

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

### **Planning Applications Recommended For Approval Following Members Site Visit**

<b><u>APPLICATION NO:</u> P2017/0245</b>	<b><u>DATE:</u> 05/04/2017</b>
<b>PROPOSAL:</b>	Detached three storey dwelling, incorporating lower level garage, and associated retaining works
<b>LOCATION:</b>	Building Plot adjacent to, 7 Heol Y Graig, Cwmgwrach, Neath SA11 5TW
<b>APPLICANT:</b>	Mr Philip Barnes
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Blaengwrach

### **BACKGROUND INFORMATION**

This application was called into Planning Committee by Ward Member Councillor Carolyn Edwards to assess the visual impact of the proposed dwelling on the character of the village and to assess the quality of the un-adopted access road and potential safety impacts on existing residents in Heol y Graig.

The Committee Call-In Panel met and agreed that the application should be brought to Committee on such grounds.

The Call-In Panel also agreed to Cllr. Edward's request that a Members' Site Visit be held on such grounds. Accordingly, the visit will be held on the morning of Committee.

### **SITE AND CONTEXT**

The application site is located on land adjacent to Number 7 Heol y Graig, Cwmgwrach. The site previously formed part of a larger garden serving that property although this area has been disused for some time.

The plot is steeply sloping and triangular in shape. It slopes downwards to a frontage of 25 metres onto the un-adopted highway of Heol y Graig off which access is available, and has a maximum depth of 18 metres. The site levels at the centre of the site where a domestic garage was once sited.

There are terraces of residential properties located on either side of the application site both of which are set back, and located on a higher level than the application site. There is a steeply sloping vehicular track which leads to the donor property running along the south western boundary of the site. Heol y Graig runs along the northern boundary (frontage) of the site beyond which the land continues to drop away down to residential dwellings at a much lower ground level.

The site is located within the settlement limits as defined by Policy SC1 of the Neath Port Talbot Local Development Plan. Planning permission in outline was granted in August 2013 for one dwelling on this site. The previous permission was restricted to a single storey property as it was not demonstrated at the time how a larger scale property could be accommodated on the site without negatively impacting upon visual and residential amenity. The current submission is a detailed application and is supported by plans to clarify these issues and must be considered and determined on its own merits.

## DESCRIPTION OF DEVELOPMENT

The proposed development is for a modern detached 2 bedroom dwelling. It has been designed to fit into the topography of this constrained site, providing accommodation over 2 floors, albeit incorporating a lower level garage, accessed directly off Heol Y Graig.

The design of the proposed dwelling is bespoke in concept containing both traditional and contemporary elements, to reflect the restricted size and topographical constraints of the site whilst maximising views from the dwelling. It will incorporate a maximum width of 10.6 metres, a maximum depth of 10.6 metres and a maximum height of 11 metres at the front of the dwelling and 4.2 metres at the rear.

The dwelling will be fitted with a flat roof which will incorporate glazed roof-lights, and a central glazed lantern. These will be screened behind a parapet wall. Windows will be incorporated onto all elevations although those fronting onto Heol y Graig will be larger in size and greater in number to benefit from the views. The windows proposed on the side elevations will serve secondary/ancillary uses, such as bathrooms, study etc.

As stated previously, the lower ground floor level will accommodate a garage. The ground floor will provide the main living areas and the upper floor the bedrooms, bathrooms and ancillary accommodation.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

### NEGOTIATIONS:

The levels and external finishes/materials were discussed prior to registration of the application, and the overall slab level and building height was reduced and the garage dimensions increased in line with the recommendations made by the Officer. In addition, further information was requested to demonstrate the streetscene and relationship of the proposed dwelling house with neighbouring properties was also requested and submitted.

### PLANNING HISTORY

The application site has the following relevant planning history: -

- P2005/0259 Detached Dwelling (Outline) Approved 17/05/05
- P2008/0619 Detached Dwelling (Outline) Approved 15/05/08
- P2013/0524 Outline for one dwelling Approved 01/08/13

### CONSULTATIONS

**Blaengwrach Community Council** – No response, therefore no comments to make

**Biodiversity Section** – No objection

**Head of Engineering and Transport (Highways)** - No objection, subject to conditions

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

### REPRESENTATIONS

7 Neighbouring properties were consulted and a site notice was posted close to the site: In response, 3 no. neighbour representations have been received, the main points of concern are as follows:

- The proposal is a three storey dwelling which does not blend into the surround miners cottages in style or in finish

- The parking arrangements are dangerous as vehicles would have to reverse out of the garage and parking space onto the lane which has no footways
- The layby opposite which could be used for overspill parking is subject to a land dispute over ownership
- The proposed dwelling will be close to the objectors house which will render no privacy to the objectors dwelling, even though the proposal has ensured its own privacy by the design of the windows
- Any construction vehicles will block the narrow road
- Concerns over the amount of digging out necessary and there is Japanese Knotweed on site
- Concerns over the deterioration of the pathway due to the heavy construction traffic

## REPORT

### National Planning Policy:

#### Planning Policy Wales (Edition 9 2016)

PPW sets out the Welsh Government's land use planning policy in respect of 'Promoting sustainability through good design' and 'Planning for sustainable buildings', which includes the role of local planning authorities in delivering good sustainable design.

Design is defined in PPW as:

"the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings."

PPW emphasises that:

"Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and, provides buildings and environments that are convenient and enjoyable to use for everyone."

## National Guidance

The following Technical Advice notes are also of relevance

### Technical Advice Note 12: Design

2.5 Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design. The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

Whilst in this case a Design and Access statement is not a validation requirement, the applicant has provided one to support their application.

### Technical Advice Note 18: Transport

#### Local Policy

The Development Plan comprises the Neath Port Talbot County Borough Council Local Development Plan (2011 – 2026) (LDP) which was adopted in January 2016 and within which the following policies are of relevance: -

The application site lies within the settlement area as defined in the Neath Port Talbot Local Development Plan.

## Strategic Policies

- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

## Topic based Policies

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

## Supplementary Planning Guidance:

The following SPG was approved in October 2016 and is of relevance to this application: -

- [Parking Standards](#)

## ISSUES

Having regard to the above, the main issues to consider in this application relate to the principle of development, impacts of the development upon on the visual amenity and the character of the area, the amenities of adjoining property and highway and pedestrian safety.

### Principle of Development

The proposed development lies within the settlement limits, as defined under Policy SC1 of the Neath Port Talbot Local Development Plan. The site had the benefit of outline planning permission which was granted in August 2013. Whilst the period for the submission of reserved matters pursuant to this outline have lapsed, the outline lasts for five years and as such the period for the submission of reserved matters can be extended at any time up until August 2018. Therefore the principle of a residential development on this site is already agreed and accords with development plan policy.

### Impact on Visual Amenity

Policy BE1 of the Local Development Plan relates to design. It states that;

*“All development proposals will be expected 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. Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:*

*1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;*

*2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;*

*3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;*

*4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;*

*5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;*

*6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement);*

*7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;*

*8. It uses resources, including land and energy, as efficiently as possible through:*

*(a) Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per*

*hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;*

*(b) The layout and form of the development does not preclude the reasonable use of other adjacent land;*

*(c) Developing brownfield land in preference to greenfield land where possible;*

*(d) Minimising building exposure while maximising solar gain.*

*9. Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;*

*10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.”*

The explanation of this policy goes further to add;

*“5.5.16 Good design includes paying regard to general amenity as well as appearance, accessibility and resource use. Where a site is to be developed with a mix of uses, careful consideration will need to be given to the interaction and relationship between the uses to ensure that they are compatible and integrate with one another and existing adjacent uses.*

*5.5.17 Detailed building design, from overall massing to finishing materials, plays an important role and should take account of and enhance the site's surroundings including other buildings, open spaces and topography. Landscaping has an important effect and is a significant part of the overall design process. The design and layout of new development can also have a significant effect on public safety and the fear of crime”*

Whilst it is accepted that the property is of an alternative design when compared to the traditional two storey ridged roof dwellings prevalent in the area, it is not the role or function of planning to enforce uniformity or to discourage individuality in design, where appropriate, and justified.

In this case the applicant has designed a property based on the site constraints and opportunities, rather than attempting to fit a standard house type onto a site. The proposed development provides a bespoke



designed property, taking into account the site constraints and opportunities, whilst ensuring that the proposals are both sympathetic to the amenity of residents within adjoining properties, and the character of the area as a whole.

By utilising the site's gradient, it provides a level ground floor level with direct access for a garage onto Heol Y Graig. Setting the property into the embankment, it reduces the overall massing and scale of the dwelling, appearing to be built into the natural landscape, and minimising the requirement for large retaining structures. The scale and massing is further reduced through the use of a parapet wall behind which is a hidden flat roof. These design features give the building a modern twist whilst also ensuring that the building nestles into the wider landscape.

The larger window openings to the frontage, and the creation of the angled projections, adds variation in the building line, and breaks up an otherwise simple elevation. This variation will have the effect of creating additional shadow and light variation that will again have the effect of reducing the overall impact of the dwelling within the wider landscape, especially when seen from a distance.

The use of traditional materials in the external finishes, i.e. white render and slate, echoes the traditional materials used within properties in the surrounding area. The use of modern black framed glazing provides a strong modern contrast when viewed against the white rendered elevations and successfully breaks up the expanse of white render reinforcing the overall modern design concepts used in this 21<sup>st</sup> century designed dwelling.

Notwithstanding the lack of curvature to the windows, the dwelling has an "art-deco" style and appearance, and is considered to reflect and enhance the site, whilst carefully addressing the site constraints. As stated previously, it is accepted that the appearance of the dwelling is not traditional in terms of the local vernacular, but the area is one that has both rendered and brick finished properties, ranging in scale, typology and age. It should also be noted that a single storey building has previously been granted on this site which itself does not mirror the traditional terraced properties within the surrounding area.

Furthermore it must be acknowledged that the existing terraced properties incorporate a design and use of materials which were relevant at the time of their construction. There are a large number of

properties across the country which were constructed during the 19<sup>th</sup> and 20<sup>th</sup> centuries and whilst it is acknowledged that these are held up as incorporating strong architectural principles, there is no reason why we cannot allow dwellings to be constructed from designs which reflect today's architectural principles, so that future generations can look back and see how design has adapted and developed over time.

Having regard to the above the development is considered to comply with the overarching thrust of national Planning Policy Wales, especially TAN:12 Design, in terms of promoting and enhancing design standards generally. Further to this it is considered to comply with Policy BE1 of the Local Development Plan in;

- respecting the context of the site and its place within the local landscape, and taking into account the sites topography;
- utilising materials appropriate to its surroundings;
- it makes the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area;

#### Impact on Residential Amenity

A minimum separation distance of approximately 14 metres is retained between the proposed dwellinghouse and the closest residential dwelling which is located on higher ground to that of the proposed dwelling. The closest part of the building is the south eastern corner of the proposed dwelling and its relationship with No 7 Heol y Graig. At this point the proposed dwelling is cut into the embankment of the site and rises only to a height in line with the eaves level of that neighbouring property. This separation distance together with the topography of the site and the restricted height of the dwelling will ensure that it will not have an unacceptable overbearing or overshadowing impact upon the nearest neighbouring residents. The other neighbouring residents are located even further away from the proposed dwelling and are again located on higher ground, hence they will not be adversely affected in terms of overbearing or overshadowing.

In terms of overlooking, the principle windows will be sited to look directly into the gardens of the application property and the road beyond. There are windows proposed on the side elevation however these serve non-habitable rooms with possible exception to a small study. These windows can be fitted with obscure glass to avoid direct over-looking of the gardens of neighbouring properties. There are also windows on the front elevation which are angled and serve a wet room and a spa. These overlook Heol y Graig rather than the gardens of neighbouring properties and as such will not adversely affect neighbouring residents in terms of privacy.

### Parking and Access Requirements and Impact on Highway Safety

The submitted plans show that the dwelling is to be accessed off Heol y Graig, and incorporates a basement garage with one parking space in front of the garage. Whilst the Head of Engineering and Transport originally raised concern with regard to the dimensions of the garage, its size has now been increased to address these concerns.

Whilst it is acknowledged that a turning area is not provided within the site, it must be acknowledged that Heol y Graig serves a limited number of properties and given its un-adopted status and associated condition, vehicular speeds are likely to be low. Furthermore the access drive incorporates vision splays which have been designed to ensure that vehicles accessing and exiting the property are able to see in both directions onto Heol y Graig.

It is also acknowledged that the additional dwelling will result in an increase in vehicular movements on an existing un-adopted highway. However as only one additional dwelling is proposed and planning permission is already in place for a dwelling on this site, it is considered that these additional vehicular movements can be accommodated on Heol y Graig without impacting upon highway safety.

For the above reasons it is considered that this dwelling will not adversely affect either vehicular or pedestrian safety and as such the proposal is acceptable on highway safety grounds.

## Biodiversity / Ecology

The local Authority's Ecologist has advised that they have no objection to the proposal subject to a condition being imposed to require the provision of artificial bird breeding boxes as bird nesting habitats will be removed as part of this application.

## Other Matters

A number of issues have been raised by objectors to this application. The issues associated with the scale, design, use of materials, inadequate parking, impact upon privacy have been addressed within this report.

Other concerns have been raised in relation to a land ownership dispute associated with a layby opposite but outside the site. Land ownership is not a material planning consideration moreover adequate parking is provided within the curtilage of the site as it is considered that the plot can accommodate the parking requirements associated with the dwelling

Concern that construction vehicles will block the narrow road – A condition can be imposed to secure the submission of a construction management plan which will need to demonstrate where construction plant and materials will be sited during the construction programme. Nevertheless if any access is obstructed at a future date this is a police matter.

Concerns have been raised over the extent of excavation associated with the site and the existence of Japanese Knotweed on site. The rear wall for the proposed dwelling will act as a retaining wall and the structural capacity of this will be addressed under the building regulations. In terms of Japanese knotweed, a condition will be imposed to secure its eradication.

Finally concerns have been expressed that the development will cause further deterioration of the pathway as a consequence of the heavy construction traffic. This would be a private matter and is not a material planning consideration.

## CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

The development is considered be a justified and appropriate form of development complying with Policies SP20, SP21, SC1, BE1 and TR2 of the Local Development Plan and also complying with the principles of good design as set out within TAN12: Design and Planning Policy Wales, which encourages and promotes good design principles having regard to a site's specific opportunities and constraints.

## **RECOMMENDATION: Approval with Conditions**

### 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:

B-BPA7-SW115TW-2017C - Location Plan and Block Plan

PS-BPA7-SW115TW-2017C - Elevation and Floor Plan

3DER-BPA7-SW115TW-2017B - 3d and Elevation of ridge heights

#### Reason

In the interests of clarity.

## Pre-Commencement Conditions

(3) Prior to commencement of works on site, a scheme for the comprehensive and integrated drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure that surface water is discharged at greenfield run off rates and that no surface water or land drainage run off discharges directly or indirectly into the public sewerage system unless all other options have been fully assessed and evidence is submitted to the Local Planning Authority as part of any alternative submission. The scheme as approved shall be fully implemented on site in accordance with these agreed details prior to the first beneficial use of the development and retained as such thereafter.

### Reason

In the interest of satisfactory drainage of the land.

(4) No development shall take place, until a 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 construction period. The Statement shall provide for:-

- The parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from construction works
- a scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.

### Reason

In the interest of Highway and Pedestrian Safety.

## Regulatory Conditions

(5) Prior to occupation of the dwelling hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

### Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

### Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

### Reason

In the interest of Biodiversity.

(6) 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.

(7) Any existing drainage pipe, crossing or discharging onto the development site must be accommodated into the site development works by the developer.

Reason To ensure the existing surface water drainage system is not compromised.

(8) Foul and surface water discharges shall be drained separately from the site and no surface water shall be allowed to connect either directly or indirectly to the public sewerage system and no land drainage run-off shall, either directly or indirectly, discharge to the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system in the interest of amenity.

(9) Prior to any building works commencing, the Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and eradicated in accordance with the Environment Agency 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.

(10) Prior to first occupation of the dwelling the proposed means of enclosure shall be submitted to and agreed in writing with the Local Planning Authority. The means of enclosure shall be erected in accordance with the agreed details and retained as such thereafter.

Reason

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

(11) Notwithstanding the details submitted and prior to the occupation of the proposed dwelling the windows on the first floor west and east elevations serving the study and bathroom shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a minimum 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.