

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**REPORT OF THE HEAD PLANNING – N. PEARCE**

**30<sup>TH</sup> SEPTEMBER 2014**

**SECTION A - MATTER FOR DECISION**

**3. Planning Applications**

**Recommended For Refusal**

<b><u>ITEM 3.1</u></b>	
<b><u>APPLICATION NO:</u> P2013/0762</b>	<b><u>DATE:</u> 20/03/2014</b>
<b>PROPOSAL: Demolition of existing dwelling and construction of two pairs of semi detached dwellings, land infill and associated works</b>	
<b>LOCATION: Dan-Y-Graig House, 36 Swansea Road, Pontardawe, Swansea, SA8 4AL</b>	
<b>APPLICANT: Nigel Thomas Plant Hire Ltd</b>	
<b>TYPE: Full Plans</b>	
<b>WARD: Pontardawe</b>	

**Background Information:**

Members should note that this application is reported to the Planning and Development Control Committee at the request of Councillor Linet Purcell on the grounds that there is considerable local interest in the matter and because of the concerns over highway safety and the method of construction involving transporting rubble to raise the level of the land.

**Planning History:**

1983/0375      Change of use of land for parking      Refused      17/01/84

of business cars in connection  
with funeral directors

**Publicity and Responses (if applicable):**

The application was advertised on site and 6 neighbouring properties were consulted by letter. To date no responses have been received.

**Biodiversity Unit:** No objection, subject to conditions

**Head of Engineering & Transport (Highways):** Recommend refusal

**Head of Engineering & Transport (Drainage):** No Objection, subject to conditions.

**Welsh Water:** No response therefore no comments to make

**Pontardawe Town Council:** No objection

**Structures Section:** No objection, subject to conditions

**Arboricultural Officer:** No objection

**Contaminated land:** No objection, subject to condition

**Pollution control (Noise):** No objection

**Description of Site and its Surroundings:**

The application site is a rectangular shaped parcel of land located at 36 Swansea Road, Pontardawe. Currently a property which has been derelict for some time is located on the site.

The site measures approximately 34.5m in depth and has a frontage on to Swansea Road of 39.5m. The site is set approximately 3m below road level and other than the existing dwelling, consists of extensive vegetation growth and unmade ground.

There is an existing vehicle access on the north-west boundary of the site directly off the highway. This has been temporarily blocked in order to

prevent access to the site. Cross-sections of the site provided by the applicant indicate the front boundary of the site is set approximately 3m below road level, beyond which the land slopes gently roughly north to south away from Swansea Road to the rear of the site, where the land slopes away further and more steeply towards open land / playing fields and a canal.

Surrounding land is residential in nature, with established dwellings predominantly fronting Swansea Road. It should be noted that the applicant also owns further land to the north-east of the application site which it is understood could be the subject of further future planning applications.

The application site is located within the H3 settlement limits as defined in the Neath Port Talbot Unitary Development Plan.

### **Brief description of proposal:**

The application proposes raising the level of the site by at its highest point by approximately 3.2m by the importation of approximately 2150m<sup>3</sup> of material which equates to a total of 4,000 tonnes in respect of this phase of the development. It is then subsequently proposed to construct two pairs of semi-detached houses on the raised area of land that would front on to Swansea Road. The proposal will also involve the demolition of the existing derelict property on the site known as Dan-y-Graig House.

The proposed dwellings are shown to have three bedrooms, a roughly rectangular shaped footprint and will be sited approximately 8.6m (excluding porch) back from the front boundary of the application site.

The proposed access to each proposed property is directly off Swansea Road to the front boundary of the application site and parking for up to two vehicles is shown within the front curtilage of each property. Private amenity space will be provided to the rear of the site.

The proposed dwellings would have the approximate dimensions of 6.0m in width, 8.45m in depth and maximum height of 8.2m.

## **Material Considerations:**

The main issues to be considered in the determination of the application are the principle of residential development on the application site, the impact upon the residential amenity of occupiers within the adjacent dwellings, the impact upon visual amenity and the character and appearance of the surrounding area, and the impact upon the highway safety of the existing road network.

## **Policy Context:**

The relevant planning policies which need to be taken into consideration in the determination of this application are as follows:

Neath Port Talbot Unitary Development Plan:

- GC1 New Buildings/structures and Change of Use.
- GC2 Engineering Works and Operations.
- ENV3 Impacts on the Landscape.
- ENV5 Nature Conservation.
- ENV17 Design.
- ENV29 Environmental Quality and Amenity.
- H2 Housing Density.
- T1 Location, Layout and Accessibility of New Proposals.
- H3 Infill and Windfall Development within Settlements.
- H4 Affordable Housing.
- ENV4 Proposals affecting species protected by European or UK legislation
- ENV5 Nature conservation

Technical Advice Note (TAN) 2: Planning And Affordable Housing (2006)

Supplementary Planning Guidance (Affordable Housing)

Policy H3 – the development of infill sites within settlement limits will generally be permitted on condition that there is no unacceptable loss of important open or green space; proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing programmed infrastructure or community facilities;

there will not be significant detrimental effect on the amenity of the existing residents of the area; and there would be no unacceptable highway implications.

Policy GC1 – Promotes new development subject to the satisfaction of criteria.

In the context of the current development plan policy framework, the site is located within the H3 settlement limits defined in the Neath Port Talbot Unitary Development Plan. Therefore, the principle of residential development is generally acceptable, provided there are no highway, amenity or other overriding objections.

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

The application site is approximately 0.13 hectares in size which does not exceed the Schedule 2, Column 2 quantity over which developments must be screened as to whether they require an Environmental Impact Assessment. A screening opinion is not therefore required.

The application site is not considered to be located within a zone of influence for any SAC or Ramsar sites.

### **Visual Amenity:**

The proposed layout plan shows two pairs of semi-detached dwellings (four dwellings) located towards the front boundary of the application site. All four of the proposed dwellings would be two storey in height and front on to Swansea Road.

The finished ground floor level of the dwellings is to be set 300mm below the level of Swansea Road. However, due to the significant difference in ground levels between Swansea Road and the application site in its current form, to achieve the foresaid levels, it would be necessary to import a significant amount of fill into the application site to raise the level of the site up to / close to the level of Swansea Road.

It is accepted that the proposed dwellings' two storey appearance, design and siting at road level would not be at odds with the existing street scene which is generally made up of two storey dwellings fronting Swansea

Road. It is therefore considered that the dwelling's themselves would have an acceptable appearance when viewed from Swansea Road, and the proposed ridge heights of the dwellings would read as being in keeping with the existing pattern of development within this locality.

In order to raise the levels of the site to create frontage on to Swansea Road, however, a significant amount of fill would have to be deposited at the site. To help illustrate how this would appear, the applicant has submitted various cross section through the site and an indicative illustration which indicate the significant fill required to raise the levels of the site together with the proposed relationship with Swansea Road and the public open space to the rear of the site.

The application proposes raising the level of the site at its highest point by approximately 3.2m by the importation of approximately 2150m<sup>3</sup> of material which equates to a total of 4,000 tones in respect of this phase of the development. At 6.9m from the boundary of the site, the original site level was 46.50, but raising to 49.1m as a result of the proposed fill operation. At 8.3m from the front boundary of the site the level increases from 46.25 to 48.95. At 16.1m from the front boundary of the application site the level increase from 46.20 and 47.45.

The difference in ground level across the depth of the site is caused in part by its natural slope, but is exacerbated as the site slopes steeply down from Swansea Road before a more natural and gentle slope towards the rear boundary of the site.

The required level of fill material would be at its greatest depth close to the front boundary of the site, at a maximum depth of approximately 3.2m. It is noted that the proposed fill material is graded as you move towards the rear boundary of the site, resulting in less fill. However, even with this proposed drop in ground levels, the site at its lowest point would still, towards the rear, be raised by approximately 1.24m above the original ground level before tapering off towards the canal and public open space beyond.

There is concern that by raising the levels of the site it will become much more prominent in the landscape, especially when viewed from the public open space to the rear of the application site which is set at a lower level. The raising of levels will also affect the side boundaries of the application

site, where the site levels will reduce to correspond with the adjoining land which is set at a lower level. The prominence of the site in respect of the side and rear boundaries will be exacerbated by the inclusion of boundary treatment to be located on top of the filled area and also substantial retaining walls to the rear of the site and potentially to the side boundaries.

The additional information provided by the applicant including the visual illustration does not address the councils concerns relating to this matter and in any case is only indicative and not necessarily an accurate reflection of how the dwelling will relate to the surrounding landscape.

As such it is not considered that the proposal incorporates finished ground levels that are compatible with the area and the proposal would unsympathetically alter the site contrary to the character and appearance of the surrounding area.

It should also be noted that The Local Authority, has questioned whether it is necessary to import material onto the site, and whether the site could in fact be developed without raising levels. In this regard, the local authority put to the applicant a scheme that would allow the site to be satisfactory developed without the requirement for significant fill to be brought to the site. This scheme provided for the following:

- Proposed dwellings brought forward towards Swansea Road
- Gentle gradient to rear gardens
- Area of fill not required as split level dwelling proposed with parking at original ground level to rear.
- One single access point
- Shared drive serving all dwellings with access to individual dwellings to the rear

The suggested scheme shows that by proposing a combination of gently sloping gardens, and split level dwellings, together with bringing the dwellings forward closer to Swansea Road, a scheme can be developed that can deal with the difference in the ground levels without the requirement

for fill material. This approach helps to create a less engineered and more natural appearance to the development and thereby overcomes any unacceptable visual impact whilst also being more sustainable given the reduced requirement for vehicular movements to the site.

At this point it would also be prudent to note that this scheme also overcomes the highways section's concerns regarding multiple access points on to Swansea Road (covered in more detail later in this report).

Having regard to the above, it is clear that opportunities exist for a scheme to be designed which would continue to front onto Swansea Road while negating the need for the substantial filling operation. Such a scheme could therefore respect local character and avoid the unacceptable impacts described above while also reducing the potential impacts of the proposed fill operation upon highway and pedestrian safety, and improving the sustainability of the development.

As such, and having specific regard to Policy GC2 (engineering works and operations (including minerals and waste) of the Neath Port Talbot Unitary Development Plan it is considered that the proposed development would create an unjustified and unacceptable impact in failing to respect the surrounding landscape, including its local topography, character and existing features, ultimately resulting in an unacceptable impact on the character and appearance of the surrounding area.

### **Residential Amenity:**

The closest existing dwelling is to the front of the application site on the opposite side of Swansea Road and is located approximately 26.0m away from the front elevation of the proposed dwellings and at a higher level. It is considered that the distances between the proposed and existing dwellings opposite the application site would be sufficient to ensure that there would be no unacceptable overshadowing or overbearing impacts. Furthermore, there are no residential properties located towards the side or rear boundaries of the application site.

While it is proposed to raise the levels across the site, there is only a garage and associated forecourt towards the south west boundary of the application site which would be affected by this element of the proposal. However, given that these buildings are not residential in nature it is



considered that the proposals would not be unacceptably overshadowing or overbearing to this existing premises.

In terms of overlooking there are no side facing windows proposed to any of the proposed properties both on ground and first floor level. Furthermore, the proposals comply with the authority's privacy standard that requires a minimum distance of 21.0m between habitable room windows directly facing each other.

It is therefore considered that due to the distance between the proposed and existing dwellings together with the fact that there are no side facing windows proposed, there would be no detrimental impact through overlooking as a result of the proposed development.

As such the proposed development would not have unacceptable detrimental impact in terms of overshadowing, overbearing and overlooking.

The proposed development however has the potential to result in impacts on amenity and public health through noise, visual intrusion, and air emissions resulting from operations on the site, and from vehicles travelling to/from it related to the significant fill operation proposed.

The proposed development would result in periods of intensive HGV movements, including during construction. It is considered that the importation and deposit of some 2150m<sup>3</sup> of waste material and the siting and operation of plant and machinery necessary to undertake the land raising works on the application site would be over a prolonged period of time.

The scale of the filling works, associated with the proposed ground level increases across the site, would be likely to result in a significantly longer construction period than would be expected on a normal development scheme for a development of this size on a level site and also a significantly larger number of lorry movements to deliver the ground fill material to the site. In addition to the importation of fill, the material would have to be compacted to form a suitable building platform.

The applicant has indicated that the import fill, levelling and compaction process is to take place in a continuous operation until complete. The

applicant calculates that this process will take approximately 4-8 weeks, with site movement of traffic amounting to between 5-10 loads per day for 5 days per week. (Approximate fill required = 4000 tonne - the site owner / plant operator has this material immediately available within a transportation distance of approximately 2 miles).

The local authority raise concern that the application site is located within a residential area and also in close proximity to playing fields and a school. The application site is also considered to be located in an area where road safety is an issue and where there have been two recorded personal injury accidents. As such, were this application to be approved restrictions would have to be put in place limiting operational hours and particularly the time when deliveries could be made to the site. For example, restricting the hours for deliveries to the site between 9 and 3 will avoid peak times and fallout side of school opening and closing times. However, restricting delivery times (HGV movements) will limit the amount of deliveries per day to 5, thereby extending the period of operation to approximately 8 weeks. Conditions that would restrict the time period over which the fill operation could take place would also be required.

Furthermore, the resultant scale of the impact of the fill operation could be restricted through the implementation of an appropriately designed ground re-grading methodology, as well as the number of lorry movements to the site per day and the hours of delivery of materials.

It is therefore considered that residential amenity would be significantly affected by the activity resulting from the HGV movements. However, given the restrictions and conditions that can be imposed as discussed above, it is considered that on balance the affect on residential amenity would not be to an extent that would warrant refusal of this planning application.

### **Highway Safety (Access, Parking and Traffic flows):**

The Head of Engineering and Transport (Highways Section) recommends the application is refused as the applicant does not own or control sufficient land to provide 2.4 metres x 90 metres vision splays in either direction (from the individual access points proposed from Swansea Road) based upon the 30 mph speed limit along Swansea Road (B4603).

This lack of adequate visibility for a vehicle emerging from the development especially one which may reverse out due to the lack of turning facility will therefore be detrimental to the safety and free flow of traffic along Swansea Road (B4603).

There are examples of other direct access points from the road along Swansea Road, however these are generally historical in nature and do not set a precedent for this application. This is especially the case since clear opportunity exists to create appropriate and safe access at this site, since the applicant owns land adjoining the site where there could be potential to improve visibility.

In addition to which visitors / deliveries etc to the proposed properties are likely to park on the highway along with the junction to Derw Road, which itself is largely a narrow road lacking in footways and which has a poor junction onto Swansea Road being located directly opposite the application site, will further exacerbate the problem of road safety at this location.

The introduction of further vehicular movements opposite the junction with Derw Road which has poor visibility where drivers emerging from this junction have to concentrate on vehicles approaching from both directions due to the inadequate visibility, will be seriously detrimental to the safety of traffic at this junction and accessing / egressing the proposed dwellings and create a conflict between vehicles.

There has also been two recorded personal injury accidents in close proximity to both the application site and the junction with Derw Road in the last 10 years, therefore in view of the combined affect of the above concerns the Highway Officer has recommended refusal on the grounds that the proposed development will be a hazard to the safety and free flow of traffic and safety of pedestrians at this location.

Furthermore, HGVs likely to result from the development and particularly the filling operation will compound matters and further add to the highway and pedestrian safety issues resulting from this proposed development.

Having regard to the above, the proposed development would be detrimental to highway safety and contrary to policies GC1 and T10 of the

Neath Port Talbot Unitary Development Plan and Technical Advice Note 18: Transport.

**Landscaping:**

Notwithstanding the objections above on visual amenity grounds, a landscaped/garden area is proposed to the rear of each of the new properties, which is considered adequate to serve the new dwellings. Were this application to be approved, a landscaping scheme would be required to deal with the fill areas to the rear and side boundaries of the site the fall outside of the proposed properties amenity areas.

**Ecology (including trees & Protected Species):**

The application site is currently overgrown scrub and grassland. However, both the arboricultural and biodiversity officers' have no objection to the proposed development subject to conditions.

**Flooding:**

Not Applicable.

**Pollution (air and ground):**

The Authority's Contaminated Land section has no objection to the proposed development subject to the imposition of a condition dealing with unsuspected contaminated land.

**Ground conditions and Drainage.**

As explained above the proposed development would require an increase in ground levels across most of the application site. These works would necessitate the importation of a large amount of fill material which would be spread over the application site and compressed to create a suitable building platform. As previously stated these works would be carefully controlled through the imposition of a number of conditions that would control hours of delivery, the length of time that the works should be carried out over and the details of the proposed fill methodology.

Conditions would also have to be imposed to ensure that prior to the start

of works on site full details of a construction phase land/surface water drainage scheme are submitted to the authority for their approval and that the approved details are implemented on site and used throughout the construction phase of the development. This condition would ensure that the proposed development would not have an adverse impact upon the amenities in terms of surface water run off and that any existing surface water drainage issues on the adjacent sites are not exacerbated. The condition would also ensure that any surface water that leaves the site has been appropriately treated first to ensure that there would be no potential issues associated with contamination.

In regard to the extensive ground level operations that are proposed to take place across the application site, there is concern that if a large amount of the required fill material were brought onto the site and the developer ceased trading or was unable for some other reason to complete this aspect of the development, that due to the prominent location and steep topography of the site that there would be a significant adverse impact upon the character and appearance of the wider area as well as potential issues regarding ground stability and surface water drainage issues.

As such, it is recommended that were this planning application to be approved, it be subject to the signing of a Section 106 agreement that would secure the provision of a bond that would cover the proposed ground level operation associated with the development. The bond would ensure that the ground level works and associated drainage works could be completed by the local authority in the event that the developer, for whatever reason, was not able to.

### **Affordable Housing:**

In terms of housing supply, in recent years, affordability has become an increasing problem throughout Wales, even in areas of traditionally lower house prices, in the context of rapidly rising house prices relative to income levels.

The Welsh Government has identified the role of the planning system as one of the key mechanisms that will provide affordable housing, in its concern to provide sustainable and inclusive communities. It expects affordable housing to be part of the mix of most market housing developments, provided for by developers according to the same logic that

they have to provide for other infrastructure and facilities necessary to enable a community to function.

As such the Authority is seeking a contribution of 20% from all housing developments of 3 units and above, with a commuted sum being sought for developments between 3-4 units. This requirement would be in accordance with Policy H4 of the adopted UDP and also the adopted Supplementary Planning Guidance on affordable housing.

However, in this case, the applicant has questioned the viability of the site were provision of affordable housing to be imposed. As such the applicant has submitted evidence (viability assessment) in an attempt to demonstrate that applying the affordable housing requirement to this development makes the scheme unviable. When doing this, the applicant agrees to provide all the information required within the Viability Assessment Guidance Notes (Supplementary Planning Guidance). In this case, however, the applicant has not done this.

Having reviewed the submissions, the Authority's Valuation Officer advised that he was not satisfied with the viability assessment as it lacks detail and there are gaps in the information required to adequately assess whether there should be a contribution to affordable housing provision as part of this application. The information omitted from the assessment includes:

**Build costs** – justification for higher than standard costs

**Sale price** – lack of background evidence to support the unit price submitted

**Land purchase** - no information on the method of sale provided, the historic use of the site, the site area or when the land was purchased.

The local planning authority requested the above, but the applicant declined to provide the information required.

Having regard to the inadequate information submitted, as well as the extent of costs involved in providing for significant levels of fill (which are expected to be in excess of that which would normally be expended for a more conventional development), it is concluded that the applicant has provided insufficient information to adequately address viability and

affordable housing need in accordance with the Council's adopted Supplementary Planning Guidance in respect of Affordable Housing. The local planning authority is therefore unable to establish / assess whether the site is not viable at the level of affordability required as the applicant has failed to provide adequate information to address viability and affordable housing need.

Accordingly, it must be concluded that the application should be refused on the basis that it fails to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and SPG, with the applicant having failed to provide adequate information to address viability and demonstrate that the development is unable to achieve the required level of affordable housing. For these reasons the proposed development is contrary to Policy H4 of the adopted Unitary Development Plan, the adopted Supplementary Planning Guidance on affordable housing and guidance within Technical Advice Note (TAN) 2: Planning And Affordable Housing.

**Others (including objections):** N/A

**Conclusion:**

It is considered that the proposal represents an inappropriate form of infill development, which by reason of the volume of the fill proposed to raise the level of the site together with required boundary treatment would create an unjustified and unacceptable impact in failing to respect the surrounding landscape, including its local topography, character and existing features, ultimately resulting in an unacceptable impact on the character and appearance of the surrounding area.

In addition the development would be harmful to highway safety by reason of the inadequate visibility and turning facility for vehicles exiting the site, together with the introduction of further vehicular movements opposite the junction with Derw Road.

Finally, the development fail to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and SPG and the applicant has failed to provide adequate information to address viability and demonstrate that the development is unable to achieve the required level of affordable housing.

The proposed development is therefore contrary to Policies GC1, GC2, ENV17, H4 and T10 of the Neath Port Talbot Unitary Development Plan, to the adopted Supplementary Planning Guidance on affordable housing, and guidance within Technical Advice Note (TAN) 12: Design, TAN 18: Transport and TAN 2: Planning And Affordable Housing.

**RECOMMENDATION: Refusal**

(1) The volume of the fill proposed to raise the level of the site together with required boundary treatment would create an unjustified and unacceptable impact in failing to respect the surrounding landscape, including its local topography, character and existing features, ultimately resulting in an unacceptable impact on the character and appearance of the surrounding area. The proposed development would therefore be contrary to Policies GC1, GC2 and ENV17 of the Neath Port Talbot Unitary Development Plan and the broad thrust of Technical Advice Note (TAN) 12: Design.

(2) The proposed development, by virtue of the inadequate visibility for vehicles exiting the site, especially one which may reverse out due to the lack of turning facility, will lead to the creation of an unsafe access, this, together with the introduction of further vehicular movements opposite the junction with Derw Road which has poor visibility will create conflict between vehicles and be detrimental to the safety and free flow of traffic along Swansea Road (B4603) and the Derw Road junction. As such, the proposed development would be contrary to Policies GC1 and T10 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note (TAN) 18: Transport.

(3) The proposals fail to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and SPG and the applicant has failed to provide adequate information to address viability and demonstrate that the development is unable to achieve the required level of affordable housing. The proposed development is therefore contrary to Policy H4 of the adopted Unitary Development Plan, also the adopted Supplementary Planning Guidance on affordable housing and Technical Advice Note (TAN) 2: Planning And Affordable Housing.