as approved, including the remedial / mitigatory measures required to protect the development and site from the effects of coal mining related land

instability shall be fully implemented on site in accordance with the agreed timetable and retained as such thereafter.

Reason:

As the application site is located within a High Risk Coal Mining Legacy and to establish the exact situation in respect of coal mining legacy at the site in compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 8 Prior to the commencement of works on site commencing, the Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and controlled in accordance with the Environment Agency Knotweed Code of Practice.

Reason:

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 9 Prior to the commencement of any works on site including site clearance, and in accordance with the Ecological Report (Koru Ecology Associates - October 2020), an Ecological Walkover shall be undertaken on site by a suitably competent Ecological Clerk of Works (ECoW). The ECoW will conduct a finger-tip search for common reptile and amphibian species, as well as small mammals, and these shall be removed to a suitable location.

Reason:

In the interest of Biodiversity and to comply with Policies EN6 and EN7 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 10 As part of the first reserved matters application a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of a 2m wide footway across the frontage of the application site, plus vehicle footway cross-over for the respective drive areas. The scheme, as approved, shall be fully implemented on site prior to the first beneficial occupation of any dwelling, and shall be retained open and free for public use thereafter.

Reason:

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 11 As part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of obstruction-free (i.e. nothing greater than 600mm in height shall be constructed or planted) pedestrian vision splays of 2.4m by 2.4m (measured from the back of footway) each side of the respective drive access. The approved scheme shall be fully implemented on site prior to the occupation of the respective dwelling, and retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 12 As part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of one off-street parking space per bedroom, up to a maximum of three per dwelling. Each drive shall be a minimum length of 6.0 metres from back of footway to front of garage structure, 3.6 metres minimum width and shall be surfaced to its finished level to a maximum gradient of 1 in 9, with no surface water allowed to flow out onto the Public Highway. The scheme, as approved, shall be provided on site prior to the first beneficial occupation of the respective dwelling, and retained for such use thereafter.

Reason:

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 13 As part of the first reserved matters application a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority detailing the existing watercourses within and that discharge within the boundary of the site, together with overland flow routes for the land to the western boundary of the site. This strategy shall also include any easements that may be deemed necessary to maintain the existing culvert inlet grill by the Lead Local Flood Authority. The submitted scheme shall also include a timetable for implementation on site. The scheme, as approved, shall be fully implemented on site prior to the first beneficial occupation of any dwelling, and retained as such thereafter.

Reason:

In the interest of adequate drainage of the site and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 14 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 6 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.

- 15 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLG, 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.

- 16 As part of the first reserved matters application a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use is of the respective dwelling and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 17 As part of the first reserved matters application details of proposed ground levels and finished floor levels shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 18 As part of the first reserved matters application, a foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of any dwelling, and retained as such thereafter.

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 ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 19 Prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development 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 and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 20 As part of the first reserved matters application a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of artificial nesting sites for birds, together with roosting opportunities for bats in the form of manufactured bat boxes onto the buildings or incorporation of manufactured bat bricks into the building. These scheme, as approved, shall be fully implemented on site prior to the first beneficial occupation of the respective dwelling, and retained as such thereafter.

Reason:

In the interest of Biodiversity as the proposals will remove potential bird nesting/foraging habitats which must be mitigated for under the Habitat Regulations 2017, together with Biodiversity enhancement for bats, in order to comply with Policies EN6 and EN7 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 21 Any gates provided across the access drive(s) shall be of a type which open inward only and can be seen through, and shall be retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 22 Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 buildings shall be erected other than those expressly authorised by this permission and identified on the approved drawings.

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 development, residential amenity, and Coal Mining Legacy, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted 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 development and need to protect the amenity of nearby properties, and Coal Mining Legacy, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 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), no fences, gates or walls shall be erected to the frontage of the site greater than 600mm in height.

Reason:

In the interest of highway and pedestrian safety and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.