

SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2016/0004 **Planning Ref:** P2012/0352.

PINS Ref: APP/Y6930/A/15/3140796

Applicant: Ryehill Properties (Wales) Ltd.

Proposal: Residential Development comprising 78 dwellings with associated demolition of 141 Dinas Baglan Road, access and engineering works (application for outline planning permission with details of access to be agreed.)

Site Address: **141 Dinas Baglan Road & Land adjacent & Land rear of 85-139 Dinas Baglan Road & Land Rear of 1-63 Sarnfan Baglan Road, Baglan, Port Talbot.**

Appeal Method: Hearing

Decision Date: 2 August 2016.

Decision: Appeal Dismissed

The Inspector considered that the main issue was whether the living conditions of future occupants of the development would be acceptable with regard to noise. However interested parties also expressed concerns over highway safety.

Noise

The Inspector stated that there was no dispute that the site experiences relatively high levels of noise from nearby sources, the main source being the motorway corridor. For the purposes of TAN 11 the site is in Noise Exposure Category C (NEC C) and also within a Noise Action Planning Priority Area (NAPPA) as identified in the Noise Action Plan for Wales published by the Welsh Government in December 2013.

There was no dispute that the dwellings could be constructed to ensure that the internal noise levels would be in line with guidance in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The parties were agreed for the purposes of the appeal that 55dB(A) LAeq,16hr would be acceptable with regard to noise levels within the external areas of the plots. Whilst 30 of the proposed units would meet this standard, 24 would fall within the range 56 to 60 dB LAeq,16hr and the remaining 24 would fall within the range 61 to 63 dB LAeq,16hr. These figures were based on a 2.2 metre high acoustic fence being erected along the boundary of the site with the motorway.

Although TAN 11 states that planning permission should not normally be granted for development falling within NEC C, where it is considered that permission should be given, it states that conditions should be imposed to ensure a commensurate level of protection against noise. Noise-sensitive development should not normally be permitted in areas which are or are expected to become subject to high levels of noise.

The Appellant considered that there were sites allocated in the LDP which were not necessarily quieter than the appeal site. Whilst the Inspector accepted that there are similarities between these sites and the appeal proposal in that they are in close proximity to the motorway, the sites do not display the linear characteristics of the appeal site. Moreover, the design of the layout for these sites would have to address the noise issue. She considered that the evidence before her did not confirm that these sites could not be developed to provide acceptable living conditions for future residents in this respect.

In concluding on the principal issue, the Inspector stated that the noise within the external areas of 48 out of the 78 proposed plots would exceed an acceptable level. She was also satisfied that there were suitable alternative quieter sites allocated for residential development and that there are no other factors which provide sufficient or justifiable reason to allow an exception in this instance. She therefore concluded that the proposed development would fail to provide acceptable living conditions for future occupants.

Other material considerations

Interested parties expressed concerns over the proposed access into the site and the effect the design of the junction with the A48 would have on access to their properties and highway safety in general. Particular concerns were raised with regard to 2 Sarnfan Baglan Road the driveway to which is directly opposite the site entrance and leaves the A48 at an oblique angle. Residents were therefore concerned for their safety both as drivers and pedestrians.

The Inspector stated that she could understand the concerns of the occupants and also understood the wider concerns of residents with regard to the changes to the highway layout and the additional traffic which would be generated by the development which would be further increased if a proposed link between the site and the residential estate to the north was implemented. She stated that “whilst common sense dictates that the design of the junction is far from ideal”, she was advised that the safety audit found the proposals to be acceptable. The highway authority raised no objection and she had no substantive evidence to the contrary which would justify dismissing the appeal on highway safety grounds.

The Appellant contended that despite the LDP being only recently adopted the Council was unable to demonstrate five years housing land supply. However, the recently examined Joint Housing Land Availability Study 2016 confirmed a supply of 5.0 years and the need to give considerable weight to housing developments where the study shows a land supply below five years does not apply.

Conclusion

It was concluded that the development would fail to provide acceptable living conditions for future residents by reason of noise and dismissed the appeal.