

**PLANNING COMMITTEE**

**31<sup>st</sup> AUGUST 2021**

**AMENDMENT SHEET**

<b><u>APPLICATION NO:</u> P2021/0226</b>	<b><u>DATE:</u> 14/04/2021</b>
<b>PROPOSAL:</b>	Construction of 137 dwellings and associated, roads, parking, landscaping and infrastructure
<b>LOCATION:</b>	Former Afan Lido Site and land to the South East, adjacent to Princess Margaret Way
<b>APPLICANT:</b>	Persimmon Homes West Wales
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Sandfields East

**Foul Drainage issues / Dŵr Cymru Welsh Water Update**

In response to comments from Members in relation to the current sewerage issues within the area, Dŵr Cymru Welsh Water has further reviewed the details submitted by the developer as part of the planning application, including their latest drainage strategy. They have confirmed that the applicant is proposing to connect to the 15 inch combined public sewer running along Channel View which ultimately drains to Newbridge Sewage Pumping Station (SPS) via the sewer located in Newbridge Road.

Through the planning consultation process Dŵr Cymru Welsh Water have assessed the sewerage network and considered the current and future surface water drainage arrangement for the sit, and has re-confirmed that they are satisfied that hydraulic capacity is available to accommodate the foul only flows from 137 dwellings proposed.

Turning to the operational performance of our sewerage system Dŵr Cymru Welsh Water are conscious that there have been flooding instances reported at Fairways and Acacia Avenue caused by issues on the downstream network leading to the SPS. However they have emphasised that *“any operational matters are for Welsh Water to address as the statutory sewerage undertaker and this is separate to the assessment of hydraulic capacity on their systems to accommodate new development as part of their role within the planning process”*.

*“In short it is not appropriate to use the planning system to prevent new development occurring where the issues with the sewerage system relate to operational matters. Whilst Welsh Water seek to support new development wherever possible, their priority is on protecting their customers and the environment and we would not therefore support the communication of additional flows to their sewerage system through the planning process unless they were satisfied that hydraulic capacity existed”*.

Having regard to the above, it is reiterated that there are no capacity issues arising from this development that would justify refusal of the application on such grounds. by

## Amendments to Proposed Conditions

Following discussions with the applicant, the following amendments are recommended to the proposed conditions:

### *Condition 20 (Land Contamination)*

The applicant has requested that the land contamination verification report refer to the two parcels of land that form this site as opposed to the entire site, which will allow each site to be verified independently so that one site can become occupied before the other. The Local Authority's Land Contamination Officer has raised no issues with splitting the verification conditions over 2 parts of the site. As such condition 20 is to be amended as follows:

- 20 **Prior to the first beneficial use of either part of the site (i.e. the site to North West of Channel View and the site to the South East of Channel View) as shown on drawing LP01 Site Location Plan**, 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 agreed 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.

### *Conditions 25, 26, 28 and 30: Removal of Permitted Development Rights*

The applicant has queried conditions 25, 26, 28 and 30 which relate to removal of PD rights and gates. Following further review it is considered that the whole of the development would benefit from being 'open plan' (excluding the means of enclosures approved as part of this development), given the potential for such enclosures to have an adverse impact on visual amenity and highway safety, and thus require individual consideration through a planning application. Accordingly PD rights for means of enclosure will now incorporate the entire site, with condition 30 which relates to gates no longer be required. PD rights relating to extension and outbuildings will also be amended to only include visually prominent and restricted plots.

As such conditions 25, 26 and 28 are amended as follows:

- 25 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 on plots **17 to 19, 21 to 26, 52 to 64 and 101 to 119, 123 to 130, 133 and 134** 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 to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 26 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 (other than those expressly authorised by this permission) shall be erected forward of any wall of that dwelling house which fronts onto a highway, carriageway, shared driveway or footpath.

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 such enclosures having regard to the particular layout and design of the development, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 28 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 **Plots 52 to 64 and 101 to 119, 123 to 130, 133 and 134** 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 to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

In addition, condition 30 is removed with subsequent conditions renumbered.

#### Additional Information

On request from Officers, Persimmon have submitted details of the pathways that cross the swale drainage feature along Princess Margaret Way, and have advised that while these were intended to be just a pathway, upon review they considered it was necessary to provide railings as a safety precaution.

As the LPA have not had the opportunity to consider the type of railing (and given the visual sensitivity of the site frontage) it is considered that condition 18 should be amended so that these railings can be considered alongside the railings that front Princess Margaret Way. As such condition 18 will be amended to the following:

18 Notwithstanding the submitted plans, prior to the first beneficial use of the development a scheme detailing the following shall be submitted to and approved in writing by the Local Planning Authority.

- a) the location and design of the 1.1m high wall and railings to be positioned along Princess Margaret Way and Channel View
- b) Details of the boundary around the external washing line area to plots 93-100
- c) Details of all retaining walls, including their finish
- d) Details of the solid brick facing wall along the Northern Boundary
- e) Details of the boundary along the sport pitch to the North East
- f) Details of the location and design of the railings along the swale crossings.**

The scheme as agreed shall be erected prior to the first beneficial occupation of each plot they are located on / **relate to**, 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

#### Neighbour Comments Update

Eight neighbour comments have now been received, with the following additional comments being made:

- The adherence to the existing building line along Channel View.
- The shared access to the existing garage.
- The historic Bund.
- The siting of flats/apartments.
- Parking issues for the beach, existing football club and school.

In response it is noted that: -

- Details in relation to the building line along channel view have been addressed within the report.
- The access to 36 Channel view is at the end of a turning area and therefore should not be blocked. However if access was blocked to this dwelling it would be a matter for the police and not a planning matter.
- In relation to comments raised about a historical Bund (which was also raised at PAC), the applicant sought to address this at PAC and have amended plot 3 to ensure it is not constructed on this bund.
- In relation to flats being incorporated within the development, this has been addressed within the officer report, nevertheless the inclusion of flats are considered to be acceptable and will enhance the character and appearance from the area.
- In relation to car parking, this has been addressed in the officer's report