



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

Date Dyddiad	19th May 2022
Direct line Rhif ffôn	686727
Email Ebost	c.hall@npt.gov.uk
Contact Cyswllt	Claire Hall
Your ref Eich cyf	
Our ref Ein cyf	Q2022/0076

Husam Sami
39 Tan Y Lan Terrace
Swansea
SA6 7DU

BY EMAIL ONLY

Dear Sir/Madam

Town and Country Planning Act 1990

Pre-App. Ref.: Q2022/0076
PROPOSAL: 12 residential units (Statutory)
LOCATION: Hillside Neath SA11 1TP

I refer to your correspondence received on 28 April 2022, concerning the above and your request for pre-application advice. Having considered the nature of submission, I respond as follows.

The application would require the submission of a planning application. If an outline only planning application is submitted (as opposed to a full application) then, as a minimum, the plan/drawing requirements of Article 3 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 must be provided. This states:

(3) Where layout is a reserved matter, the application for outline planning permission must state the approximate location of buildings, routes and open spaces included in the development proposed.

(4) Where scale is a reserved matter, the application for outline planning permission must state the upper and lower limit for the height, width and length of each building included in the development proposed.

(5) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.

Amgylchedd ac Adfywio

Ceri Morris Pennaeth Cynllunio a Gwarchod y Cyhoedd

Y Ceiau, Ffordd Brunel, Parc Ynni Baglan, Castell-nedd SA11 2GG

Ffôn 01639 686868

Environment and Regeneration

Ceri Morris Head of Planning and Public Protection

The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG

Tel 01639 686868

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

Local Context and Constraints

- Low & High Risk Development Area (Coal)

Please note that this information is based on our current records and is, as far as possible, accurate. Nevertheless, we reserve the right to advise you of any additional constraints that may be identified at the time of your application.

Relevant Planning History

From an examination of our records, the application site has the following relevant planning history:

Ref.	Description	Decision	Date
P2010/1153	Outline application for 5 residential dwellings	Approved	17 December 2010
P2008/0827	Approval of revised details relating to condition 10 (traffic calming scheme) of previous planning consent 2007/1307	Approved	25 July 2008
P2008/0059	Agree condition 7 (pollution prevention measures) relating to previous planning application P2007/1307	Approved	27 October 2008
P2007/1652	Details relating to condition 10 (traffic calming scheme) of previous planning application P2007/1307	Approved	20 December 2007
P2007/1307	Demolition of existing building and outline planning application for residential development	Approved	19 November 2007
P2006/1688	Outline application – residential development	Approved	13 February 2007

Relevant Planning Policies

In addition to national guidance contained within Planning Policy Wales and national planning policies contained within Future Wales: The National Development Plan 2040 (February 2021), any application would be considered against the Policies within the Adopted Neath Port Talbot Local Development Plan, details of which are available on the Council's web site by visiting www.npt.gov.uk/ldp. The relevant local plan policies would include:

Strategic Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable Communities
- **Policy SP4** Infrastructure

- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP21** Built Environment and Historic Heritage

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 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)
- Biodiversity and Geodiversity (May 2018)
- Pollution (October 2016)
- Open Space & Greenspace (July 2017)
- Renewable and Low Carbon Energy (July 2017)
- Design (July 2017)
- Development and the Welsh Language (July 2017)

All of the above SPG can be viewed on the [Council's website](#).

Analysis of Proposal

Principle of Development

The site is located within settlement limits, as defined in the LDP, and Policy SC1 states that sustainable new development that is proportionate in scale and form to the role and function of the settlement will be acceptable in principle, subject to compliance with all other requirements and policies. As is also evidenced by the previous granting of planning permissions on this site, there is no objection in principle to a residential development, subject to all other development management considerations being satisfied. In this regard, highways, design/layout, amenity, biodiversity and drainage issues are considered to be material to the overall planning assessment of the proposals.

Highways

Vehicular access to the site should only be obtained from the adopted highway known as Hillside (which is subject to traffic calming and as part of planning permissions in the past). The existing stone wall boundary along the frontage of the site should be retained within any layout, subject to highway visibility and pedestrian connectivity requirements which may require it to be adapted and/or rebuilt to accommodate the necessary splays and/or footways. Given the significant difference in levels across the site, the treatment of surface water drainage will be an important design consideration, as will any retaining structures that may also require the submission of load-bearing calculations and approval from the Local Highway Authority. On-site parking provision must comply with adopted standards and as set out in the Parking Standards SPG.

Design/Layout

Notwithstanding the normal density requirement (of 35dph in the Coastal Corridor Strategy Area) as set out in LDP Policy BE1, the submitted layout appears to be an overdevelopment of the site which pays little or no regard to the prevailing local context in terms of form, size, positioning and spacing of dwellings. The affordable housing element appears to be a cramped and segregated afterthought, rather than an integral part of the scheme design. The affordable housing element also appears to be separately accessed from a privately owned lane which is not shown to be under the applicant's ownership/control which gives a concern over deliverability.

The proposed number of dwellings on the site should be reduced so that the proposed plot size, positioning, size and form of buildings, respect that of the dwellings on either side and provide a similar degree of separation, particularly to site boundaries. Advantage should be taken of the south-facing aspect to maximise opportunities for solar gain as an integral part of the building design and layout and to provide private amenity space. A strong building design element fronting Hillside is required, as is provision of new soft landscaping and biodiversity mitigation and enhancement across the site. No elevation drawings have been provided so detailed planning advice on this element cannot be provided.

Biodiversity

As identified above, Policies EN6 and EN7 will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated. The current condition of the site is conducive to biodiversity interests.

Accordingly, you are advised of the need to undertake an Extended Phase 1 habitat survey of the site for submission as part of your application. This survey should include the identification of the presence of s7 Environment (Wales) Act habitats and species, and sites that meet SINC criteria, in addition to protected species. A balance of s7/ SINC habitat loss/gain to the scheme should be included, and the surveys should cover all areas that may be impacted by the scheme.

It will be important to follow any recommendations made within the phase 1 survey, insofar as they relate to the need for further more specific surveys (e.g. bird surveys, reptile surveys) since failure to submit such additional surveys would mean that your application would be invalid. Given that the survey seasons can be limited, failure to plan ahead may also lead to a significant delay in registration, and consequently impact on project timescales.

You will also need to put forward proposals for mitigation/compensation for any adverse impacts identified in the above assessments. Advice from a suitably qualified ecologist should be sought. Enhancements will also be required as part of the SuDS process but must be detailed in the planning application, in accordance with national planning policy requirements.

Sustainable Drainage – Statutory Requirements w.e.f January 2019

Please note that all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in [Schedule 3 of the Flood & Water Management Act 2010](#).

These systems must be approved by the Council's Engineering Service acting in its SuDS Approving Body (SAB) role **before construction work begins**. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. **You will not be allowed to start construction until both permissions have been approved.**

If you have not done so already, and your development would not fall into any of the relevant exceptions¹, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDS design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. **There is an additional charge of £250 for this service.** This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/planning.

Major Developments

Please be aware that as a 'major' development (defined as 10 or more dwellings) there is now a **statutory requirement** (introduced by s17 of the Planning (Wales) Act 2015) for the applicant / developer to consult the community and relevant statutory consultees in advance of formal submission of an application.

Please note that a major application cannot be validated until such consultation is undertaken and a Pre-Application Consultation (PAC) Report submitted with the application. This requirement would not apply for a scheme of less than 10 dwellings.

Best practice guidance for developers on Pre-application Community Consultation can be found on the [Welsh Government website](#).

¹ Exceptions and exemptions, in summary, relate to:-

- Existing sites and developments with planning permission granted or deemed to be granted (whether or not subject to any conditions as to a reserved matter) or for which a valid application has been received but not determined by 7 January 2019. However, SAB approval will still be required if the planning permission was granted subject to a condition as to a reserved matter and an application for approval of the reserved matter is not made before 7 January 2020.

Section 106 Planning Obligations

The Council's approved [Planning Obligations Supplementary Planning Guidance](#) (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in Neath Port Talbot. The Council's approved SPG is also available to view/ download at www.npt.gov.uk/planning.

In accordance with LDP Policies AH1 and OS1 and the Council's Affordable Housing SPG and Open Space & Greenspace SPG, following consideration of the proposed development and potential impacts and needs arising from the development, I would advise that the Council is likely to seek planning obligations covering the following: -

- Affordable Housing – minimum 25% contribution
- Biodiversity (see section above)
- Open Space – where there is a deficiency in outdoor sport, children's play, informal space or allotments, a development of more than 3 dwellings would be required to make a contribution

Viability

Where a developer/applicant indicates that they may be unable to provide the full affordable housing requirement or other planning obligations on viability grounds, they will need to submit a detailed financial assessment of the proposed development using the Council's Development Viability Model (DVM). For more information, please visit our [Viability Assessments for Planning Applications](#) page and/or read the Council's Viability Assessment Procedure Note: <https://www.npt.gov.uk/media/16366/section-106-obligations-viability-assessment-procedure-note-and-guidance-note.pdf>.

Before submitting an application, and as part of any further pre-application discussions (which may require further charges), the Planning Officer will discuss the Council's expectations, and offer you the opportunity for a completed viability assessment to be submitted and reviewed prior to the planning application (subject to payment of the relevant charges outlined on the Council's website at <https://www.npt.gov.uk/30472>). Alternatively this can be at application stage, though we would always recommend initiating discussions at pre-application stage.

Required Supporting Documentation

We would encourage you to submit your application electronically via www.gov.wales/planningapplications.

Having regard to the nature of your proposal, it is considered at this stage that in addition to the submission of standard mandatory supporting documentation such as application forms, plans and fee, any application for the above development should also be accompanied by the following additional documentation: -

- Pre-Application Consultation (PAC) Report ('Major' development);
- Design and Access Statement (see TAN 12 Design, Appendix 1);
- Phase 1 Habitat Survey (and any required follow-up surveys);
- Coal Mining Risk Assessment (please check with the Coal Authority, see advice below);
- Details of biodiversity enhancements;
- Details of a SuDS compliant drainage strategy; and

- Site survey identifying existing ground levels, plus details of proposed levels including sections / cross-sections.

If any subsequent application fails to include the information above, there is a chance it may not be registered and, in any event, it is likely that an application will either be refused or will not be able to be progressed until its satisfactory submission.

It is also this Authority's practice to recommend to applicants that detailed information is submitted at application stage to ensure that, in the event of planning permission being granted, that 'pre-commencement' conditions (which require approval of details prior to work starting on site) can be minimised. You are therefore encouraged to ensure that your initial submissions incorporate as much information as possible (for example materials, boundary treatment, ecology mitigation, Construction Management Plan, Travel Plan etc.), and address all matters raised in the advice given above.

Detailed guidance on the use of the national standard application form for planning permission and other associated consent regimes; and the information which must accompany a planning application so that the local planning authority can determine the validity of the application, can be found as follows: -

“Guidance on the use of the standard application form ('1app') and validation of applications”:
<https://gov.wales/sites/default/files/publications/2019-03/section-7-annex-planning-applications-lists-of-validation-requirements.pdf>

The Town and Country Planning (Development Management Procedure)(Wales) Order 2012: [http://www.legislation.gov.uk/wsi/2012/801/contents/made \(original Order\)](http://www.legislation.gov.uk/wsi/2012/801/contents/made/original_order).
 (Note subsequent Amendment Orders: [2014](#) ; [2015](#) ; [2016](#) ; and [2017](#)).

How we will deal with your planning application

As part of its emphasis on 'Delivering Quality Development Quickly', the Planning department prides itself on the service it offers our customers. Once your application has been received, this will include an allocated case officer making contact with you or your appointed agent within the first week and arranging a visit, following which we will contact you by phone or email to advise of any discrepancies with your application. We will also work with you to address any outstanding concerns, including any amendments required to make your proposal acceptable.

Once we are happy with the validity of your application, we will formally consult neighbours and relevant consultees. Provided there are no significant matters of concern resulting from such consultations, we will then seek to determine your application as swiftly as possible after the expiry of the statutory publicity period, and aim to do so within the 8 week statutory period.

While Officers will endeavour to ensure you are aware of the progress of your application, we would encourage you to contact the case officer should you wish to discuss any matter further.

Development Team Approach – Building Control

The Development Management and Building Control teams work closely to assist developers in improving the quality of their development and ensuring compliance with all appropriate conditions and Regulations. In particular, Building Control provide a competitive and highly

professional service and seek to actively engage with developers at the earliest stage of their project. You are therefore encouraged to contact the Building Control team on 01639 686820 or by emailing building.control@npt.gov.uk to enter into early negotiations and understand the benefits of the Council's Development Team approach.

Requests for Further Advice

Following receipt of this initial advice, should you wish to discuss your scheme prior to formal submission, please contact the case officer on the direct number or email address given above. Further charges may apply.

Yours faithfully

Claire Hall

If you require this information in larger print, or in an alternative format, please contact the above named officer.

Seeking Pre-Application Advice from External Consultees

Natural Resources Wales (NRW)

Natural Resources Wales has a key role in the planning system and you may wish to hold pre-application consultation with them, utilising their pre-application service, so that environmental considerations are identified and addressed at the earliest opportunity. More information about Natural Resources Wales's pre-application service, including what advice can be sought for free, and what advice is subject to a fee can be found at:

<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/?lang=en>

Dŵr Cymru Welsh Water (DCWW)

Dŵr Cymru Welsh Water has a key role to play in the development and planning process as the services provided are at the forefront of public health and protection of the environment. Dŵr Cymru encourages all developers to engage with them as early as possible in order to address any issues that may arise during the planning/construction process.

To assist, Dŵr Cymru operates a pre-planning service in order to assess the impact of the proposed development. A written response will be provided advising whether the local network(s) can support the proposal, whether off-site water mains and/or sewers will need to be provided, and whether there are any apparatus located within the land you wish to develop and the requirements for these apparatus. This service is provided for a fee of £155+ VAT and can be submitted by post or by completing the online enquiry form at <http://www.dwrcymru.com/en/Developer-Services>. Further information can be obtained from the dedicated team of planning officers on 0800 917 2652.

Coal Authority

In line with many other statutory consultees, the Coal Authority no longer provides responses to pre-application enquiries without a charge. The Coal Authority therefore requests LPAs to direct applicants that are seeking pre-application advice regarding coal mining legacy issues because their site falls within the Development High Risk Area to them, so they may provide a quotation for providing advice.

Should only a small part of your site fall within the High Risk area, we would especially encourage you to engage with the Coal Authority, since they may advise in certain situations that a Coal Mining Risk Assessment is not required.

Further advice may be found at: <https://www.gov.uk/government/organisations/the-coal-authority>