

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2016/0468</b>	<b><u>DATE:</u> 26/05/16</b>
<b>PROPOSAL:</b>	Block of 4 self contained flats, plus associated parking and engineering works.
<b>LOCATION:</b>	Car Park, Wembley, Neath SA11 2AT
<b>APPLICANT:</b>	Mr Steve Tucker NPT Homes
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Neath East

### **Background Information**

This application is reported to committee at the request of Councillor John Miller and Councillor Sandra Miller. Cllr Sheila Penry also has concerns over the application. The Councillors are concerned over the impact of the proposed access on highway safety grounds, as the car park was installed by Neath Borough Council to support a development of social housing which did not have any off street parking within their individual curtilages. Concerns have also been raised regarding the pathways being enclosed which will encourage anti-social behaviour and will impact on an already fraught network of issues emanating within this estate.

At the Planning Committee of 13<sup>th</sup> September 2016, and following discussion, Members resolved that the application should be deferred for “further investigation into the planning history of the site to establish the history of its legitimate use for parking, and to review whether the transfer of land to NPT Homes included any restrictions or clauses relating to continuation of such legitimate use for parking”.

Following the meeting, officers have undertaken additional research, and liaised with officers in estates and Legal Services, which has concluded as follows:

- Ordnance survey plans identify that the site previously accommodated two dwellings showed two dwellings, until the late 1960's, with subsequent plans showing that the dwellings had been removed. Informal local information indicates that they were two pre-fabricated dwellings.

- There is no planning history relating to either the removal of these dwellings, or any permissions relating to the use of the land as a car park. Accordingly, as indicated in the report below, there are no planning controls in place to ensure that it continues to be used as a car park.
- When the land was transferred to NPT Homes, there were no restrictive covenants placed on the land

In addition to the above, contact was made with the applicant to request any further submissions on such matters, having regard to Members expressed concerns. In response, NPT Homes has: -

- expressed concerns in terms of all the work that they are doing to try to address the Welsh Government's 20,000 social housing target on sites in NPT's ownership and brownfield, that Members were trying to prevent new social housing; and that the burden of proof that NPT can develop a site in their ownership was being placed with them, taking things well beyond the planning process.
- confirmed that there was no restrictive covenant that restricts the proposal
- confirmed that the car park has been closed to the public for several months whilst it was being used by a contractor undertaking improvement works in the locality and that the car park was not intended to be used as a car park again as affordable social housing within areas of high demand within the borough of Neath Port Talbot was required.

The report which follows is that presented to Members at the last Committee, albeit with minor changes to reflect the information above, and the fact that the site is no longer being used for storage of materials.

### **Planning History:**

None

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

11 neighbouring properties were consulted – 4 Letters of Objection were received which are summarised as follows:

- Reduction of light and community safety to the occupiers of numbers 18, 20, 22 and 24 Wembley
- Highway issues due to the displacement of vehicles onto the highway
- Effect on the street and area
- Safety issues due to the fenced off lane which will reduce light and security to the houses backing onto the footpath, encouraging criminal activity and anti-social behaviour resulting in health issues, security and wellbeing of the residents
- The car park was created to keep cars to a minimum on the road so that the local bus can use the road, since the residents have been stopped from using the car park disruption to the bus service has already occurred without the issue of additional parking caused by the extra four flats proposed
- The block of flats would be intrusive as overlooking issues would be caused by the tenants
- Disruption during construction work with regard to additional vehicles
- Disruption at present due to residents and the builders who are doing work elsewhere on the road

Neath Town Council – Objection on highway grounds as the car park was to accommodate parking for a portion of a street that has no designated on-street parking. It would cause issues with transport and access and would have a direct negative impact on four specific properties as they would have limited entry.

Biodiversity Unit - No objection, subject to conditions

Housing Strategy Section – No objection

Dwr Cymru, Welsh Water – No objection, subject to conditions

Head of Engineering & Transport (Highways) - No objection, subject to a condition

Head of Engineering & Transport (Drainage) - No objection, subject to conditions

## **Description of Site and its Surroundings:**

The application site is the former car park at Wembley, Neath, which during the course of the application was being used for the storage of materials for construction work for NPT Homes but is now vacant.

The site is bounded by residential properties with a resident's footpath on the west of the site which leads to steps leading to a further footpath. The site is a relatively flat site.

The site is located within the settlement limits as defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP).

## **Brief description of proposal (e.g. size, siting, finishes):**

The application seeks full planning permission for a block of 4 self-contained flats, plus associated parking and engineering works.

The development will front onto Wembley and will be a two storey hipped roof building, providing space for four one bedroom flats. The building will be finished in red clay facing brickwork above a contrasting colour brickwork plinth and contrasting colour soldier course brickwork and arches are proposed above ground floor windows and doors, with reconstituted stone cills. It will have dark grey concrete roof tiles and white Upvc fenestration. There will be a centrally located front door with a gabled open sided porch which will serve the two first floor flats. The ground floor flats will be accessed by a door with a gabled cantilevered porch on each of the side elevations. Habitable room windows will be restricted to the front and rear elevations with one obscured glazed side facing window on each floor on both side elevations. The building will measure 10.4 metres in depth, 12.4 metres in width and will be 5.5 metres to the eaves rising to a height of 8.5 metres to the ridge. Each flat will have a kitchen and living/dining area, bathroom, hallway and a bedroom.

The application site even though on a relatively flat level is set on a quite a steeply sloping road, therefore, the existing houses to the west of the site which front onto the development will be at a higher level to the proposed flats while the proposed residential property to the east of the site will be at a lower level. Due to the sloping nature of the highway fronting the site, steps will lead down to the front door off the public footway.

The west side boundary and the angled rear boundary will be enclosed by a new 1.8 metre high close boarded timber fence which will be sited within the existing steel fence along the angular shaped rear boundary, while the east side boundary will be enclosed by a 0.4m high retaining wall and close boarded fence above to an overall height of 1.8 metres. The front boundary will have black powder coated steel ball top railings on facing brick retaining walls at 900mm high. There will be a shared drive at the east side of the building which leads to a parking area which has one space per flat allocated. The bin storage area is proposed to be sited on the path at the side of the drive to the west of the building.

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

As the development is neither Schedule 1 nor Schedule 2 Development on the EIA Regulations, a screening opinion was not required for this application.

### **Material Considerations:**

The material issues relating to this planning application are the principle of a residential development at this site, together with the impact of the proposal on visual and residential amenity, and also highway and pedestrian safety, having regard to planning policies and other material planning considerations.

### **Policy Context:**

Neath Port Talbot Local Development Plan:

Strategic Policies:

- SP1 Climate Change
- SP2 Health
- SP3 Sustainable Communities
- SP4 Infrastructure
- SP5 Development in the Coastal Corridor Strategy Area
- SP8 Affordable Housing
- SP10 Open Space

Detailed Policies:

- SC1 Settlement Limits
- AH1 Affordable Housing
- OS1 Open Space Provision

TR2 Design and Access of New Development  
BE1 Design

As the proposed site is located within the SC1 settlement limits defined in the Neath Port Talbot Local Development Plan, the principle of residential development is generally acceptable, provided there are no overriding highway, amenity or service objections.

#### Policy AH1- Affordable Housing

Policy AH1 Would usually apply to a proposal for 4 residential units and require a contribution of 25% towards the provision of affordable housing. However, this scheme is being delivered by a Registered Social Landlord (RSL) and all the units will be affordable housing using Welsh Government funding. This will therefore ensure that the development appropriately contributes in perpetuity towards affordable housing in the County Borough.

#### Policy OS1- Open Space Provision

The site lies within the Neath East ward, where there are existing ward shortfalls in pitch sport, non-pitch sport, children's play and informal space. Within the spatial area, there is also a shortfall in allotments.

As the development comprises 4 residential units, the requirements of Policy OS1 are relevant, and it would be appropriate to secure Developer Contributions in respect of the following:

Pitch – 105 sqm

Non Pitch – 41 sqm

Informal – 50 sqm

Children's Play – no requirement as the development only comprises 1 bedroomed units

Allotments – 17sqm

As a consequence of the above a potential S106 contributions are as follows:

Pitch - £1136

Non Pitch Sport - £4120

Informal - £252

Allotments - £192

TOTAL = £5,700

In respect of the accessibility to existing open space provision and where S106 contributions could potentially be spent, there is existing pitch provision in Melyn Park and non-pitch provision at Ynysmaerdy Road, Briton Ferry or Mount Pleasant Park which are both within the required accessibility standards; there is an area of informal open space to the rear of Wembley/Wheatley Road and an area in Melyn Park; and there are existing allotments in Melyn Park, Tonna, Fairyland and Briton Ferry.

Given the restricted size of the site it is reasonable to secure a financial contribution to deliver improvements to the different types of open space required under this scheme.

### Policy BE1 - Design

The policy requires all development proposals to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive sustainable places.

#### **Visual Amenity:**

With regard to visual amenity, the proposed building will be a two storey development and the finished floor level will be set down so that the front door will be accessed via a set of steps. The building will have a grey tiled hipped roof in order to harmonise with the existing residential properties on the same side of Wembley. The elevations will be red clay brickwork above a contrasting brick plinth, the soldier course and arches above the fenestration will also be of contrasting brickwork surrounding white Upvc window/door frames and whilst it is acknowledged that there are a variety of finishes within the existing built environment it is considered that the proposed finishes will be sympathetic to those within the surrounding area.

It is therefore considered that the proposed scale and design of the building, together with the proposed landscaping and boundary treatments will provide an acceptable addition within the existing streetscene and one that would not detract from the overall character and appearance of the surrounding area but will enhance the area.

## **Residential Amenity:**

With regard to residential amenity and overlooking issues, all habitable room windows have been restricted to the front and rear elevations with only obscurely glazed bathroom windows on the side elevations. The properties beyond the highway to the front of the dwelling are approximately 22 metres away from the front elevation of the proposal so therefore complies with the Council's 21 metre distance guideline between habitable room windows. It is therefore considered that the proposal would not create any unacceptable overlooking issues.

With regard to overbearing and overshadowing issues, the adjacent neighbouring properties nos 18, 20, 22 and 22 Wembley to the west of the site, are sited at a higher level than the proposal and the neighbouring property no 16 Wembley to the east of the site is at a slightly lower level than the proposal. The proposed building will also be set down from the highway. There is an approximate separation distance of 9 metres between the application building and the properties fronting onto the site on the west of the site and 11 metres to the adjacent property on the east of the site with a 22 metre separation distance to the closest property beyond the highway in front of the proposal. These separation distances are sufficient to ensure that the proposal would not create any unacceptable overbearing or overshadowing issues to any neighbouring property.

Therefore, in terms of overlooking, overbearing or overshadowing, it is considered that the proposal would be acceptable in terms of residential amenity.

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

A single point of access to the site is proposed which will incorporate visibility splays which are in accordance with guidelines. Each of the proposed plots will be allocated one off street parking space again in accordance with the Council's parking guidelines. As a consequence the Head of Engineering and Transport offers no objection to the proposed development, subject to a condition.

As referred to above, the application was deferred at the previous Committee to allow further research into the planning history of the site to establish the history of its legitimate use for parking, and to review whether the transfer of land to NPT Homes included any restrictions or



clauses relating to continuation of such legitimate use for parking. The update to the report above has emphasised that: -

- there is no planning history relating to the removal of dwellings at the site,
- there is no planning history relating to the use of the land as a car park.
- there are no planning controls in place to ensure that it continues to be used as a car park.
- When the land was transferred to NPT Homes, there were no restrictive covenants placed on the land

Having regard to the above, the following assessment within the report to 13<sup>th</sup> September 2016 remains valid: -

It is acknowledged that the site was originally designed as a car park for surrounding properties and up until recently was used for this purpose. It should be noted that this land is privately owned and there are no legal or planning controls in place to ensure that it continues to be used as a car park. As a result the site owners have ceased to use the site for car parking thus displacing cars onto the highway. This is a matter that is beyond the control of the planning authority and cannot be considered to be a reason to withhold granting consent. Moreover, the proposed development provides parking for each of the four flats and as such off street parking congestion will not be exacerbated by this development.

As a consequence it is considered that the proposal would not have a detrimental impact upon highway or pedestrian safety.

### **Landscaping:**

The sides and rear of the application site will be enclosed with fencing/walls with the frontage of the site enclosed (apart from the driveway) with black powder coated steel ball top railings on a facing brickwork plinth. There will be a path around the building with a bin storage area allocated at the east side of the building. Small areas of landscaping are available at the front, rear and east side of the site. The site is located within a densely built up area with only small enclosed residential gardens mainly to the rear of the properties, therefore whilst the landscaping is minimal it will serve to soften the development by introducing greenery within the streetscene.

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

The biodiversity section have no objection to the proposed development provided that suitably worded conditions are imposed on the application, it is therefore considered that the proposal would be acceptable in terms of ecology.

## **Others (including objections):**

Four letters of objection have been received, which raise a number of issues many of which have been addressed already with the remaining issues covered as follows:

**Reduction of light and community safety to the occupiers of numbers 18, 20, 22 and 24 Wembley** – the building will be set down with an approximate separation distance of 9 metres from these properties. It is considered that an enclosed residential complex would improve community safety when compared with the former use of the site as a car park.

**Effect on the street and area** – the proposed flats have been carefully designed so that the design and finishes of the proposal will harmonise with the buildings in the surrounding area.

**Safety issues due to the fenced off lane which will reduce light and security to the houses backing onto the footpath, encouraging criminal activity and anti-social behaviour resulting in health issues, security and wellbeing of the residents** - The existing footpath which extends along the south-west and north-western boundaries of the site will be retained to ensure that access to existing properties is maintained. These properties overlook this path and as such there is already natural surveillance of the path. In terms of light reduction as a consequence of a 1.8 metre high fence being erected along its length, it should be noted that planning permission is not required for the actual fence to this height and design at this location.

**The car park was created to keep cars to a minimum on the road so that the local bus can use the road, since the residents have been stopped from using the car park disruption to the bus service has already occurred without the issue of additional parking caused by the extra four flats proposed** – As stated earlier in this report, the owners are well within their rights to cease use of the land as a car park. The impact upon local bus services as a result of the

cessation of use cannot be considered in the determination of this application. Issues associated with highway safety must be confined to the impacts of the proposed development only. The Council's Highway Section have no objection to this proposal. There are no parking restrictions present on Wembley or surrounding streets.

**Disruption during construction work with regard to additional vehicles including residents and the builders who are working elsewhere on the road** – Disruption during construction work is an inevitable consequence of all development projects, however it will be short term in duration.

### **Conclusion:**

The proposal represents an appropriate form of in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, the visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP5, SP8, SP10, SC1, AH1, OS1, TR2 and BE1 of the Neath Port Talbot Local Development Plan. Approval is therefore recommended.

### **RECOMMENDATION:**

Approval with Conditions subject to the signing of a S106 legal agreement for the provision of £5,700 towards additional facilities or improvements to existing pitch, non-pitch sport, informal open space or allotments within the Neath East Ward. The specific project associated with this contribution will be identified prior to the spending of the money.

### **CONDITIONS**

#### Time Limit 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.

## Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

01A - Location Plan

(03)02L - Proposed Block Plan (Amended Plan Received 13/07/16)

(03)04 - Street Elevation

(03)102B - Elevations

(03)100B - Floor Plans

(00)02A - Topography

(03)03A - Site Section

(03)01 - Constraints

## Reason

In the interests of clarity

## Pre-Commencement Conditions

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## Reason

In the interest of the visual amenity of the area.

(4) Prior to commencement of any works a full drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall include the following.

. Means of disposing surface water and ground water during construction and during the temporary works

. Means of discharging the surface and ground water when the development is completed

. The approved drainage scheme shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected.

The works shall be carried out in accordance with the approved scheme and retained as such thereafter.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(5) Prior to commencement of the development, a landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out accordingly and retained as such thereafter.

Reason

In the interest of biodiversity.

Regulatory Conditions

(6) The shared drive access, junction and rear car parking shall be carried out in accordance with drawing (03)02 Rev L and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(7) No surface water and land drainage run-off shall be allowed to connect or discharge either directly or indirectly to the public sewer system.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(8) There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

#### 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.

It is considered that the proposal represents an appropriate form of in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP5, SP8, SP10, SC1, AH1, OS1, TR2 and BE1 of the Neath Port Talbot Local Development Plan.