

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

### **Planning Applications Recommended For Refusal**

<b><u>APPLICATION NO:</u> P2018/0008</b>	<b><u>DATE:</u> 23/01/2018</b>
<b>PROPOSAL:</b>	Two detached dwellings and associated works
<b>LOCATION:</b>	Land at Clos Llwynallt, Alltwen Pontardawe, Swansea SA8 3JG
<b>APPLICANT:</b>	Mr & Mrs K Jones
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Alltwen

### **BACKGROUND INFORMATION**

This application is being presented to Planning Committee as the applicant is a close relative of Cllr Christopher Jones, Alltwen Ward.

### **SITE AND CONTEXT**

Clos Llwynallt is a small cul-de-sac which comprises 5 residential dwellings and a 3 storey high nursing home, accessed off Tyllwyd Road, close to the junction of Ynys-Y-Mond Road. The driveway to the nursing home bisects the two proposed plots.

Plot 1 is on a sloping site and is currently the side garden of the applicants dwelling. The roof height of the donor property together with the proposed dwelling and the nursing home will create a stepped form of development due to the differing ground levels.

Plot 2 is adjacent to the nursing home and incorporates the existing large detached garage building at the rear of the site, which has historically been used for a wedding car business.

### **DESCRIPTION OF DEVELOPMENT**

This is a full application for the construction of two, three bedroomed detached dwellings and associated works.

Both dwellings will be of the same design, which is a pitched roofed dormer bungalow with two velux hip roofed dormers on the front elevation. The dwellings will be 10.5 metres in width, 12 metres in depth and will be 2.6 metres to the eaves and 7.3 to the ridge. Windows will

be mainly restricted to the front and rear, however, there will be a secondary kitchen window on the ground floor. The dwellings will be finished in blue pennant stonework with sections of through coloured render, will have an artificial slate roof covering and white Upvc fenestration. Both plots will have 3 car parking spaces with turning areas.

Plot 1 will be enclosed on the side boundary with the donor property by means of a 1.8 metre high hit and miss timber fence with a small retaining wall forward of the fence. The remainder of the plot will be enclosed by the existing 1.8 metre fence along the rear boundary and the hedge along the east side boundary. There will also be a retaining wall in front of the hedge along this boundary. A condition can be imposed requiring details of the heights of these retaining walls.

Plot 2 will be enclosed mainly with the existing hedges but will also have a 1.2 metre high post and wire fence along the southern side boundary and rear boundary of the plot with a 1.2 metre high hit and miss timber fence along the north side boundary. There will be several retaining walls around the dwelling, however, no details of these have been submitted.

There is a small stream running down the south side of plot 2, however there will be an approximate separation distance of approximately 4–6 metres between the stream and the dwelling.

The existing commercial wedding car business which operates from the detached garage (part of plot 2) will cease if the application is approved with the garage forming part of the residential curtilage and used for domestic purposes.

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

## NEGOTIATIONS

Advice at pre-application stage was that the proposal would be acceptable in principle subject to various highway requirements including road widening (on land in the applicant's control). Although the Highway Officer has compromised on the proposed increase to the width of the public highway (down to 4.8m plus 2m footway) the applicant does not consider that these works are necessary and does

not wish to implement the required works as the work would incur a considerable cost.

## PLANNING HISTORY

The site has the following relevant planning history:-

- P2002/0797 – Garage – Approved – 19/09/2002

## CONSULTATIONS

**Cilybebyll Community Council** – No objection

**Head of Engineering and Transport (Highways)** – Objection

**Drainage Section** – No objections, subject to conditions

**Biodiversity Section** – No objection

**Health and Safety Executive** – No response, therefore no comment to make

## REPRESENTATIONS

6 neighbouring properties were consulted on 23<sup>rd</sup> January 2018, with a site notice also displayed on 24<sup>th</sup> January. In response, to date, no responses have been received.

## 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.

#### 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: -

### *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 [Parking Standards](#) SPG was approved in October 2016 and is of relevance to this application.

## ISSUES

Having regard to the above, the main issues to consider in this application relate to the principle of development, and impacts of the development upon visual amenity and the character of the area, the amenities of adjoining properties, 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, therefore the principle of residential development on this site would be generally acceptable provided that there would be no adverse impact on visual amenity, residential amenity or highway and pedestrian safety.

### *Impact on Visual Amenity*

**Policy BE1** (Design) of the Local Development Plan relates to design and requires that all development proposals demonstrate high quality design which, inter alia: complements and enhances the character and

appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment; respects the context of the site and its place; utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate; and would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community.

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”

Having regard to the above, it is noted that the proposed dwellings will not be highly visible from Ynys-Y-Mond Road as they are well screened from the main road by the existing dwellings on Ynys-Y-Mond Road and trees and hedges screen much of the development when viewed from the southerly direction. Therefore, the proposed houses will only really be visible from Tyllwyd Road and within Clos Llwynallt.

The existing dwellings in Clos Llwynallt are relatively modern style dwellings of varying styles. The donor property is a dormer bungalow with hipped dormers and is mainly finished in blue pennant stone with a cream colour dashed render and has an artificial slate roof.

The sites are steeply sloping, however, the dwellings will sit comfortably within the site as there is no distinct building line or level within Clos Llwynallt. In this regard, while the new dwellings will sit higher on their plots than the neighbouring dwelling, this in itself is not considered to cause any material adverse impact on the wider character of the site or area.

The dwelling on Plot 1 will be constructed to the front of the adjacent nursing home, however, due to its orientation and differing ground level, the first floor of the dormer bungalow will be level with the ground floor of the nursing home.

Plot 2 will be sited to the front but to the southeast, and it is considered that the siting of the dwellings, notwithstanding the current open character of the sites, would have no unacceptable impact on the nursing home or character of the area as a whole.

As such, it is considered that the proposed development would respect the character and appearance of the surrounding area and would have no detrimental impact upon the character or appearance of the surrounding area.

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 insofar as it:

- respects the context of the site and its place within the local landscape, taking into account the sites topography;
- utilises materials appropriate to its surroundings;
- 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

With regard to overlooking issues, plot 1, which is the plot to the north of the application site mainly has windows on the front and rear elevations with only a ground floor side secondary kitchen window on the west side of the dwelling. This window does face towards the donor property, however, this will be screened by the 1.8 metre high fence which is proposed along the boundary between the two properties. The fence and the change in ground levels will ensure that the donor property will not have any unacceptable levels of overlooking caused by this proposal. With regard to plot 2, which is the plot south of the application site, there are no residential properties in close proximity to warrant any unacceptable issues of overlooking.

With regard to potential overbearing and overshadowing, the separation distance between the donor property and plot 1 is approximately 5.2 metres. The dwelling will be constructed on a higher ground level than this neighbouring property, however as the proposed dwelling is of a relatively modest height it is considered that it will not unacceptably impact upon the amenities of the donor property. The neighbouring residential properties to the rear of plot 1 are approximately 30 metres away from the proposal. Plot 2 is set away from other residential properties and the minimum separation distance between this dwelling and the closest residential dwelling (i.e. the donor property) is approximately 35 metres, with the three storey nursing home being approximately 30 metres away.

The other neighbouring property to the south of the plot is located even further away from the proposed dwelling and is located on higher ground, hence the residents will not be adversely affected.

Accordingly, given the separation distances together with the topography of the site and the restricted height of the dwellings it is considered that the proposals will not have any unacceptable impact upon the nearest neighbouring residents.

In addition, it is considered that the existing dwelling would retain sufficient amenity space to serve its needs, with the new dwellings also served by sufficient amenity space, such that there are no objections on such grounds

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

Policy BE1 requires, amongst other things, that new development has no significant adverse impact on highway safety, with Policy TR2 emphasising that development proposals will only be permitted where all of the stated criteria are satisfied, including that “(1) The development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation;

With regard to the parking requirements for each plot, each plot can provide three off street parking spaces with a turning area so that vehicles can emerge from each plot in a forward gear and the proposals would not displace the existing car parking arrangement to the existing dwelling.



In terms of the potential impact on highway safety, the critical issue concerns whether the proposed new development would introduce additional movements on the adjacent highway to an extent which would cause any unacceptable harm.

The Head of Engineering and Transport has reviewed the existing highways site context and advised as follows: -

1. The application site is accessed off a substandard, poorly constructed, unmaintained and un-named private lane. To access this lane vehicles must travel over another single width carriageway known as Ty Llwyd Road from the junction of Ynys Y Mond Road, this lane is too narrow to accommodate two way traffic. Any vehicles wishing to access the application site would have to wait at the junction of Ty Llwyd Road and Ynys Y Mond Road for vehicles to leave the lane before being able to access the site. Vehicles that have to wait in the carriageway will cause a highway obstruction and prevent the free flow of traffic along the 'C' Classified highway known as Ynys Y Mond Road, which connects to Glais village further down the Swansea Valley, to the detriment of all other road users.

There is scope to overcome this by widened the existing lane from the junction of Ynys Y Mond Road to the limit of the two new plot access points, to provide a minimum carriageway width of 4.8m together with a 2m footway. The land required to undertake these improvements are all within the ownership of the applicant, however the applicant refuses to utilise this land to accommodate highway improvements

2. The private unnamed driveway off Ty Llwyd Road is saturated and currently provides access to 6 dwellings, a 43 bedroom residential care home and rear access to a number of off street parking spaces for properties on Ynys Y Mond Road. The introduction of two additional plots would result in the intensification of traffic and potential conflict at this narrow location where the existing road is single track. The Authority's 'Guide to the Layout of Development Roads' specifies that a maximum number of 5 dwellings shall be served by a shared driveway, with the informal rear access provided to dwellings on Ynys Y Mond Road and the existing 5 dwellings at this location it contravenes the parameters of this requirement. Under this guidance even a shared driveway for 5 dwellings would be expected to be at least 4.5m wide.

3. There is a complex junction arrangement on the unnamed private driveway providing access to the individual driveways with all access points branching off in the same location with no clear delineation of junctions and access points, any further intensification proposed with the formation of new driveways will have a significant impact on both vehicle users and pedestrian safety.
4. The visibility at the junction of Ty Llwyd Road as you leave the private driveway is below the visibility standards required in TAN 18 for a 30mph carriageway which is a requirement of a 2.4m set back with a splay of 90 metres in either direction. To improve highway safety to prevent conflict from vehicles leaving the site and traffic travelling down Ty Llwyd Road towards Ynys Y Mond Road the existing visibility splay will need to be improved. The introduction of two additional dwellings and the increased trips generated with each dwelling exacerbates the risk of conflict at this location should no improvements be made.
5. There is no dedicated pedestrian access to the site from Ynys Y Mond Road, which results in pedestrians having to walk within the narrow carriageway of Ty Llwyd Road and the private access lane. Any increase in traffic movements would have a significant risk to pedestrian safety. The Active Travel Wales seeks to encourage improved pedestrian links and safe access to existing footways, at this location the provision of improvements are achievable and within the control of the applicant.

In this regard, the primary concern relates to the existing narrow (substandard) width of the adopted highway Ty Llwyd, notably from its junction with Glais Road up to the site entrance (to Clos Llwynallt), where the width is at best 3.5m, thus allowing insufficient room for vehicles to pass each other. In addition, there is no footpath leading from the site entrance to Glais Road / Ynys-Y-Mond Road, thus forcing residents to walk on the highway (or on adjacent private land).

The Head of Engineering and Transport has referred to the unacceptable intensification in use of the access relating to the degree of additional trips that would be generated by the development. In considering this intensification, regard has also been had to the existing wedding car business use of the detached garage on the site of plot 2 (which has no planning permission or certificate of lawful use, but is known to have been operating at the site for in excess of ten years), which would cease.

In terms of trip generation, two new dwellings would generate in the region of 10, 2-way movements each per day, such that the development would generate as a whole approximately 20 2-way movements per day (140 per week).

Offset against this degree of activity, the applicant has emphasised that the development of the 2 dwellings will result in the closure of the existing lawful limo hire business, stating that the net additional vehicle movements are likely to be that associated with one additional dwelling (they state 6-12 per day).

It is noted that the business operates from an existing detached garage which was approved in 2002 (P2002/0797) as a detached garage and storeroom within the grounds of the nursing home. The building was approved with a condition stating that the garage can only be used in connection with the nursing home, but evidence suggests that the use of the building (in connection with a wedding car business) has continued in breach of this condition for in excess of ten years.

In the absence of a formal Certificate of Lawful Existing Use, however, it is difficult to make any clear allowances for the commercial use of that building. Nevertheless, the applicant's agent has advised as follows:-

- At its peak the business was operating with the following weekly movements: -
  - 10 customer viewings
  - 12 weddings car bookings
  - 10 MOT/ Servicing etc
  - 10 Drivers

(i.e. 42 movements, 84 2-way movements)

- As the business is now a sole trader the amount of movements has dropped since its peak. To date the business is currently operating following weekly movements (2017-18)
  - 1 customer viewings
  - 1.5 weddings car bookings
  - 0.3 MOT/ Servicing etc
  - 0.4 Drivers

(i.e. 3.2 movements, 6.4 2-way movements)

As referred to above, one dwelling would be expected to generate in the region of 70, 2-way movements per week. Therefore, based on the business operating at its peak there is an argument that the cessation of the unauthorised (but probably lawful) business could offset the impact of one of the dwellings. Nevertheless, it is also clear that the business has not operated at that intensity for the full ten year period, and certainly not in recent years, such that the degree of activities/ movements is now considerably less than it has been and therefore it is not considered reasonable to offset any significant degree of commercial activity from the development traffic generation.

The Highway officer has also emphasised that they consider the current level of trips associated with this business (Sole trader - as provided by the applicant) is not sufficient to off-set the amount of daily trip generated by one dwelling. Therefore the removal of the Wedding Car business would not equate to the trip movements associated with a dwelling.

Having regard to the above, even taking into account a degree of activity associated with the wedding car business, the additional activities/ movements associated with the development utilising a junction onto Ty Llwyd which has restricted visibility, is considered to both increase the risk of conflict at this junction and, by reason of the narrow width of Ty Llwyd, introduce an unacceptable degree of additional activity which could lead to additional conflict also at the junction with Ynys-Y-Mond Road / Glais Road.

To overcome this potential conflict, the Head of Engineering & Transport has advised that the highway (Ty Llwyd) between the entrance to the site and Glais Road / Ynys-Y-Mond Road needs to be increased in width, along with the provision of a 2m footpath (linking into the existing footpath on Ynys-Y-Mond Road) for a distance of approximately 40 metres. The Highway Officer has agreed, through the course of this application, to reduce normal expectations (5.5m) to 4.8 metres (plus the 2m footway on its eastern side), and the opportunity exists, on land within the applicant's ownership (albeit outside of the red line boundary), to facilitate these highway works to overcome the highway objections.

These improvements are considered to be necessary to facilitate improved highway and pedestrian safety for residents of the proposed dwellings. The proposed widening of the road will reduce potential

conflict with vehicles entering and leaving this narrow junction where it adjoins Glais Road / Ynys-Y-Mond Road which is a classified highway.

The applicant, however, has emphasised that they do not consider these works to be necessary, and therefore is not agreeable to them being required under this application. They note, in particular, that: -

- *The required works are likely to cost over £30-£40k and include*
  1. *New 2m footway*
  2. *Wider carriageway*
  3. *Move lighting column*
  4. *Move overhead phone line and power cable*
  5. *Culvert 2-3m of water course and move headwall*

*The amount of work required is considered to be unreasonable given the negligible amount of additional traffic.*

- *The Council granted consent for a 17 bedroom extension to the existing nursing home in 2002 (P2002/0608) and renewed that consent in 2008 (P2008/0208). TRICs data for nursing homes shows approximately 2 movements per day per bed. In this case 34 additional movements. Despite the almost doubling of the Nursing Home no highway improvement were required either on or outside the site.*
- *There have been no changes in the highway requirements since 2002 and the works required therefore appear to be completely unjustified having regard to the previous decision of the Council and the negligible additional vehicle movements associated with this development.*
- *My client understands that highway improvements can be appropriate but in this case the works will not improve visibility, reduce traffic speed or improve pedestrian safety. Whilst it is accepted that the widening of the road will reduce conflict between vehicle over that short section of highway it will also lead to traffic speed increasing.*
- *The current highway layout dictates that vehicles leaving the site are able to see vehicles on Ynys-Y-Mond Road (20m North and 25m South). They are therefore able to wait in the access, allowing vehicles to access Ty Llywd Lane without any conflict.*
- *Whilst my client maintains that the existing highway arrangements and additional traffic movements will not detrimentally affect highway safety he is prepared to provide a rolled stone pedestrian*

*footway from Ynys-Y-Mond Road to the site and a lay-by 7m x 3m at a mid point between the site access and Ynys-Y-Mond road. This will resolve the highway issues and be a more visually acceptable compromise at this rural edge of the settlement.*

In response to these points, the following points are raised: -

- The cost of the works, while not inconsiderable, are nevertheless not material to the assessment, which reflects only whether the impact of the development without such works would be harmful
- For the reasons above the traffic generation is considered to be much more than 'negligible'
- The fact that no off-street highway improvements were required in respect of the nursing home extension does not justify a relaxation of the highway officers current requirements which are based upon an assessment of the likely impacts arising from this development. Also it is believed that the nursing home extension was due to requirements in the changes in regulations to the no of occupants per room, which meant that each person had to have their own room.
- It is not accepted that the increase in width of the highway would lead to traffic speed increasing. The increase in width would, however, allow for two cars to pass each other and allow sufficient room for vehicles entering Ty Llwyd from Glais Road / Ynys-Y-Mond Road to move off the main highway (which the existing highway width at the junction does not currently facilitate, with potential adverse impacts on the safe and free flow of traffic on the main highway)
- The rolled stone pedestrian footway from Ynys-Y-Mond Road to the site and a lay-by 7m x 3m at a mid-point between the site access and Ynys-Y-Mond road would not resolve the above highway objections.

In addition the agent has stated as follows: -

*As you are aware the site currently serves an access to the rear of a property on Ynys-Y-Mond Road. I am advised by the applicant that he could close that access, prior to the occupation of the second plot. This would in my view result in no additional vehicle movements associated with the development of the two dwellings.*

The access in question relates to no. 62 Ynys-Y-Mond, which is not owned by the applicant but is owned by his son (Councillor Chris Jones). That property was approved in 2006 with a surface car parking area fronting onto Ynys-Y-Mond and no rear vehicular access. It is clear, however, that the surface parking area was not constructed as approved, but instead there is an 'in-out' access arrangement, with access to the property afforded from the rear and egress via a side vehicular driveway onto Ynys-Y-Mond along a single drive at gradient.

Although the applicant's legal control over this arrangement is unclear, nevertheless it is considered that preventing the use of this access (by providing a defensible rear boundary) would only potentially preclude one-way movements into the property. In addition, this would not reduce all trips associated with that property (to offset the proposed development) given that trip generation includes all trips, for example including visitors, deliveries etc. In addition the Council could not preclude use of such access itself for the parking of vehicles at the rear for example. Such closure would also leave the property (no. 62) with a substandard parking arrangement, with the angle and gradient of the drive potentially creating difficult reversing movements onto the highway, which is not to be encouraged.

For these reasons, it is considered that even if such access could be precluded in perpetuity (for example through a legal agreement), this would be insufficient to overcome the objections raised above on highway safety grounds.

In the absence of the required off-site improvements to the highway, the Highway Officer therefore continues to raise an objection to the development on the above-stated grounds.

While consideration has been given to recommending approval of the application subject to a Grampian condition requiring the highway widening works to be completed prior to any development taking place on the proposed dwellings, in light of the applicant's objections, the recommendation instead is for refusal on the grounds that in the absence of the required off-site highway improvement works, the proposed new dwellings would introduce additional movements on a substandard access and highway, which would adversely affect both vehicular and pedestrian safety, contrary to the requirements of Policy BE1 of the LDP.

## 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 have not been removed as part of this application, an informative has instead been added to the consent to reflect this request.

## CONCLUSION

While there would be no unacceptable impacts arising from the siting of the development in terms of local character or residential amenity, in the absence of the required off-site highway improvement works, the proposed new dwellings would introduce additional movements on a substandard access and highway which would adversely affect both vehicular and pedestrian safety, contrary to the requirements of Policies BE1 and TR2 of the Local Development Plan.

RECOMMENDATION:           Refusal

(1) In the absence of the required off-site highway improvement works, the proposed new dwellings would introduce additional movements on a substandard access and highway which would adversely affect both vehicular and pedestrian safety, contrary to the requirements of Policies BE1 and TR2 of the Local Development Plan.