

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2021/1206</b>	<b><u>DATE:</u> 14/12/2021</b>
<b>PROPOSAL:</b>	Two-storey detached dwelling with parking and associated works
<b>LOCATION:</b>	Plot 1 Glannant Place, Cwmgwrach
<b>APPLICANT:</b>	Mr Johnson
<b>TYPE:</b>	Full
<b>WARD:</b>	Blaengwrach

### **BACKGROUND**

This application is brought before the Planning Committee as a material departure from the adopted Neath Port Talbot Local Development Plan.

### **SITE AND CONTEXT**

The application site is located on land at Plot 1 Glannant Place, Cwmgwrach, which is located on the corner of Glannant Place and Heol Y Graig.

The application site measures approximately 0.0384 hectares in area and is currently vacant land classed as 'brownfield' as it has been partly excavated. The site is sloping in profile from the south to the north side, but is relatively flat from east to west.

The site is bounded by open land to the west, residential dwellings to the north, and public highway to the east and south. It should be noted that this site was previously granted planning permission for residential development (ref. P2005/0199) – whilst the two dwellings to the north were constructed, this plot (and the land behind) were never developed. Subsequently, the site was excluded from the current settlement limits, as defined by Policy SC1 of the Neath Port Talbot Local Development Plan.

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning application for the construction of a two-storey detached dwelling with parking and associated works.

The proposed dwelling would measure approximately 10.42m in length, 10.3m in depth and would reach a height of 8.4m to ridge-level. The dwelling is designed with a gable-ended ridged roof with projecting gable to the front elevation. It is proposed to be finished with cream facing brick with rendered gable feature and roof tiles, with solar panels to the rear roof plane. Windows and doors are proposed on all four elevations.

Externally, three car parking spaces are proposed to the front driveway, with a retaining wall proposed to the southern side of the dwelling measuring up to approximately 2.6m in height.

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

### NEGOTIATIONS

Not Applicable.

### PLANNING HISTORY

The application site has the following relevant planning history:

- P2005/0199** 4 No. Residential Dwellings. Approved 23/02/06.
- P2006/1043** Agree Cond. 3 (External Materials) of P2005/0199. Approved 13/10/06.
- P2006/1047** Agree Cond. 14 (Contaminated Land) of P2005/0199. Approved 23/01/07.
- P2006/1046** Agree Cond. 5 (Means of Enclosure) of P2005/0199. Approved 20/12/06.
- P2006/1271** Agree Cond. 4 (Drainage) of P2005/0199. Approved 22/11/06.

### CONSULTATIONS

**Blaengwrach Community Council:** No reply, therefore no observations to make.

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

**Head of Engineering & Transport (Drainage):** No objection.

**Biodiversity Unit:** No objection.

**Welsh Water:** No objection, subject to conditions.

### REPRESENTATIONS

The neighbouring properties were consulted on 14<sup>th</sup> December 2021 and a site notice displayed on 21<sup>st</sup> December 2021.

The application was also advertised in the press as a 'departure' on 17<sup>th</sup> December 2021 and to date, no response or representations have been received.

## 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 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 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.

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 Local 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 SP3 Sustainable Communities](#)
- [Policy SP6 Development in the Valleys Strategy Area](#)
- [Policy SP14 The Countryside and the Undeveloped Coast](#)
- [Policy SP15 Biodiversity and Geodiversity](#)
- [Policy SP20 Transport Network](#)
- [Policy SP21 Built Environment and Historic Heritage](#)

### Topic Based Policies:

- [Policy SC1 Settlement Limits](#)
- [Policy EN2 Special Landscape Areas](#)
- [Policy M1 Development in Mineral Safeguarding Areas](#)
- [Policy TR2 Design and Access of New Development](#)
- [Policy BE1 Design](#)

### *Supplementary Planning Guidance:*

The following SPG is of relevance to this application:

- [Parking Standards \(October 2016\)](#)
- [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 – i.e. in order to protect the open countryside from inappropriate development.

Notwithstanding this however, it is noted that this site is unusual in that it is surrounded by the settlement limit of Cwmgwrach on three sides (north, south and east). Furthermore, it is noted from the planning history that this site was previously granted

planning permission for residential development but was never completed (and would now be considered lapsed). In light of this, the development now proposed would be considered 'in-fill' development.

It should be noted that on a similar application for 'in-fill' development, which was also a departure to the LDP, reference and consideration was given to a relevant appeal (**APP/3154507** for *4 dwellings on land off The Mews, Lydiard Millicent, Swindon SN5 3NR*). Within this appeal, reference is given to the Inspector's decision in formulating test criteria. These are detailed as follows:

- **Does the site form a gap in another wise 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, and are explored further below.

*Existing Settlement Pattern* – the existing settlement pattern consists of residential development along and either side of Glannant Place, and along the southern side of Heol Y Graig. Developing this site would in effect 'join together' the two parts of the settlement.

Furthermore, given the fact that it would therefore be 'in-fill' development in line with that existing to the north, and would not result in encroachment, or elongation of the existing settlement, into the countryside to the west beyond that of the existing dwellings, it is considered acceptable on this basis.

*Sensitive Landscape Area* – it is noted that the application site is located within the Vale of Neath Special Landscape Area (Policy EN2/3). Policy EN2 seeks to protect areas of high landscape quality, whereby development will only be permitted where it is demonstrated that there will be no significant adverse impacts on the features and characteristics for which the area has been designated.

The supporting text to the policy states: *'In the case of single buildings, generally these should be located within an existing building curtilage, farm complex or other group of buildings or immediately adjacent to a settlement limit wherever possible. In the case of groups of new buildings, these should be located adjacent to the settlement limit where appropriate, and the scale, form and design of the proposed development should conserve and where possible enhance the distinctive or characteristic features of the SLA.'*

Given that the application site is 'brownfield' land in that it has already been partly excavated, and that the proposal would result in the introduction of a single dwelling

immediately adjacent to the settlement limit, it is considered that the development would not result in any significant adverse impacts on the features and characteristics of the wider designated area.

*Consolidation of Loose-knit Area* – given the fact that the site is bounded on three sides by existing residential development, it is considered that the proposed development would not result in the consolidation of loose-knit areas. Consequently, the proposal would comply with this test criterion.

In respect of the principle of development therefore, it is considered that the proposal in this instance would be an acceptable 'departure' from the LDP.

Turning to residential density levels, Policy BE1 stipulates that development proposals within the Valleys Strategy Area would normally be expected to achieve a minimum of 30 dwellings per hectare. The density for this particular proposal equates to approximately 26 dph, and whilst this falls below the expected threshold, it is considered acceptable in this instance given site constraints associated with levels, topography and the necessary easements to underground site infrastructure (sewers).

#### Impact on Visual Amenity

It is noted that that the proposed dwelling would be sited within the general building-line of the existing dwellings to the north. It is also noted that it would be set up higher than the existing dwelling to the north to follow the road level. Although it would have a gable-ended ridged roof and not a hipped roof like the existing dwellings to the north, it is noted that there are a mixture of roof designs and styles of dwellings along Glannant Place.

Consequently, it is considered that the overall proposal would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene, or the surrounding countryside/Special Landscape Area. Nevertheless, suitably worded conditions will be imposed on the application requiring details of the external materials to be submitted for approval, together with conditions restricting 'permitted development' rights for outbuildings and extensions – in the interest of visual amenity.

#### Impact on Residential Amenity

In respect of potential overlooking, it is noted that side-facing windows/doors are proposed on the northern and southern-facing elevations. However, as these serve non-habitable bathrooms, W/Cs or utility rooms, it is considered that they would not create any unacceptable overlooking issues. A suitably worded condition will nevertheless be imposed to ensure that the windows are fitted with obscure glazing.

There would be no issues associated with the windows to the western (rear) elevation given that they overlook vacant land/countryside. In respect of the windows to the front (eastern) elevation, it is noted that there would be a separation distance of

approximately 15.4m to the property opposite (Number 17); and the windows would overlook the street-scene (Glannant Place) and side elevation of Number 17, which is angled away from the site with no windows in the main pine end facing the street (only the rear wing). Accordingly, it is considered that the proposed development would not create any unacceptable overlooking issues.

With regards to potential overbearing and overshadowing, it is noted that the proposed dwelling would be set at a higher level than the neighbour (Number 10a) following the road level (which also steps up). Whilst the proposed dwelling would be set behind the rear building-line of Number 10a by approximately 2.3m, it would not breach the 45-degree code. In addition, it is noted that there is one small window to the side of the neighbouring property (Number 10a), with the original floor plans for this property show it would serve a W/C. As this is non-habitable, it is therefore considered that the proposed dwelling would not have an unacceptable impact upon the neighbouring properties in terms of overbearing or overshadowing.

### Impact on Mineral Resource

Given that the site lies outside of the defined settlement limit, the application site consequently is located within a Mineral Safeguarding Area under Policy M1 of the adopted LDP. Policy M1 seeks 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 considered that the development, due to its scale and location, will not have a significant impact on the possible working of the mineral resource. Furthermore, given the site's close proximity to the settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location. Accordingly, there is no objection to the principle of development on mineral safeguarding grounds.

### Parking and Access Requirements and Impact on Highway Safety

The proposed development would provide three off-street car parking spaces accessed off Glannant Place. Accordingly, the Head of Engineering and Transport (Highways Section) has offered no objections to the development, subject to conditions as it is considered that there would be no detrimental impact upon highway or pedestrian safety.

### Biodiversity / Ecology

Biodiversity enhancement is proposed as part of the development in the form of artificial bat roost boxes affixed to the gable-end of the dwelling. The Council's Ecologist has therefore advised that they would have no objection to the proposal given that the proposal would be acceptable in terms of ecology.

## 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 Future Wales – the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is noted that the proposal would constitute a ‘departure’ from the Local Development Plan. Notwithstanding this however, as the site is surrounded by residential development on three sides it is considered that, in this particular instance, the development would be appropriate ‘in-fill’ 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/Special Landscape Area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, EN2, M1, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales – the National Plan 2040 and 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 – Approval subject to conditions.

### Conditions

#### Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

#### List of Approved Plans

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

Dwg. No. 01.

Dwg. No. 02A.

Dwg. No. 03A.

Dwg. No. 04.



Dwg. No. 05A.

Dwg. No. 06A.

Dwg. No. 07A.

Reason:

In the interests of clarity.

### Pre-Commencement Conditions

- 3 Prior to the commencement of any works on site a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the design of any retaining walls, including full structural calculations for any walls 1.5m high together with detailed cross-sections. The approved retaining walls shall be fully implemented on site prior to the first beneficial occupation of the dwelling, and retained as such thereafter.

Reason:

In the interest of visual amenity, residential amenity of the neighbouring properties and land stability, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 4 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) measures to control the emission of dust and dirt during demolition and construction; and
  - f) the phasing of the retaining works and culvert diversion.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

## Action Conditions

- 5 Prior to the occupation of the dwelling hereby approved, the three parking spaces, as detailed on Dwg. No. 7A, shall be provided on site, and the driveway shall measure 6.0 metres in length from back of footway to front of property by 8.8 metres minimum width and they shall be positioned at least 2.5 metres to any boundary. The driveway shall be hard surfaced in block paving or asphalt, and shall be retained for parking use as such thereafter.

Reason:

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

- 6 Prior to first beneficial occupation of the dwelling hereby approved a vehicular footway crossing shall be provided across the driveway to Highway Authority specification, 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.

- 7 Prior to the first beneficial occupation of the dwelling, the front forecourt boundary shall be set back 1.8 metres from kerb-line and the extra width shall be made up as footway construction to tie in with the existing footway fronting number 10a. The footway shall only be constructed to the front of the boundary, which 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.

- 8 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.

- 9 Notwithstanding the submitted details and prior to the first beneficial occupation of the dwelling hereby approved 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 occupation of the 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.

- 10 Notwithstanding the submitted details, no development shall commence on the superstructure of the dwelling hereby until details of the finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In the interest of the amenities of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 11 Notwithstanding the details submitted, prior to the first beneficial use of the dwelling hereby approved, the windows on the side elevations serving the ground-floor W/C and first-floor en-suite and bathroom shall be fitted with obscured glazing, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter.

Reason

In the interest of the amenities of the adjoining property, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

- 12 Prior to the first beneficial occupation of the dwelling hereby permitted, artificial roosting boxes for bats, as detailed on Dwg. No. 1, shall be provided on site, and retained as such thereafter.

Reason

In the interest of Biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 13 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial occupation of the dwelling hereby approved, and retained as such thereafter.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 14 Prior to the installation of the solar panels a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the size, number and projection from the roof of the solar panels. The scheme shall be implemented on site as approved.

Reason:

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

### Regulatory Conditions

- 15 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

- 16 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 to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 17 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 to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

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

Reason:

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