

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0159	<u>DATE:</u> 15 September 2015
PROPOSAL:	Demolition of existing care home (C2 Use) following construction of new replacement two storey residential care home for 6 adults (C2 Use) and associated works (Amended plans received 20.11.15 and 23.11.15)
LOCATION:	Trebanos House The Drive Trebanos Pontardawe Swansea
APPLICANT:	Mr Michael Forzani
TYPE:	Full
WARD:	Trebanos

Background:

Members should be aware that Cllr. Rebeca Philips requested on the 27th October 2015 that this application be determined at Planning Committee on the basis that there is a 42 person signature against the application and due to the transport issues in terms of Graig Road and the impact on the school.

Councillor Philips' written comments have been summarised within this report.

Planning History:

The application site has the following relevant planning history: -

- 74/0031 – Residential development – Refused 25/07/74
- 78/0237 – Residential development – Refused 4/7/78
- 82/0371 – Proposed temporary siting of caravan – Approved 2/11/82
- 82/0397 – Annexe for domestic use by staff – Approved 07/12/82
- 83/0456 – Proposed renewal of consent for temporary residential caravan – Approved 6/12/83

- 84/0005 – Bungalow annexe – Approved 21/02/84
- 84/0650 – Renewal of temporary consent for residential caravan – Approved 19/2/84
- 86/0419 – Proposed single storey extension to nursing home – Approved with conditions 30/7/87
- **P2006/0967** – 3 no. detached bungalows (4 bedroom) as L.D. residential homes – Refused 20/2/07 on the following grounds: -

(1) The access which will serve as the access to the proposed development is narrow with no footways and its junction with the B4603 Swansea Road lacks adequate visibility and is therefore incapable of safely serving additional development. The development of the application site for a further three dwellings will result in additional traffic movements on this substandard highway to the further detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies H3 and T1 of The Neath Port Talbot Deposit Draft Unitary Development Plan and Policy T2 and H9 of The Northern Lliw Valley Local Plan.

(2) The proposed access road by virtue of its siting and lightly elevated position in relation to the property referred to as Y Groesfaen, will result in an unacceptable impact upon the amenities of residents within this property by virtue of an increase in noise and disturbance generated by the additional vehicle movements. The proposal is contrary to Policy H3 and GC1 of The Neath Port Talbot Deposit Draft Unitary Development Plan and Policy H9 of The Northern Lliw Valley Local Plan.

(3) The proposed access off The Drive will reduce the level of existing off street parking provision within the curtilage of Pathways. This will lead to indiscriminate parking of vehicles on The Drive interfering with the free flow of traffic to the detriment of highway safety and other road users. The proposal is therefore contrary to Policy T2 of The Northern Lliw Valley Local Plan and T1 of The Neath Port Talbot Deposit Draft Unitary Development Plan.

A subsequent appeal was dismissed on 20th November 2007. A copy of the appeal decision is attached at Appendix A.

- **P2010/0041** – Detached dwelling for assisted living home (outline)
– Refused 15/3/10 on the following grounds:

(1) Graig Road which will serve as the access to the proposed development is narrow with no footways and its junction with the B4603 Swansea Road lacks adequate visibility and is therefore incapable of safely serving additional development. The development of the application site for a dwelling will result in additional traffic movements on this substandard highway to the further detriment of highway and pedestrian safety. The proposal is therefore contrary to Policies H3 and T1 of The Neath Port Talbot Deposit Unitary Development Plan.

Publicity and Responses:

15 neighbouring properties were consulted and a site notice was displayed.

To date 7 letters of objection, a petition containing 42 signatures, and letters from Peter Black AM and Cllr. Rebeca Phillips (Trebanos Ward) have been received.

The comments contained within these documents are summarised as follows, and it is noted that the 42-name petition endorses many of the comments made within the objection letters:

1. Development does not comply with planning policy. Proposal cannot be off-set against the existing care home operation
2. Questionable how approval was granted originally for this business. Moved from Nursing home to learning difficulties care home with no notification to neighbours. The existing care home operations pre-date any meaningful planning regulation
3. Existing care home fit for purpose and no evidence it cannot be re-built. No evidence to support the case that the existing residents have to be kept 'in situ' and cannot be relocated
4. It does not follow that as there are no TPOs none are worth preserving
5. A Flood Consequences Assessment should be provided
6. DAS inaccuracies including reference to drive as predominately residential area.

7. Impact upon residential amenity including no daylight / sunlight assessment has been provided, impact on privacy including overlooking, new building is closer to existing houses, increased noise and existing trees overgrowing
8. Impact on visual amenity including building not same height and design as adjoining properties
9. Concerns in respect of highways and pedestrian safety including location of development, no transport statement, number of vehicular movements and increase in traffic (construction and demolition as well as post development), parking provision, unsuitable Graig Road and the Drive and location of school given these concerns
10. Plans do not show access and egress arrangements for refuse vehicles, fire tenders, oil deliveries and predicted car use
11. Application previously refused on ground of access and there has been no change to Graig Road from when previous applications refused on highways and pedestrian safety grounds
12. Anti-social behaviour of existing residents
13. Trebanos house contains asbestos, no mention of its management, control and removal. How will residents be protected.
14. Japanese Knotweed present
15. Have applicants accurately costed the demolition of Trebanos House.
16. Building a new facility elsewhere possible, but would fail on planning grounds – DAS misleading
17. Office proposed in loft space – a completely new use
18. DAS states new building is much smaller but this does not reflect that two sections of the existing building are single storey or that the proposed building is nearer to existing residential properties
19. There is an intention to expand this site and build on Trebanos House's footings
20. No objection to the new care home being built on the site of the existing Trebanos House

The comments received from Peter Black AM are summarised below:

Graig Road is narrow and currently serves 70 properties. It is the only access to YGDD Trebanos. It starts with an acute angled junction off Swansea Road and proceeds up a steep hill with a bend and

carriageway width of average 5.5m but reducing to 4.5m at one point. Visibility out of the junction on to Swansea Road is at a 2.4m set back and is restricted and substandard to the south. There are no footways except for one small section. Further development along this road will lead to increased traffic along this road and compromise highway safety and that of pedestrians. The loss of green space as a result of this development will reduce amenity for local residents and is an inappropriate addition to a predominately residential area.

The comments received from Councillor Rebeca Philips are summarised below:

The site has been subject to many applications, all of which have been turned down by planning officers.

It has been noted by planning professionals from the local authority that:

- Graig Road is narrow, tortuous and steeply graded and is unsuitable to deal with additional traffic which would be generated.
- The junction of Graig Road with the Principal route A4067 (Swansea Road) is substandard and any increase in the number of vehicles negotiating the junction would be prejudicial to the safety of traffic and other road users.

The condition of Graig Road nor Swansea Road has improved since previous applications P2010/0041 and P2006/0967. I question therefore why this application is now being recommended for approval?

Graig Road serves around 70 residential properties and is the only vehicular access to Ysgol Gynradd Gymraeg Trebannws. The problems at Graig Road and The Drive are already unacceptable and are discussed regularly at PACT meetings. At school times the parking regularly restricts residents and having large vehicles enter Graig Road and the Drive during the construction process would have a negative impact on my constituents. The road is clearly not suitable for heavy goods vehicles during construction of the new building and will put pedestrians at further risk as there is no pavement on the road.

The DAS states that the existing building is not viable for refurbishment but provides no evidence of this. The access statement does not either state why the residents must remain in-situ and the need to build the

new care home alongside the existing building. This application also decreases the number of residents from 10 to 6 – where are the remaining residents going when every other application has been to increase the number of residents?

I understand that the planning department has received a petition from over 50 residents outlining their concerns of the dangers of Graig Road. Furthermore, residents from The Drive are concerned of the noise aspect during demolition and construction and the fact that the care home is being moved closer to their properties. There are concerns over privacy left unaddressed.

Due to the obvious strength of feeling regarding this application I urge my fellow councillors to reject this application for the reasons outlined above. It is essential that the committee at the very least conducts a site visit in order for you to understand the concerns I have in particular to transport and vehicular access issues.

Pontardawe Town Council: Objects on the grounds that there is insufficient access and parking at the site together with the loss of privacy for neighbouring properties if trees are removed. Also concern regarding damage to trees covered by TPOs and the impact of large vehicles on the access road.

Building Regulations (Demolitions): Notified

Natural Resources Wales: No objection, subject to condition

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

Head of Engineering and Transport (Drainage): No objection, subject to conditions.

Structures Section: No objection, subject to condition

Contaminated Land: No objection, subject to conditions

Biodiversity Unit: No objection, subject to condition

Arboricultural Officer: No objection, subject to conditions

Public Rights of Way: No objection

Engineering and Transport Section (Land slips): Site in dormant landslide area, history of coal mining and tips in the area. Seek specialist advice and carry out proper ground investigation prior to design of any foundations or retaining walls.

Description of Site and its Surroundings:

The application site consists of an existing care home known as Trebanos House and its associated grounds, located at The Drive, Trebanos. The site is situated within an established residential area and is accessed directly from the residential street known as The Drive.

The existing care home consists of a large two storey building with a single storey extension at a lower level together with a connected single storey annex at a higher level. There are also several ancillary outbuildings present.

The site has a lawful Class C2 use (residential institution) and is currently registered to accommodate 10 no. people with learning disabilities, or learning disabilities with a mental disorder (in 10 bedrooms).

The application site is irregular in shape and in its entirety measures approximately 0.97 hectares in area. While the application site is relatively large, most of the site is steeply sloping (generally west to east) with dense undergrowth. The existing care home is located on a more level area, located towards its northern boundary and close to an existing car parking area, which itself is located off The Drive, Trebanos.

There are a number of trees located around the periphery of the existing care home building and along the common boundary with number 14 The Drive, Trebanos. However, there are no trees on or immediately adjacent to the application site that are covered by Tree Preservation Orders (TPOs). A registered Public Right of Way is located towards the rear boundary of the site, which briefly enters the site.

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

Brief Description of Proposal:

The applicants have stated that the existing care home building is not suitable for the intended use, and that refurbishment to suit current building standards and gain Care Quality Commission (CQC) approval is not viable.

This application therefore seeks permission for the demolition of the existing care home and the construction of a new replacement building immediately adjacent to the existing site. The new building would be located on land between the existing care home and the access to the site from The Drive. Due to the need to keep the residents in-situ, it is proposed to build the new care home alongside the existing and demolish the original building upon completion, once the residents are transferred across.

The new building will provide assisted living accommodation for 6 no. young adult patients that require full time care due to learning disablement. The proposal therefore represents a reduction in the available provision given the existing building provides for 10 bed accommodation.

Accommodation comprises: - Accessible en-suite bedroom (no. 1) office, communal lounge, treatment/sensory room, and kitchen/dining room at ground floor; 5 en-suite bedrooms, utility and accessible bathroom at first floor.

The design will be more 'compact' than the existing care home, and proposes a detached, two storey building with a multi-hipped roof and a traditional style projecting gable to the front elevation. The building will have a maximum width of 18m, a depth of 12.6m and maximum height of 9.3m, dropping to 7.5m (with a small flat roof section) closest to The Drive.

The existing car parking to the front forecourt area of the building that provides 5 spaces will be retained in its current position, with an additional two spaces (incl. 1 no. 'mobility space') provided to the side of the new building (where the existing care home is sited).

Existing hard landscaping such as pathways, access road and parking areas will be retained around the building. All other areas will consist of soft landscaping such as lawns and shrubs.

The application forms state that there are 10 existing full-time staff, which will reduce to 8 post-development. The Design and Access Statement elaborates by advising that on site there will be approximately 3 full time staff during the day (2 shifts per day) and 2 staff during the night.

EIA Screening/Scoping Opinion & Habitat Regulations:

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

Material Considerations:

The main considerations in the determination of the application are the principle of development; the impact upon the character and appearance of the surrounding area; the impact upon residential amenity; the impact upon the highway safety and the existing road network; the impact upon drainage ; and the impact upon biodiversity.

Policy Context:

National Planning Policy:

- Planning Policy Wales (Edition 7, 2014)
- Technical Advice Note 5 : Nature Conservation and Planning
- Technical Advice Note 12 : Design
- Technical Advice Note 18 : Transport

Local Planning Policy:

Adopted Unitary Development Plan

The Development Plan for the area comprises the Neath Port Talbot Adopted Unitary Development Plan (UDP).

As the proposed site is located within the settlement limits as defined in the UDP, the principle of this type of development is generally acceptable, subject to it complying with other development plan policies in respect of its impact on matters including highways, visual and residential amenity. The other relevant Policies are as follows:

- GC1 New Buildings/Structures and Changes of Use
- ENV16 Contaminated Land
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- ENV5 Nature Conservation
- ENV14 Unstable Land

Emerging Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council has prepared the Local Development Plan (2011-2026) which once formally adopted will supersede the existing UDP.

The LDP was submitted for independent Examination to the Planning Inspectorate on 30th September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2nd December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report has now been published and the recommendations contained within are 'binding', meaning that the Council must accept the changes recommended by the Inspectors.

The Inspectors' Report concludes that, with the changes recommended, the Neath Port Talbot LDP satisfies the requirements of Section 64(5) of the 2004 Act meeting the procedural, consistency and coherence and effectiveness tests of soundness, and requests the formal adoption of the LDP as amended by the changes recommended. Accordingly, the Council is now in the process of finalising the LDP with a meeting of

Council scheduled for 27th January 2016 at which time the LDP will be adopted.

In light of the conclusions of the Inspectors' Report and the binding nature of the recommendations, when determining planning applications the interim position of the Council is that whilst the UDP policies remain relevant, significant weight must be applied to the LDP policies as amended by the recommendations in the Inspectors' Report.

The relevant Policies within the emerging LDP are as follows: -

- Policy SC1 Settlement limits
- Policy EN8 Pollution and Land Stability
- Policy TR2 Design and Access of New Development
- Policy BE1 Design
- Policy EN6 Important Biodiversity and Geodiversity Sites

Principle of Development

The site has an established care home use, and the development proposes to demolish the existing buildings and replace with a new purpose-built care home. For these reasons the principle of development on the site is considered acceptable subject to an assessment of the impacts of the proposal.

Visual Amenity

The existing use of the application site as a whole is as a care facility and accordingly there would be no material change in the character of the use of the land. However, the proposed building would be constructed on a different parcel of land to the existing care home, closer to the existing street known as The Drive.

The streetscene along The Drive is characterised by predominately bungalow style properties, with a strong emphasis on hipped roofs. Some of these properties have also been extended with dormer roofs thereby having the appearance of two storey properties.

The existing care home is located at the end of The Drive, in its own grounds, and currently has little material impact on the character of The Drive. The proposal seeks to construct a replacement care home on the land lying between the existing building and the entrance, thus

bringing the development closer to The Drive and increasing its visibility within the streetscene.

Although located closer to the main streetscene, the new building would still be located 9m from the site boundary and approximately 13.4m from the adjacent small-scale bungalow. Although higher than the existing care home (the 'main' part of the building would be 8.95m compared to approx. 7.7m (measured at its point closest to the new building)), care has been taken in the design of the building to employ measures and techniques to try to minimise the impact of structure upon the visual amenity of the area.

The proposed property although with a higher ridge level than those adjacent properties, would be constructed with a hipped roof design which would reflect that of a number of neighbouring properties. In addition, the side 'wing' of the building is set down from the main ridge to approx. 7.5m (with a small flat roof section) closest to The Drive.

Furthermore, in support of the application, a street scene elevation plan has been submitted that indicates how the proposed building would relate to numbers 12 and 14 The Drive which are the closest properties to the north of the site. It is considered that this plan demonstrates that the proposed dwelling relates well to these properties and that the site can be developed without having an obtrusive impact on the surrounding area and street scene.

Having regard to the above, it is considered that the building, while taller and closer to The Drive, would nevertheless still read as a separate detached building located in its own curtilage at the end of The Drive, such that it would not have an unacceptable impact on the character of the wider area. In reaching this conclusion it is also noted that the new building would replace an agglomeration of many other buildings, including those at higher level to the rear, which cumulatively have a larger footprint.

Detailed information in relation to the material finish of the proposed dwelling has not been submitted in support of this planning application. As such a condition is recommended requiring samples of the proposed materials to be submitted prior to their use on site.

As such, it is considered that the proposed design, siting and massing of the building is appropriate to the area which will help the building

assimilate into its surroundings. It will therefore accord with both Unitary and Emerging Local Development Plan Policies.

Residential Amenity:

The application site is located within a well-established residential area, with the closest adjacent dwellings to the site being numbers 13 and 14 The Drive. Number 14 is located immediately to the north and number 13 to the north east of the building.

As noted above, the proposed building would be built closer to the existing properties at The Drive than the existing building. However, a separation distance between number 14 (of 13.4m) and number 13 (of 25m) would still be retained. Furthermore, as detailed above the proposed building is constructed with a roof that is hipped away from number 14, thereby further lessening any potential overbearing impact on this property.

Although siting a new building closer would increase the impact on those properties, this in itself does not make the development unacceptable. In this respect, it is considered that the retention of adequate separation distances between existing and proposed properties together with the siting and design of the proposal ensures that the proposal will not result in any unacceptable overbearing impact or loss of light to the adjacent properties.

In terms of any potential overlooking impact, again the properties most likely to be affected by the proposal are numbers 13 and 14 The Drive. The majority of the windows on the front, east facing elevation of the proposed development that faces number 13 The Drive serve habitable rooms. It is also noted that the proposed care home would be located in an elevated position above this property.

However, a separation distance of approximately 25m is retained between the habitable room windows of the two properties and views are at an angle only. Furthermore, a distance of 14.8m is retained between the proposed property and the rear garden area of number 14. In addition to this, a driveway and parking area is located on the intervening land between the two properties together with intermittent screening in the form of a tree, hedgerow and fencing / walls along the common boundary.

As a consequence it is concluded that there would be no unacceptable impact on the amenity of no. 13 that would justify refusal of this application on such grounds.

With regard to no. 14, side facing windows are proposed in the elevation facing no. 14 which serve a dining room at ground floor and an en-suite at first floor. However, the ground floor facing window will be screened by proposed retaining works and boundary fencing. In addition to this, a condition will be imposed requiring that the first floor window is fitted with obscure glazing. Accordingly, there would be no unacceptable impact on the amenity of no. 14 that would justify refusal of this application on such grounds.

Having regard to the above, it is concluded that the proposed development would not have an unacceptable detrimental impact upon the residential amenity of the occupiers of the adjacent dwellings.

Highway Safety (e.g. Parking and Access):

Although representations have covered a number of areas, the primary nature of concerns raised locally, including from Councillor Rebeca Philips and Peter Black AM, relate to concerns regarding the inadequate access to the site and that it is not suitable to serve the proposed development as well as the necessary construction and demolition traffic.

The existing use / site is currently accessed off Graig Road (which leads to The Drive) which is narrow with no footways, has blind bends and its junction with the B4603 Swansea Road lacks adequate visibility. It is also acknowledged that Graig Road is the only vehicular access to Ysgol Gynradd Gymraeg (YGG) Trebannws.

Accordingly, the access arrangements for the new development (including construction and demolition traffic) will utilise the existing substandard access to the main highway network.

Notwithstanding this, however, it is essential that an assessment of this application has appropriate regard to whether the proposed development would result in a degree of activity or movements over and above the existing established use at the site which would justify refusal of the application on highway safety grounds.

In this regard, Members should note the planning history provides details of two planning applications refused by the local planning

authority at this site. The earlier of the two applications (P2006/0967) was for 3 no. detached bungalows providing care facilities. This application was refused by the LPA for reasons including unacceptable impact on highways and pedestrian safety and an appeal was then also dismissed by the Planning Inspectorate.

The appeal decision is provided at Appendix A, and it is noted that the Inspector stated that Graig Road is “*narrow, tortuous and lacks footways and forward visibility in parts*” and that “*visibility at the junction to the south is severely restricted and from my observations falls far short of the standards set out in Technical Advice Note 18: Transport and the Manual for Streets*”.

He also noted the access to the school off Graig Road, and that, “*while parents’ vehicles are stopped from using that access I noted on my site inspection that parents and children were walking to and from the school by way of Graig Road and the school access*”.

Having regard to the above, the Inspector reviewed submitted evidence and stated that the proposal would lead to an increase of about 10% in traffic using Graig Road, and that “*such an increase in traffic flow on a road of this nature would pose unacceptable additional risks for the safety of vehicle and pedestrian users of the road system leading to the site both in Graig Road and at the junction with Swansea Road*”.

The later application (P2010/0041) for a single detached dwelling also providing care facilities was again refused for reasons including unacceptable impact on highways and pedestrian safety.

Despite the previous refusals above, it should be noted that both of these applications were for additional development and as such were concluded to result in additional impacts on highways and pedestrian safety. This, however, is materially different to the current development proposal, which seeks a replacement for an existing care home.

In this respect, in terms of traffic generation, once operational the proposed development is likely to generate a similar (or potentially reduced) level of traffic to that of the existing care home at the site, notably since the number of bedrooms proposed has been reduced from 10 to 6 under the current proposals.

The nature of the trip patterns connected with the proposed use compared to the current permitted use is also likely to be very similar

given the comparable size of the existing and proposed care home. As such, while the concerns of local residents and the local Ward Member and AM are acknowledged, it is nevertheless considered that the long term operation of a care home of the size proposed would not result in any additional movements over and above that which already exists from the existing established care home. There are therefore not considered to be any sustainable grounds to refuse the application on grounds that there would be any unacceptable impact on highway and pedestrian safety arising from the development.

Concerns have also been raised in respect of the impact on the same highway network described above during the demolition and construction stage of the development. Councillor Philips has expressed concerns because Graig Road is the only vehicular access to Ysgol Gynradd Gymraeg Trebannws, and notes that at school times the parking regularly restricts residents. She therefore considers that having large vehicles enter Graig Road and the Drive during the construction process would have a negative impact on her constituents, and that the road is not suitable for heavy goods vehicles during construction of the new building and will put pedestrians at further risk as there is no pavement on the road.

Again, while the objections to the construction and demolition traffic using Graig Road and The Drive are noted, ultimately these are not grounds on which to withhold consent as construction traffic is temporary in nature and given that adequate mitigatory measures can be put in place to overcome any unacceptable risk to highway and pedestrian safety. For example, a condition is recommended (condition 5) that requires the submission of a Construction Method Statement (CMS) to be submitted to the Local Planning Authority for approval. The CMS would provide details of the working methods and practices at the site and has been drafted to include a requirement to submit a scheme indicating how construction deliveries or vehicles shall be prevented access to Graig Road and The Drive during the hours of 8 am to 9 am and 3pm to 4 pm during term times in order to minimise the congestion to the surrounding highway network and conflicts between site traffic and vulnerable road users in the interest of highway / public safety.

It is also emphasised that the Head of Engineering and Transport (Highways) has considered the proposed development and has raised no objection to the proposed development on highway safety grounds.

Finally, concerns have been raised in respect of the adequacy of the proposed parking to serve the development. It is noted that there are presently no parking spaces marked out on site and the parking arrangement is within an informal hard surfaced area close to the entrance of Trebanos House. However, the proposed scheme seeks to formally mark out the frontage parking area to provide 5 spaces, with an additional 2 no. off street parking spaces including 1 no. mobility space provided to the side of the new building. It is considered that this provision will be greater than the level of parking currently provided and a condition can be imposed requiring that the parking spaces are marked out prior to their first use, thereby formalising the parking arrangement at the site, and that the two 'new' spaces are provided within one month of the demolition of the existing building. Furthermore, the Head of Engineering and Transport has no objection to the level of parking provision proposed.

It is therefore considered that subject to the imposition of conditions, including that the existing care home use shall cease and that the buildings are demolished at an agreed time, the proposed development would not give rise to any unacceptable impacts on the existing highway network, existing properties or residents and the primary school located in close proximity to the application site which would warrant the application being refused on highway safety grounds.

Given the issues identified above in respect of the use of the highway by construction traffic, it is noted that a condition is also attached requiring a Condition Survey of the existing highway between the application site and its junction with the B4603 Swansea Road prior to any works commencing on site, and a subsequent survey prior to the use commencing, and that any remedial works to the road identified within the condition surveys resulting from the development to be remedied at the developer's expense.

Ecology (including protected species)

All existing buildings at the site to be demolished have been examined for the potential for bats. A common pipistrelle bat roost/use of the existing main building was found and maternity colony use of the south end, east roof, of the existing main building was seen in 2010 but not at subsequent (2012, 2015) surveys. Other data suggested that a "local" maternity colony is using several sites in the vicinity and as such it was advised that it was possible that this colony could return to the care home in the future.

Given the findings of the bat report and their protected status, a methodology / mitigation strategy was provided to address the bat use of the site. In summary this seeks to minimise disturbance to any bats that might be present and for example, includes roost provision to be built at the upper section of the north-east facing front gable of the proposed care home, by the addition of a multi-chambered projecting fascia (false front bat box).

The Council's Biodiversity Officer has considered the submitted information and has raised no objection to the proposed development subject to the development taking place in accordance with the bat methodology / mitigation scheme provided. Similarly, Natural Resources Wales (NRW) has raised no objections subject to an appropriately worded condition requiring the implementation of bat mitigation measures within the submitted report.

It is noted that where an European Protected Species (EPS) is present, and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a license issued to it by NRW. In this respect, it is noted that the bat report identifies that it is necessary for the existing building to remain in place until the new building has been constructed with the new bat box provisions in place. Accordingly, while condition 4 seeks removal of the existing building within three months of the first beneficial occupancy of the new care home, it also allows for this period to be extended should it be necessary to comply with the terms of any license granted by Natural Resources Wales. Condition 3 ensures that use of the existing care home will cease no later than three months following the first beneficial occupancy of the new care home, even if there is a delay to demolition.

Landscaping / Trees

A number of trees are located in the grounds that surround the application building and they are considered to add amenity value to the site as a landscape feature. The applicants have therefore submitted a Tree Survey in support of their application. In summary, this states that three trees will be removed, minor encroachment into root protection areas and minor / moderate branch reduction / lifting as a result of the proposed development.

However, the trees to be felled (Lawson Cypress) are categorised as low quality and as such their loss will not be significant. The

encroachment into root protection areas is assessed as being minor and will not cause a long term effect on the health of the retained trees.

Finally, the minor / moderate branch reduction / lifting will prevent construction work damage to trees and as such is an inevitable consequence of the proposed scheme, but again minor in terms of its impact on the effected trees.

The authority's Arboricultural Officer also states that to retain the identified trees on this site to a safe and healthy standard the recommendations in the tree survey must be followed at all times. It is also stated that the installation of the specified root zone protective fencing prior to the start of any demolition works and its retention during all phases of the construction work is vital if these trees are to be retained.

It is considered that a sufficient number of trees would be retained on site in order to assist with integrating the new development into the landscape. As such, subject to the imposition of conditions, it is considered that the proposed development will have no significant adverse Arboricultural impact which would be detrimental to the amenity of the area or the health of any tree of quality on this site.

Slope stability:

The application site has been identified as having very high potential for natural slope instability. As such, the authority's Design and Construction Department were consulted. It was confirmed that the development is within the area of an old landslip - described as 'dormant' in the Institute of Geological Sciences Report no. EG80/4 'South Wales Coalfield Landslip Survey'. Furthermore, it was stated that there is a history of coal mining and tips in the area.

The advice provided therefore was that it would be wise to seek specialist advice (Coal Authority, British Geological Survey, Engineering and geological specialists etc.) and to carry out proper ground investigation prior to design of any foundations or retaining walls.

The site specific constraints do not now show the site to be located within a high risk development referral in respect of the coal authority records and as such they were not consulted.

However, given the high potential for natural slope instability at the site, further ground investigation information will be required. The applicant requested that this information be provided by way of planning condition given the substantial extra cost of providing such a report was considered a risk when planning permission was not yet in place. Accordingly, a suitably worded condition is recommended requiring that this information is submitted prior to any development commencing on site.

Contaminated Land:

The authority's Contaminated Land section has confirmed that the site is approximately 80m from a disused tip and large colliery which have the potential to generate ground gas. As such, a number of standard planning conditions are recommended including one that requires that the applicant submits a report to assess the nature and extent of any contamination on the site prior to the commencement of work on site.

Drainage:

The Head of Engineering and Transport (Drainage) has no objection to the drainage scheme submitted. As such, subject to the imposition of conditions, including to ensure that the proposed drainage scheme is constructed and maintained, there will be no unacceptable impact upon the surrounding drainage environment.

Others (including objections):

While the above report seeks to address the main planning issues raised in local representations, in response to the letters of objection received the following additional comments are made:

In respect of the objections to the consultation process undertaken by the LPA, the consultation process was carried out in accordance with statutory requirements.

In response to the issue concerning planning policy. As stated already within this report, a care home is well established at this site and the application site is located within settlement limits. The application therefore complies with planning policy.

In respect of the planning history at the site, the application building was originally a nursing home and in the past changed to its current use as

a care home. However, both of these uses fall within the same use class definition 'C2 residential institutions'. Planning permission would not therefore have been required to alter the nature of the use from a nursing home to a care home.

Concern is raised with regards to the lack of evidence provided that the existing residents cannot be kept 'in situ', that the existing care home is fit for purpose and that there would be no objection to the new care home being built on the site of the existing Trebanos House. The applicants confirmed that it is not feasible to move the residents as they have a range of mental illnesses that do not cope well with disruption and it is better to relocate them only one time whilst still being in familiar surroundings, rather than move twice i.e. to temporary accommodation in unfamiliar surroundings and then back again to the new building (this has been tried before with upsetting consequences). The applicants have also confirmed that the existing building is in a state of disrepair and is not viable for refurbishment. Furthermore, the existing buildings are spread out across the site in an ad hoc fashion with poorly designed extensions and not fully accessible and do not conform to current standards. Furthermore, the bat report has identified that it is necessary for the existing building to remain in place until the new building has been constructed with the new bat box provisions. The existing building will therefore operate as a bat roost until the new building is constructed. Demolishing the existing building and then constructing a new building on the same / similar footprint would mean that there would be no roost site available to bats. For the above reasons, Officers are satisfied that it is not possible / viable to build on the site of the existing building or refurbish it, nor that this would justify refusal of this application on such related grounds.

In respect of the suggestion that a Flood Consequences Assessment (FCA) should have been provided, the application site is not located within a flood zone and as such there is no requirement for the applicant to provide an FCA.

It is noted that the Design and Access Statement (DAS) provided refers to the Drive as being a predominantly residential area when it in fact is solely residential. However, the DAS states 'the surrounding location...is predominantly residential with a mix of detached single and two storey dwellings'. The wider area, outside of The Drive does include a school and as such it is considered that this statement is not necessarily inaccurate.

In respect of those issues raised concerning impact upon residential amenity, including the comparable sizes of the two buildings, these issues are considered in detail within the officer report. An additional issue concerning increase in noise nuisance is raised. While there may be some increased noise disturbance during the construction and demolition phase of the development this will be temporary in nature and not to an extent that would merit refusal of this planning application.

The concerns raised in respect of the anti-social behaviour of existing residents at Trebanos House is not a material planning consideration.

In respect of the issues raised concerning asbestos removal at the existing Trebanos House. Asbestos is required to be removed by authorised demolition contractors. However, this issue is covered by separate legislation.

In respect of the issues raised concerning the presence of Japanese Knotweed at the application site, this issue can be adequately controlled via planning condition.

The concerns raised over whether the applicant has accurately 'costed' the demolition of Trebanos House is not a material planning consideration.

In respect of the suggestion that a new facility could be built elsewhere but would fail on planning grounds. While it is accepted that Trebanos House is set within substantial grounds, much of this land is steeply sloping and uneven and does not easily lend itself to development. However, it should be noted that Officers are of the view that the proposed siting of the development is not unacceptable for the reasons expanded upon in this report.

It is accepted that the DAS inaccurately refers to there being an office within roof space. However, the applicants have withdrawn this element of the DAS and confirmed that there will be no office provided in the roof space.

In respect of the suggestion that there is an intention to expand the site and build on the original footings of Trebanos House. The Local Planning Authority can only consider the application before them and can confirm that there are currently no other applications under consideration in respect of this site. Given the highway constraints and

planning / appeal history identified above, it is likely that there would be objections to an intensification in use of the site in question.

The comments received from Peter Black AM, Cllr. Rebeca Phillips and Pontardawe Town Council are noted and predominately raise concerns in respect of impact on highways and pedestrian safety and residential amenity. However, these issues are dealt with in detail earlier within the report. Additional issues are however raised. In response, it is not known where the remaining residents will be re-located to (there is to be a reduction from 10 to 6 residents as a result of the proposals). However, this matter is not a material planning consideration.

In respect of the request for the committee to make a site visit. A site visit will normally only be appropriate when the committee need to more fully understand the details of a development proposal in the context of the application site and the surrounding area. Whether a site visit is necessary is a matter for the committee to determine.

Finally, in respect of the issue raised concerning noise during demolition and construction, such matters are not a material planning reason to justify refusal of a planning application. Nevertheless, a Construction Method Statement will include details of the timing and duration of works and include measures to control the emission of dust and dirt during demolition and construction. Moreover, any nuisances such as excessive noise, dust, smells, etc arising during the construction period can be investigated by the Environmental Health Section and any appropriate remedial action taken under separate legislation.

Conclusion:

The application proposes the replacement of an existing care home within an established residential area within the identified settlement where the principle of development is considered acceptable. The proposed development would have no unacceptable impact upon the character and appearance of the surrounding area, or upon the residential amenity of the occupiers of the adjacent buildings. The proposal would also result in no additional adverse impact upon the existing highway or drainage networks and would ensure that there is no detrimental impact on European Protected Species. As such the proposed development would be in accordance with Policies GC1, ENV16, ENV17, T1, ENV5 and ENV14 of the Neath Port Talbot Unitary

Development and Policies SC1, EN8, TR2, BE1 and EN6 within the emerging Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

Conditions:

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

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

(2) Samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development hereby permitted. Development shall be carried out in accordance with the approved details only.

Reason

In the interest of the visual amenity of the area.

(3) No later than three months following the first beneficial occupancy of the new care home, use of the existing care home known as Trebanos House and its associated outbuildings (identified in red as buildings to be removed on drawing ref. 04 A Rev. A received 30th July 2015) for any purpose or use shall cease .

Reason

To ensure that both the new and the old care home buildings are not occupied simultaneously and in the interests of highways and pedestrian safety

(4) Within three months of the first beneficial occupancy of the new care home, or such other date that shall be agreed in writing by the local planning authority following the grant of any European Protected Species licence by the Natural Resources Wales, the existing care home known as Trebanos House and its associated outbuildings (identified in red as buildings to be removed on drawing ref. 04 A Rev. A received 30th July

2015) shall be demolished and the site reinstated in accordance with the requirements of condition 20.

Reason

To ensure that both the new and the old care home buildings are not occupied simultaneously and to ensure continuity of a bat roosting space as bats are European Protected Species

(5) No development shall commence, including any works of demolition, until a Demolition and 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 demolition and construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Viii) scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- ix) the frequency and size of vehicles used to transport the waste material arising from the demolition works
- x) A scheme detailing the control of surface water run-off during the construction period and the protection of lower lying land.
- xi) A scheme indicating how construction deliveries or vehicles shall be prevented access to Graig Road and The Drive during the hours of 8 am to 9 am and 3pm to 4 pm during term times
- xii) details of the timing and duration of works (including the demolition works)
- Xiii) a methodology for demolition

Reason :

In the interests of highways and pedestrian safety and residential amenity

(6) The recommendations and mitigation (including proposed bat roost) within the submitted 'Bats: Methodology-Mitigation Strategy July 2015' report and drawing number SK1 B by Rob Colley Associates shall be complied with in full. The mitigation measures shall thereafter be retained for the life of the development.

Reason:

In the interests of ecology and to ensure the protection of European Protected Species

(7) All the trees shown on the tree protection plan at Appendix 4 of the Arboricultural Report by ArbTS - Arboricultural Technician Services dated 2 June 2015 as 'to be retained' and/or any trees whose canopies overhang the site, shall be protected by strong fencing in full accordance with the tree protection plan. The fencing shall be erected in accordance with the recommendations (including the requirement for the installation of root zone protective fencing) within the Arboricultural Report before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

Reason:

In the interests of good tree husbandry and to retain the identified trees on site to a safe and healthy standard

(8) Prior to the commencement of the construction of any retaining wall, full details including calculations, specifications, materials and a landscaping scheme for any retaining structures that may be required, together with a detailed method statement detailing how the works are to be carried out, shall be submitted to and approved in writing by the Local Planning Authority. Any retaining wall shall be constructed in accordance with the agreed details.

Reason:

In the interests of public safety.

(9) Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(10) Should remediation be required by condition 9, prior to the commencement of work on site a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within

the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason :

To ensure 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 offsite receptors.

(11) Should remediation be required by condition 9, prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 10 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure 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 offsite receptors.

(12) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure 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.

(13) Prior to any building works commencing on any part of the site related to the approved development, any Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Natural Resources Wales Knotweed Code of Practice.

Reason

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

(14) The drainage of the site shall be carried out in accordance with the details set out within the submitted drawing number 07 'Proposed detailed site plan' and provided before the first use or occupation of the development.

Reason

To ensure the development is provided with a satisfactory means of drainage

(15) Foul water and surface water discharges must be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

(16) Development shall not commence until such time as a full Condition Survey of the highway network between the application site and its junction with the B4603 Swansea Road has been submitted to the Local Planning Authority for its approval in writing (at the developers expense).

Reason:

To ensure that the condition of the surrounding highway network is surveyed prior to the development, in the interest of highway safety.

(17) Within one month following completion of the development, or at such other time that the local Planning Authority may instruct, a full and comprehensive Condition Survey of the roads stipulated in condition 16 above shall be undertaken and submitted (at the developers expense). Any identified remedial works required to the existing Highway network identified within the condition surveys shall be undertaken within two months of being formally requested in writing by the local planning or highway authority.

Reason: To ensure that any physical impacts on the surrounding highway network arising from the development are mitigated, in the interest of highway safety.

(18) Prior to the commencement of development on site:

(i) A methodology for the investigation of the stability of the ground at the application site shall be submitted to and approved in writing by the Local Planning Authority. This methodology shall identify the potential risks from landslips and ground instability at the application site by indicating the nature and extent of any land instability and any other retaining structures

(ii) A land stability investigation shall be carried out in accordance with the approved methodology, and the results submitted to and approved in writing by the Local Planning Authority as part of the first reserved matters. In the event that the land stability investigation confirms the need for remedial works to treat any land instability issues at the site to ensure the safety and stability of the proposed development, a report specifying the measures to be taken to ensure that a suitability designed dwelling is constructed at the site shall be submitted to and agreed in writing with the Local Planning Authority. This should include details in relation to proposed foundations for the building.

(iii) Should mitigation be required by ii, the site shall be remediated in accordance with the approved mitigation measures as part of the development and in accordance with an approved timeframe of works.

Reason

To ensure that risks from land instability to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public as the site is located within an area of very high potential for natural slope instability

(19) Notwithstanding the details submitted and prior to the occupation of the proposed care home the window on the north facing elevation serving the en suite shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.7 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

In the interest of the amenities of the adjoining property and the safety of the occupiers of the applicant dwelling.

(20) The replacement care home shall not be occupied until such time as there has been submitted to and approved in writing by the local planning authority a scheme of site restoration / landscaping including for the site of the existing buildings at Trebanos House (including a timetable for implementation of such restoration / landscaping works) . The restoration shall be undertaken in full accordance with the approved details, and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

(21) The replacement care home shall not be occupied until such time as the existing car park has been marked out in accordance with drawing 04 rev. A received 30th July 2015, and the car park shall be retained and maintained as such thereafter.

Reason

To ensure the development is served by sufficient off-street car parking, in the interests of Highway and pedestrian safety.

(22) Within one month of the demolition of the existing care home, the two car parking spaces shown on drawing 04 rev. A received on 30th July 2015 shall be provided on site and shall be retained and maintained as such thereafter.

Reason

To ensure the development is served by sufficient off-street car parking, in the interests of Highway and pedestrian safety.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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 application proposes the replacement of an existing care home within an established residential area within the identified settlement where the principle of development is considered acceptable. The proposed development would have no unacceptable impact upon the character and appearance of the surrounding area, or upon the residential amenity of the occupiers of the adjacent buildings. The proposal would also result in no additional adverse impact upon the existing highway or drainage networks and would ensure that there is no detrimental impact on European Protected Species. As such the proposed development would be in accordance with Policies GC1, ENV16, ENV17, T1, ENV5 and ENV14 of the Neath Port Talbot Unitary Development and Policies SC1, EN8, TR2, BE1 and EN6 within the emerging Neath Port Talbot Local Development Plan.



Penderfyniad ar yr apêl

Appeal Decision

Ymweliad â safle a wnaed ar 22/10/07

Site visit made on 22/10/07

gan/by T J Morgan LLB(Hons) Solicitor

**Arolygydd a benodwyd gan y
Gweinidog dros yr Amgylchedd,
Gynaliadwyedd a Thai, un o
Weinidogion Cymru**

**an Inspector appointed by the
Minister for Environment,
Sustainability and Housing,
one of the Welsh Ministers**

Dyddiad/Date 20/11/07

Appeal Ref: APP/Y6930/A/07/2050262

Site address: Site off Graig Road, Trebanos, Pontardawe

The Minister for Environment, Sustainability and Housing has transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Pathways (Trebanos) Ltd. against the decision of Neath Port Talbot County Borough Council.
- The application Ref P/2006/0967, dated 21 June 2006, was registered on 14 December 2006 and refused by notice dated 20 February 2007.
- The development proposed is 3 No. detached bungalows (4 bedroom) as L.D. residential homes.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposal on the safety and free movement of traffic on the road system leading to the site and its impact on the living conditions of residential occupiers alongside the access in terms of noise and disturbance.

Reasons

3. The application site occupies the north eastern part of a larger site known as Pathways owned by the appellant. An additional portion of land was added to the site before the application was determined that runs up to the current main entrance to Pathways off The Drive. Although all matters are
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reserved for future approval and the plans indicative, the amended site drawing shows access to the public road network could be gained either through The Drive or by way of a lane leading to Graig Road.

4. The only representations submitted on the part of the appellant are those contained in the initial appeal documentation which describes Pathways as being a care home for disabled youth, which was formerly a nursing home for 20 elderly persons re-opened as a residential care home for 10 young adults with learning disabilities. The proposal is described as being for three detached dwellings, each of which is to accommodate special needs youth as ancillary self-catering accommodation as part of the main care home facility at Pathways. The appellant has not provided any more details of the current occupation by youth and staff, the operation of the site or of traffic movements associated with it. There are also no details provided of the extent of likely changes in occupation, operation or traffic movements that would arise from the proposal.
5. The Council have provided a highway statement which describes conditions in the area and while they have carried out a traffic survey which provides details of the number of vehicles entering and emerging from Graig Road onto and from Swansea Road on a day during school term time, this does not identify current traffic flows from and to Pathways. The survey appears to me to show a figure of 419 traffic movements in and out of Graig Road between 0700 and 1900 with a peak hour two way flow of 63 vehicles between 0800 and 0900.
6. One of the residents of The Drive has instructed an associate of a large independent transport planning consultancy who has local knowledge of the area to carry out a review and impact assessment of the proposal and I consider his report to be an objective and reliable appraisal which can be given due weight. On the basis of 12 residents and 6 staff on a three shift basis, it predicts between 36 and 48 additional vehicle movements arising from the proposal based on TRICS data for a nursing home and first principles for the actual use respectively and takes an average of 42 movements as a basis for assessment of impact.
7. On the above basis and taking the 12 hour daily flow on Graig Road to be 419, the proposal would lead to an increase of about 10% in traffic using Graig Road. It seems to me, from the route options that movements are more likely to be on to Swansea Road than in the other direction and there would be a similar and significant increase in turning movements at the junction between Graig Road and Swansea Road. Graig Road is narrow, tortuous and lacks footways and forward visibility in

parts. Visibility at the junction to the south is severely restricted and from my observations falls far short of the standards set out in Technical Advice Note 18: Transport and the Manual for Streets. I note that there is an access to the local school off Graig Road, and while parents' vehicles are stopped from using that access I noted on my site inspection that parents and children were walking to and from the school by way of Graig Road and the school access.

8. I consider the increase in traffic flow described above on a road of this nature would pose unacceptable additional risks for the safety of vehicle and pedestrian users of the road system leading to the site both in Graig Road and at the junction with Swansea Road. I appreciate that the means of access has yet to be determined, but if it were to be through The Drive, there would be a significant increase in traffic movements (about 50% of the traffic generated by the dwellings based on TRICS). This could lead to potential vehicle conflict that adds to my conviction that on highway safety reasons alone the proposal should be refused permission. The proposal would conflict with the relevant parts of Policies T2 and H9 of the adopted North Lliw Valley Local Plan ["the NLVLP"] and Policies H3 and T1 of the emerging Neath Port Talbot Unitary Development Plan ["the UDP"] and national guidance in TAN18.
9. Although access is a reserved matter, the consequences of likely points of access must be evaluated in order to ascertain whether access can be acceptably achieved. I have referred to traffic conflict if The Drive is used, but there would also be an increase in impact from additional vehicle movements on its residents living conditions, although this must be looked at in the context of current movements and the scale of the impact would be related to the level of increase in traffic movements. The only possible alternative suggested is through an unmade lane. The appellant suggests this is in active use, but I saw little sign of traffic movements on the surface of the lane and no details of such movements are provided by the appellant. Indeed those familiar with the area indicate it is used only very occasionally by the occupiers of 3 and 5 The Drive and more commonly by the occupier of 1 The Drive.
10. The occupiers of Y Groesfaen live at a lower level than the track and have a number of living room windows facing it as well as outdoor amenity area close to it. Consequently, the use of the track for access, either exclusively or as part of a one way scheme would impact significantly on their living conditions in terms of noise and disturbance. This impact would be experienced, albeit to a lesser extent, by those living in 1, 3 and 5 The Drive. It has not been shown, on the

information before me that the proposal can be accessed without unacceptable impact on the living conditions of residents along the access routes to it and as a consequence it does not comply with Policy H9 in the NLVLP and Policy H3 of the UDP.

11. The third reason for refusal relates to loss of parking facilities for Pathways and its consequent effect on the free flow of traffic in The Drive. However, there is ample room within the appellant's ownership to provide replacement parking spaces for those that might be lost. Consequently, this reason for refusal could be overcome by imposing a condition that requires replacement of any lost parking spaces. Although this reason has not been substantiated, the objections I have identified in relation to first and second reasons for refusal convince me that on the information available and the traffic predictions made the appeal should be dismissed.

TJ Morgan

INSPECTOR