

Our Ref / Fy nghyf: 1084.a

Date / Dyddiad: 7th July 2022

Planning Department
Neath Port Talbot County Borough Council
VIA EMAIL ONLY

Dear Sir/Madam,

Re: Demolition of the existing school buildings and erection of 26 bungalows and houses, with associated new access road, car parking and engineering works (Planning Permission No. P2018/0301)

Further to the approval of the above development and subsequent approved Discharge of Condition and Non-Material Amendment applications, Evans Banks Planning Ltd has now been instructed to prepare an application seeking the discharge of pre-occupation conditions attached to the original planning permission, as well as varying some landscaping details previously approved. As a result, the following information and attached documentation now outlines how the requirements of each of the 4 conditions are addressed.

Condition 17

Condition 17 relates to the formal and informal play areas approved by the aforementioned planning permission. The Condition requires that prior to the first beneficial use of any dwelling “, *full details of the design and layout of both the formal and informal play areas shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented on site prior to the first beneficial use of any dwelling and shall be retained as such thereafter and kept available for use by all members of the public in perpetuity.*”

Accompanying this submission therefore are the following details that seek to satisfy the above requirements

- Play Development (Dwg. MRN)
- Proposed Site Plan (Dwg. No. 1470-01 Rev. H)

It should also be noted, that in conjunction with this application to discharge conditions, a separate application has been made to modify Condition 17 to relate to the timing of the provision of the two areas of play, based on safety and construction phasing grounds.

Condition 18

The second Condition where discharge is sought relates then to the management and maintenance of all unadopted drainage apparatus on site. The Condition therefore sets

out that *“Prior to the first beneficial use of any dwelling a Management and Maintenance Plan for all surface water sewers/drains and land drain that are not being maintained by the statutory undertaker shall be submitted to and approved in writing by the Local Planning Authority. This plan shall identify the frequency, type and responsibilities for the plan and shall be provided to all residents prior to occupation.”*

The apparatus in question are not the only elements of the application site that are not to be adopted or the subject of management by statutory undertakers. As a result – and in providing a comprehensive approach – the Applicant’s solicitor has drafted a legal document to deal with these matters, which will form part of the deed for each respective plot and result in the setting up of a Management Company. Each occupant of the approved dwellings will be appointed as a Director and responsible for the operation of the Management Company and its duties.

On the basis of the above and the associated legal document (copy attached), it is considered that the requirements of the Condition are satisfied.

Condition 21 and Condition 22

Whilst details of boundary treatment, hard and soft landscaping were discharged as part of consent number P2020/0178, through the construction process, it has been identified that a more appropriate means of landscaping would be the inclusion of an element of decking at the rear of units at Plots 18-25 inclusive. The following revised drawing is therefore now submitted to discharge the requirements of Condition 21 and Condition 22 of Planning Permission 2018/0301, with all other elements remaining as approved:

- Proposed Landscaping & Boundary Plan (Dwg. No. 1470-09 Rev. D)

Condition 23

The final condition for consideration relates then to the management of those elements to form part of the ‘public realm of the development. The condition sets out that prior to the occupation of the first dwelling “ ... a *Landscape and Open Space Management Plan, including long term design objectives; a location plan that clearly identifies all the relevant areas of the site; management responsibilities including details of the management company and maintenance schedules for all landscape areas and all areas of public open spaces, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.*”.

As detailed above in relation to Condition 18, there are a number of elements of the application site that are not to be adopted or the subject of management by statutory undertakers. As a result – and in providing a comprehensive approach – the Applicant’s solicitor has drafted a legal document to deal with these matters, which will form part of the deed for each respective plot and result in the setting up of a Management Company. Each occupant of the approved dwellings will be appointed as a Director and responsible for the operation of the Management Company and its duties.

On the basis of the above and the associated legal document (copy attached), it is considered that the requirements of the Condition are satisfied.

Condition 35

The final condition subject of the submissions – Condition 35 – then deals with the matter of replacing tress present on site prior to the commencement of development. The condition requires that prior to the beneficial use of the first dwelling, “... *a replacement tree planting scheme shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall fully detail the species, the proposed location, the size at time of planting, a schedule for the planting and the method of planting and may proposed protection measures. The approved scheme shall be fully implemented in site in accordance with the approved details.*”.

In response to the above, accompanying these submissions is a detailed *Planting Plan* (Dwg. No. TC22086_LA1.dwg). The drawing provides full details of the location, species, size and method of planting for each of the proposed replacement trees. The drawing also provides specific details for all new hedgerows and amenity grassed areas, all of which will be manged in line with the legal agreement referred to under the provisions of Condition 18 and 23 above.

On the basis of the above, the *Planting Plan* and the associated legal document (copy attached), it is considered that the requirements of the Condition are satisfied.

We trust therefore that the above and attached are clear and in order. However, should you require any additional information or to meet on site to discuss the matter further, please do not hesitate to contact us.

Yours sincerely

Jason D Evans

Jason D Evans
Director