

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

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

<b><u>APPLICATION NO:</u> P2019/5115</b>	<b><u>DATE:</u> 18/06/2019</b>
<b>PROPOSAL:</b>	Two Detached dwellings and associated works, incorporating off site highway improvements
<b>LOCATION:</b>	Land At 1 Clos Llwynallt, Alltwen, Pontardawe 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 Ynysymond 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 incorporating off site highway improvements.

This application follows the refusal of planning permission (ref. P2018/0008) and subsequent appeal decision (dismissed September 2018 – ref. APP/Y6930/A/18/3205636). In this respect it states that the applicant has looked at a number of solutions to overcome the identified highway issues, and to that end the revisions to the application are as follows: -

1. A 4.8m wide carriageway from Ynysymond Road to the junction of Clos Llwynallt

2. A 2m wide footway from Ynysymond Road to Clos Llwynallt
3. In order to improve visibility between vehicles travelling down Tylwyd Lane and vehicles exiting Clos Llwynallt a mini roundabout is proposed.

Other than the works on the highway all land is within the applicants' ownership. The applicant wishes that a condition be imposed requiring the details of the roundabout to be submitted in a future application.

All other details remain as per the previous application and as follows:

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

None

## PLANNING HISTORY

The site has the following relevant planning history:-

- P2002/0797 Garage – Approved 19/09/2002
- P2018/0008 2 Detached dwellings and associated works Refused 21/03/18 (Appeal APP/Y6930/A/18/3205636 – Dismissed 06/09/18)

## CONSULTATIONS

**Cilybebyll Community Council** – No response therefore no comment to make.

**Highway Section** – Objection

**Drainage Section** – No objection

**Biodiversity Section** – No objection, subject to a condition

**Health and Safety Executive** – Does not advise against development

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

## REPRESENTATIONS

Neighbouring properties were consulted on 25<sup>th</sup> June 2019, with a site notice also displayed on the same date. In response, to date, 1 no. response has been received.

The points of concern are as follows:

The objector considers that the site is not suitable for the increase in traffic. The highway improvement works are not sufficient to alleviate the objectors concerns over the increase in traffic volume and safety on entering and existing Clos Llwynallt which has already has parking issues and visibility issues at the junction of Clos Llwynallt.

## REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of

Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

The following guidance is of particular relevance in the assessment of this planning application:

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."

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 12: Design
- Technical Advice Note 18: Transport

### Local Planning Policies

The Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) 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, notably the recent appeal history, the main issues to consider in this application relate to the principle of development and the impact upon highway and pedestrian safety. Other matters concern the impacts of the development upon visual amenity and the character of the area, and on the amenities of adjoining properties.

#### *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.

#### *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”.

In terms of the potential impact on highway safety, the critical issue concerns whether the proposed introduction of a new mini roundabout on the highway, together with the inclusion of the (previously requested) widening of the highway and provision of a pedestrian footway, would overcome the Appeal Inspector’s decision to uphold the Council’s original objections and refuse planning permission.

Members can view the [previous Committee report](#) from 20<sup>th</sup> March 2018 online.

It is of particular note that the [Inspector’s Appeal Decision](#) drew the following main conclusions: -

- The private access, Clos Llwynallt, serves 5 dwellings, the rear of a dwelling on Ynys y Mond Road and a nursing home. The additional traffic generated by the

2 proposed dwellings would represent a significant increase in current traffic levels.

- Very little allowance was made for the existing wedding car business, which did not change [his] conclusion that the addition of 2 new dwellings would represent a significant increase in traffic levels.
- Existing access arrangements at Clos Llwynallt (with several accesses joining together in an uncontrolled way near its junction with Ty Llwyd Lane) are substandard and their increased use would introduce increased risks for vehicular and pedestrian safety.
- Visibility at the junction of Clos Llwynallt with Ty Llwyd Lane is seriously deficient in visibility - vehicles exiting Clos Llwynallt do so almost blind of any vehicles travelling from their left along Ty Llwyd Lane - and the generation of additional vehicles using it would be unacceptably detrimental to highway safety.
- On the narrow width of Ty Llwyd Lane itself between its junctions with Clos Llwynallt and the main road, Ynys y Mond Road, even though the traffic flow is light and conflict may occur infrequently, there can be no doubt that conflicts do occur and that increased traffic generated as a result of the proposed development would make such conflicts more likely to occur. To that extent, the proposed development would cause increased risks to highway safety.
- He thus concluded that the increased traffic generated by the proposed development would be unacceptably harmful to highway safety due to the seriously substandard visibility at the junction of Clos Llwynallt and Ty Llwyd Lane, the substandard nature of Ty Llwyd Lane itself between that same junction and its junction with Ynys y Mond Road, and the substandard nature of Clos Llwynallt itself to serve additional development.

The current scheme seeks to overcome these serious objections by the creation of a new mini roundabout (of a design to be agreed with the Highway Authority). The Head of Engineering and Transport, however, has reviewed the proposal and advised as follows: -

- The mini roundabout has not been designed in compliance with the highway standards set out in Design Manual Road and Bridges Volume 6, Section 2 Part 2 TD54/07 and Manual for Streets
- The proposal of a mini roundabout does not overcome the highway safety concerns raised under the previous planning application (P2018/0008) and the subsequent dismissed appeal dated 6<sup>th</sup> September 2019.
- In conclusion, the Highway Section do not consider that the introduction of a mini roundabout would be an acceptable form of mitigation for the development.

It is noted that the applicant is also now offering to implement the additional works to widen the carriageway from Ynys y mond Road to the junction of Clos Llwynallt to 4.8m, and provide a 2m wide footway. Other than the works on the highway all land is within the applicants' ownership.

These works would overcome one part of the Inspector's objections to the scheme relating to the substandard nature of Ty Llwyd Lane itself between the junction of Clos Llwynallt and Ty Llwyd Lane and its junction with Ynys y Mond Road. Notwithstanding that these works were sought by the Highway Authority as part of discussions on the previous application to address objections raised to the development, in light of the significant objections raised by the appeal Inspector to the proposals on visibility grounds - which would not be affected by the widening works and which cannot be overcome by the proposed mini roundabout - it is considered that the inclusion of such works, while welcomed, would nevertheless not outweigh the significant objections made by the appeal Inspector.

Accordingly, the proposal remains contrary to Policies BE1 and TR2 of the adopted Local Development Plan.

### *Parking*

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.

### *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 Ynysymond Road as they are well screened from the main road by the existing dwellings on Ynysymond 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

### 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, the proposed new dwellings would introduce additional movements on a substandard access, the impacts of which would not be mitigated by the proposed highway widening/improvement works or by the creation of a new mini roundabout. Accordingly, the development would have an unacceptable impact on both vehicular and pedestrian safety, contrary to the requirements of Policies BE1 and TR2 of the Local Development Plan.

RECOMMENDATION: Refuse

1. The increased traffic generated by the proposed development would be unacceptably harmful to highway safety due to the seriously substandard visibility at the junction of Clos Llwynallt and Ty Llwyd Lane and the substandard nature of Clos Llwynallt itself to serve additional development, with such highway and pedestrian safety impacts not being mitigated by the proposed off-site highway improvement and roundabout works. For these reasons it would be contrary to Policies BE1 and TR2 of the adopted Local Development Plan.