

SITE AND CONTEXT

The application site is located on land adjacent to 27 Heol Tabor, Cwmafan.

The application site measures approximately 0.027ha. It is irregular in shape and is current vacant overgrown land. It is bounded by a residential dwelling to the west, open countryside to the north, a Public Right of Way to the east and highway to the south with scrub beyond. Access to the site is proposed off Heol Tabor.

The application site is located within of the settlements boundary as defined by Policy SC1 of the NPTCBC LDP.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the construction of a 4-bed detached dwelling with parking and associated works.

The proposed two-storey dwelling would measure approximately 9.2m wide with a 10.5m depth and will reach a height of 8m. It is designed with a lateral gable-ended ridged roof with projecting front gable feature on the western side. Windows are proposed on three elevations of the dwelling. It is proposed to be finished with facing brick with rendered features, and grey composite roof tiles. Externally it is proposed to provide driveway parking for 2 vehicles, plus a secondary drive outside the integral garage. A brick boundary wall is proposed to the front and eastern side boundary. Due to the sloping profile of the site it is proposed to tier the rear garden area to provide three platform areas by reducing the existing ground-levels and providing small retaining walls (approximately 0.9m high).

NEGOTIATIONS

None

PLANNING HISTORY

The application site has the following relevant planning history: -

P2017/1127 - Detached dwelling (Outline with all matters reserved) Approved 26/3/18

P2020/0967 - 4-bed detached dwelling with parking and associated works Approved 19/1/21

P2022/0740 - Section 73 application to amend the wording of condition 2 (approved plans) and to amend condition 3 (required works to the highway) of planning application P2020/0967 determined on 19/01/2021 to alter the required works to the highway. Approved 24/3/23

CONSULTATIONS

Highways Section – No objection subject to condition

Drainage Section – No objection subject to condition

Biodiversity Unit – No objection subject to condition

Dwr Cymru Welsh Water – No objection subject to condition and advisory note

Natural Resources Wales – No objection subject to condition

Local Lead Flood Authority – No objection

Environmental Health Land Contamination – No objection subject to conditions

Coal Authority – No objection subject to the standing advice note

Public Rights of Way – No objection subject to an informative

REPRESENTATIONS

The neighbouring property was consulted on 3/2/26

A site notice was also posted adjacent to the site on 2/2/26

To date no 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:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out 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 wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

[Planning Policy Wales \(Edition 12, February 2024\)](#) 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, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places

PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

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

'3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement'.

3.10 In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important'.

'3.14 Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals'.

6.4.2 The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities

in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.

PPW 12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 12 Design
- TAN 15 Development, Flooding and Coastal Erosion

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

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| • Policy SP3 | Sustainable Communities |
| • Policy SP4 | Infrastructure |
| • Policy SP15 | Biodiversity and Geodiversity |
| • Policy SP20 | Transport Network |
| • Policy SP21 | Built Environment and Historic Heritage |

Topic Based Policy

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| • Policy SC1 | Settlement limits |
| • Policy I1 | Infrastructure Requirements |
| • 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: -

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)

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, highway safety, biodiversity, trees and drainage.

Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of a residential development at this location is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

In respect of the density of the plot (Policy BE1) this site would be expected to achieve a density of 35 dwellings per hectare. As the site would have a density of approximately 37 dwellings per hectare, it would comply with the above Policy.

Finally, it should be noted that as the permission relates to one residential unit only, no contributions in respect of affordable housing, open space etc. would be required.

Impact on Visual Amenity

The street is characterised by two-storey dwellings along this section of Heol Tabor, including on the western boundary. It is therefore considered that the proposed dwelling would have a size and design that, whilst different to the existing ones, would complement the existing street-scene in terms of roof design and proposed finishes. Provided that a condition is imposed on the application in terms of materials/finishes for the dwelling, boundary walls and retaining walls it is considered that the development would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene. Due to the relatively restricted size of the site and potential for contamination (see below), it is recommended that 'permitted development' rights for extensions and outbuildings be removed by condition should consent be granted.

Impact on Residential Amenity

With regards to potential overlooking, it is noted that the only side facing window proposed is on the western side elevation serving a bathroom. As this is a non-habitable room it is recommended that it be conditioned to be fitted with obscure-glazing to prevent any unacceptable overlooking issues should consent be granted. In relation the proposed garden area it is noted that new tiers are proposed. Whilst these have the potential to create some degree of overlooking upon the neighbouring property, due to the fact that the application site garden is angled away from the boundary with the neighbouring property with intervening land in-between, it is considered that a suitably designed fence or wall 1.8m high which is tiered in line with the proposed garden would prevent any unacceptable overlooking issues.

Turning to potential overbearing and overshadowing it is noted that the proposed dwelling would be sited in line with the front Number 27 but would extend longer in depth. However, it is noted that there is an existing car port and blank elevation to the side of Number 27, and that the proposed dwelling would be sited approximately 7m away from the main side elevation of Number 27. As such, it is considered that there would be sufficient separation distance to ensure that the proposed dwelling

would not create any unacceptable overbearing or overshadowing issues. Due to the sloping profile of the site however, it is recommended that should consent be granted, 'permitted development' rights for decking will be removed by a suitably worded condition.

Parking and Access Requirements and Impact on Highway Safety

The submitted scheme illustrates sufficient off-street car parking for three vehicles as required by highways standards for a dwelling of this size. The block plans also notes that a new footway would be provided across the frontage of the site, and the surfacing of the turning area outside the site be improved. The submitted application has been assessed by the authority's highways section who offers no objection, subject to conditions being imposed to: retain the proposed parking spaces; ensure that the proposed parking spaces are of the required size; ensure that the drive gradients are a maximum of 1 in 9; ensure that surface water does not run into the highway and to keep vision splays clear from obstruction by boundary treatment, structures and planting. It is recommended that such conditions be imposed on any consent to ensure that the proposal would not have a detrimental impact upon highway or pedestrian safety. It is further recommended that an informative also be added to the consent advising that works to the highway be carried out to the agreed specification of the local authority and that highways should be contacted prior to works commencing.

In respect of the works to the highway outside the red-line application site, the applicant has previously been made aware and acknowledged that these will require permission in their own right and had agreed to submit a separate planning application for these works. A suitable informative will be imposed on the application to this effect, and a pre-commencement 'Grampian' style condition requiring these works will be imposed on this application accordingly.

Biodiversity / Ecology

As identified above, Policies EN6 and EN7 of the Local Development Plan 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.

Planning Policy Wales (PPW) 12 sets out that; the quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes. A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive

multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15 of PPW 12) has been applied.

A Green Infrastructure Statement has been submitted in support of this application, which outlines that the development seeks to provide a bird box on the eastern elevation at eaves height.

The authority's ecologist was consulted on the proposal and offered no objection subject to a condition ensuring the implementation of the green infrastructure statement; a condition controlling the method of site clearance and the removal of reptiles or amphibians prior to topsoil stripping and root removal; and an informative advising on the need to avoid site clearance during bird nesting season. It is recommended that suitably worded conditions as suggested be imposed on any consent should it be granted.

The presence of Japanese Knotweed was previously identified on site and as such it is recommended that a suitably worded condition be added to treat and control it should consent be granted.

As such it is considered that sufficient evidence has been provided to conclude that the proposal would provide an ecological enhancement proportionate to the scale of the development. The development is therefore considered to accord with Planning Policy Wales Edition 12, and Policies EN6 & EN7 of the Neath Port Talbot Local Development Plan.

Drainage

The authority's drainage section was consulted on the proposal and commented as follows:

1. "Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.
2. There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority.
3. Unless otherwise agreed in writing by the Local Planning Authority, foul water and surface water discharges shall be drained separately from the site.
4. No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
5. Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development during the life time of construction.

6. As the proposal involves the construction of a new dwelling and introduces more than 100m² of additional impermeable area, the development will require SAB approval prior to commencement, in accordance with Schedule 3 of the Flood and Water Management Act 2010.

While the drainage statement provides outline intentions, the LLFA notes that the proposals will require clarification and full supporting detail as part of the SAB application.

Further information will be required on:

- Feasibility of infiltration, including BRE365 infiltration testing.
- A full SuDS strategy with specific SuDS components and justification through the SuDS hierarchy.
- Runoff calculations, attenuation sizing and climate change allowances.
- Management of surface water flood risk and overland exceedance routing.
- Confirmation of proposed surfacing materials (e.g., porous paving vs tarmac) and associated design details.
- A scaled drainage layout, levels and construction details.
- A maintenance plan for all drainage / SuDS features.
- Integration of SuDS design with observations in the FCA regarding local overland flow routes.”

These matters must be addressed through a separate formal SAB application.”

With regard to point 6, an informative is recommended notifying the applicant of the need for a SABs application and the additional information required to be submitted with it. The submission of this application would also address the remaining points.

Welsh Water was also consulted on the proposal and offered no objections to the proposal subject to a condition restricting surface water from connecting to the public sewerage network and the inclusion of advisory notes. It is recommended that such a condition be imposed should consent be granted.

Local Lead Flood Authority

Part of the site is located in flood zone 2 of the NRW Surface and Small Watercourses map for flooding. The Local Lead Flood Authority was consulted on the proposal and offered no objection subject to the scheme being built in accordance with the submitted drainage statement.

Public Rights of Way

A Public Right of Way (PROW) “Footpath MO.AAC3” runs adjacent to the proposal on the eastern side of the site. The authority’s Countryside Team was consulted on the proposal and had no objection to the development and recommended that an informative note be added to any consent stating that the Public Right of Way shall be protected at all times and that any damage caused to the Right of Way shall be rectified to the satisfaction of the local authority. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Countryside Team.

Contaminated Land and land stability

The application site has been identified as being in an area possibly subject to land contamination and in a Coal Authority low risk development area. A preliminary geo-environmental and geotechnical report was submitted alongside the planning application, and the Coal Authority, Natural Resources Wales (NRW) and the authority's land contamination officers were consulted on the proposal.

The Coal Authority offered no objection as the proposal was in a low-risk area and requested that the standard low risk standing advice be added as an informative.

Similarly, NRW offered no objection to the proposal subject to a condition that should during development unexpected contamination be found that work cease until a remediation strategy be agreed by the Local Planning Authority and carried out as approved. It is recommended that such a condition be imposed should consent be granted.

The authority's land contamination officer commented:

"EPS Ltd., on behalf of the Client, was appointed to investigate any potential pollutant linkages that could affect the proposed residential development, which includes a garden. A review of historic maps and background information identified several plausible pollutant pathways, and the Conceptual Site Model (CSM) indicates the presence of potentially active pollutant linkages. The results of the limited shallow intrusive site investigation confirmed the presence of contamination on-site. Therefore, further intrusive investigation, including ground-gas assessment, is recommended to determine the extent and significance of any potential contamination"

The officer recommended conditions be imposed regarding carrying out an initial site investigation; detailing and implementing a remediation strategy; verifying the effectiveness of that remediation scheme and a further condition relating to the discovery of unexpected contamination. It is recommended that should consent be granted, suitably worded conditions be imposed in the interests of ensuring 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.

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 considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the visual amenity of the area, the amenities

of neighbouring residents, highway safety, biodiversity, or the existing protected tree. Accordingly, the proposed development is in accordance with Policies SP3, SP4, SP15, SP20, SP21, SC1, I1, EN6, EN7, EN8, TR2 & BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policies 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking) & 9 (Resilient Ecological Networks and Green Infrastructure) 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.