

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

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

<b><u>APPLICATION NO:</u> P2021/0400</b>	<b><u>DATE:</u> 16/04/2021</b>
<b>PROPOSAL:</b>	1 Number detached dwelling and detached garage and creation of vehicular access
<b>LOCATION:</b>	Land Rear Of Heol Nedd, Cwmgwrach, Neath
<b>APPLICANT:</b>	Miss Aimee Moran
<b>TYPE:</b>	FULL
<b>WARD:</b>	Blaengwrach

### **BACKGROUND**

Cllr Carolyn Edwards requested on 16<sup>th</sup> December 2021 that this application be determined at Planning Committee having regard to the use of land and the fact that the proposed single, albeit larger, dwelling on the plot would still allow for additional dwellings to be constructed on the remainder of the site.

The 'call-in' Panel agreed that the application should be determined at Planning Committee on the above grounds.

### **SITE AND CONTEXT**

The application site is located on land adjacent to Ty Maes Y Gwair, off Heol Nedd, Cwmgwrach. The site measures approximately 0.3 hectares in area, is flat in profile and currently forms part of the garden area of the donor property, Ty Maes Y Gwair.

The site is bounded by the existing semi-detached residential properties to the east and south and the detached property Ty Maes Y Gwair to the west, while there is a playing field to the north.

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

### **DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for the construction of a double fronted, two-storey detached dwelling, plus parking and ancillary works. The proposed dwelling would measure approximately 11.6 metres in length by 11.5 metres in depth, with a detached garage which is joined by the roof measuring approximately 5.65 metres in length and 6.65 metres in width. The dwelling would have a single-storey snug room to the rear and porch to the front elevation.

The ridge height of the proposed dwelling would measure approximately 8.61 metres with an eaves height of 5.59 metres. The ridge height of the garage would measure a 4.4 metres and the porch ridge height measuring 3.69 metres. The proposed dwelling will be predominantly finished in render and also stone cladding with a slate roof. There will be windows on all four proposed elevations.

Externally, car parking and a turning area is proposed to the front elevation, onto the proposed access road.

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

### NEGOTIATIONS

The Agent representing the applicant has been notified of concerns relating to access that have been raised by the Highways Department and the fact that the proposed development does not make the best and most efficient use of the land available in terms of density, and thereby is not in accordance with Policy BE1 – Design.

### PLANNING HISTORY

The application site has the following relevant planning history:

**P2007/0016** Outline planning application for residential development comprising 5 new dwellings. Conditional Approval – 15<sup>th</sup> May 2007

**P2010/0121** Residential Development for 6 dwellings (Outline). Conditional Approval – 23<sup>rd</sup> July 2010.

**P2013/0444** Variation of conditions 3 and 4 of P2010/0121 granted on 23/07/2010 to extend the period for submission of reserved matters and commencement of reserved matters. Conditional Approval – 2<sup>nd</sup> July 2013.

**P2016/0410** Variation of conditions 3 and 4 of P2013/0444 granted on 2/7/13 to extend the period for submission of reserved matters and commencement of development. Conditional Approval – 19<sup>th</sup> January 2017.

**P2017/1148** Proposal: Variation of conditions 3 & 4 of Planning Permission P2016/0410 to extend the date for the submission of reserved matters for a further 12 months, and the time for development commencement. Conditional Approval – 23<sup>rd</sup> February 2018.

### CONSULTATIONS

**Welsh Water:** No objection, subject to conditions.

**Biodiversity Section:** No objection, subject to conditions.

**Head of Engineering & Transport (Highways):** Objection.

**Head of Engineering & Transport (Drainage):** No comment.

### REPRESENTATIONS

The neighbouring properties were consulted on 16<sup>th</sup> April 2021 and a site notice displayed on site on 11<sup>th</sup> November 2021.

To date, 2 no. representations have been received, one of which raised no objection and the other raised an objection in relation to the following issues:

- Effect on privacy, view of the mountain, vehicular traffic, drainage and ecology.

## 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 well-being) 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 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 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.

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

- Technical Advice Note 12: Design

### Local Planning Policies

The Local 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 SP3 Sustainable Settlements
- 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 is of relevance to this application:

- [Design \(July 2017\)](#)

### Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, and highway safety.

### Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of residential development at this location is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

In respect of residential density levels, Policy BE1 stipulates that development proposals within the Valleys Strategy Area would normally be expected to achieve a minimum of 30 dwellings per hectare. The application site measures approximately 0.3ha and accordingly, the site would be expected to accommodate approximately 9 dwellings to achieve that density.

It is noted that the site was previously granted outline planning permission for 6 dwellings in 2010 (P2010/0121), subsequently being granted three extension of time applications – the permission is now considered to have expired without being made extant. This previous application also fell short of the required density at 20 dwellings per hectare for the application site, however it was successively granted permissions as the initial permission was granted under the previous Unitary Development Plan, which did not have a policy stipulating a density requirement.

While the applicants have submitted a plan showing the potential to construct a further 3 no. dwellings on the remaining land at a future date, this is not part of the current application and cannot therefore form part of its determination.

This application is for a single dwelling with a proposed plot size of approximately 798 square metres and a 'red line' application site area of 0.303 hectares. Based on this plot size alone, the proposal would equate to approximately 12.5 dwellings per

hectare; based on the developable area excluding the proposed road, the proposal would achieve a density of only 6.6 dwellings per hectare; and based on the entire application site boundary would only achieve a density of 3 dwellings per hectare.

Compared to the previously approved development (*now expired*) of 20 dwellings per hectare and the current policy requirement of 30 dwellings per hectare, the proposal is considered to be unacceptable, insofar of it being an inefficient use of land and therefore contrary to Policy BE1.

In respect of the examples referenced by the applicant of other developments granted approval, whilst these cannot and should not form part of the decision making process on this application, they have nevertheless been reviewed with the following site specific justification given:

- *P2021/1101 (Land adjacent to 12 Heol y Glyn)* – while this site did benefit from an earlier permission for one dwelling this permission had lapsed. The application site is however, very steeply sloping and elevated above the classified highway. As such, a denser development would not be in keeping with the established pattern of development in this area and could potentially have an adverse impact upon the classified highway.
- *P2021/0019 (37 Parish Road, Blaengwrach)* – outline planning on a plot previously housing one dwelling, the proposed plot and dwelling size matching those in the established street-scene.
- *P2020/0501 (Land off March Hywel, Cilfrew)* – account was taken into consideration of the extensive and recent planning history on this site for a similarly designed scheme, as well as on site constraints such as the position of trees covered by Tree Preservation Orders that limited the developable area. Accordingly, it was considered that while the policy requirement in respect of density was not met, there were mitigating circumstances that justified this.
- *P2018/0081 (39 Nant Celyn, Crynant)* – Planning was granted for self-build plots prior to the density requirement, this application takes into account the extant planning permission plot sizes.

#### Impact on Visual Amenity

It is noted that the application is located adjacent to two linear rows of semi-detached and terraced hipped roof housing along Heol Nedd and Fothergill Road. The proposed scheme would have a modern and contemporary design, and the use of render and stonework would not be considered unacceptable with the streetscene, and would in any respect be located behind the existing street-scene. It is therefore considered that the scale and design of the proposed development would not have a detrimental impact upon the character and appearance of the surrounding area or streetscene.

#### Impact on Residential Amenity

In respect of potential overlooking, the windows to the southern elevation would overlook the proposed access road located to the rear of the dwellings on Heol Nedd. The nearest dwellings would be located approximately 35 metres away and therefore well in excess of the Council's design guidance of 21 metres between habitable room

windows. The windows on the western elevation are located over 43 metres away from the host dwelling which is also not directly facing; and the properties located along Fothergill Road will be located approximately 78 metres from the eastern elevation of the proposed dwelling. These distances would be sufficient to ensure that there would be no loss of privacy or overlooking to adjacent dwellings.

With regards to potential overbearing and overshadowing, due to the proximity of the proposed dwelling relative to the neighbouring properties, it is considered that the development would not create any unacceptable overbearing or overshadowing issues and would have no detrimental impact upon the residential amenity of the occupiers of the adjacent dwellings.

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

In terms of highway and pedestrian safety, the Head of Engineering and Transport (Highways) has objected to the proposal and recommended refusal on the basis that the proposed detached dwelling does not have an independent vehicular access that connects directly to the public highway at Heol Nedd. The proposal indicates the vehicular access as an extension to the existing drive that serves the property known as Ty Maes Y Gwair, before it continues on to connect with Heol Nedd. As such, it is deemed the proposed application site access does not connect to the public highway.

Under the 'Manual for Streets' there is a requirement that a single dwelling be within 45 metres of a highway vehicular access for a fire appliance in particular, this is not achievable for the proposed development.

In addition, the Council operates a kerb side refuse and recycling service where residents are not expected to carry waste more than 30 metres to a collection point on the public highway. The proposed dwelling is approximately 66 metres from the public highway at Heol Nedd and therefore would not conform to this requirement.

Policy BE1 requires, amongst other things, that new development has no significant adverse impact on highway safety. In addition, Policy TR2 emphasises that development proposals will only be permitted where all of the stated criteria are satisfied, including that *"...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"*.

Due to the proposed length of the shared drive and the lack of direct access to the public highway, which as recommended in Manual for Streets should be no more than 45 metres, the proposed layout is considered to be detrimental to highway and pedestrian safety and contrary to both Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

### Biodiversity / Ecology

The Council's Ecologist has advised that they would have no objection to the proposal subject to a condition being imposed to require the provision of artificial bird breeding boxes. Provided a suitably worded condition is imposed requiring a scheme to be submitted for such provision, it is considered that the proposal would be acceptable in terms of biodiversity.

## Others

As identified earlier in this report, one objection was received in response following the publicity exercise. In response to the main issues raised, which have not been addressed elsewhere in this report, the following comments are made.

In relation to the concerns about loss of view of the mountains, this is not a material planning consideration, as there is no right to a view.

Issues related to surface water drainage from the application site would be addressed as part of a SAB consent prior to the commencement of any development on site.

## CONCLUSION

The decision to recommend refusal of 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 Future Wales – the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

While the proposal would not have any unacceptable impact upon residential amenity, the character and appearance of the surrounding area, or any adverse impact upon ecology or drainage issues, it is considered that the proposed single dwelling would be an inefficient use of land that would be contrary to Policy BE1; and the access to serve the site would fail to connect to the public highway, would be overly long and would fail to comply with the recommendations of Manual for Streets to the detriment of highway and pedestrian safety. Accordingly, the proposed development would be contrary to Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Refuse

Reasons for Refusal:

1. The proposed single dwelling would fail to meet the required housing density and would be an inefficient use of land that would be contrary to Policy BE1 of the Neath Port Talbot Local Development Plan.
2. The proposed access to serve the development would fail to connect to the public highway, would be overly long, would fail to comply with the recommendations of Manual for Streets to the detriment of highway and pedestrian safety, and therefore would be contrary to both Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.