

## PLANNING COMMITTEE

16 October 2018

### PLANNING APPEALS

*Report submitted by: Richard Lewis, Head of Planning and Development*

*Report written by: Claire Hall, Senior Planner*

#### **Purpose of Report**

To inform members of planning appeals which have been made to the Welsh Assembly Government and their subsequent determination.

#### **Report**

Appeals Decided

APPEAL BY BRON AFON COMMUNITY HOUSING AGAINST THE REFUSAL OF PLANNING PERMISSION FOR THE CONSTRUCTION OF 14 DWELLINGS, PARKING, OPEN SPACE AND ASSOCIATED WORKS (REF: 18/APPEAL/08/REF).

LAND AT BRANGWYN AVENUE LLANTARNAM (PLANNING REF: 17/P/0579/FUL)



#### **DECISION: APPEAL DISMISSED**

This appeal relates to the Council's decision to refuse planning permission for the construction of 14 dwellings for the following reason:-

*“In the opinion of the Local Planning Authority the proposed development exacerbates a deficiency of open space locally and adversely affects the overall function and integrity of this valuable local open space to the detriment of the future health and well-being of local residents, biodiversity connectivity and the visual amenities of the area.*

*For this reason the proposed development is considered contrary to Policies CF5, S3, S7 and BW1 of the Adopted Torfaen Local Development Plan.”*

The appeal was determined by means of an informal hearing and local ward councillors, a community councillor and local resident assisted Council Officers at the hearing, which was held at Pontypool Active Living Centre on 7 August 2018. The local knowledge of councillors and residents assisted the Planning Inspector in his deliberations at the hearing and at the site visit which was held the same day.

The Inspector made it clear that the application to designate the site as a village green fell outside the scope of his jurisdiction and he had no regard to this matter. He considered the main issues to be the effect of the proposal on (a) the loss of open space, (b) the character and appearance of the area, and (c) biodiversity.

The Inspector noted that Policy CF5 of the Adopted Torfaen Local Development Plan 2013 (the 'LDP') aims to protect open space, whether in public, private or voluntary ownership, which has significant recreational, conservation, environmental or amenity value. Development of open space is allowed subject to several criteria against which the Inspector assessed the proposals.

The Inspector referred to various planning guidance, including Field's in Trust 2017 'Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard' which recommends walking distance between dwellings and outdoor space, whether they be informal open space (480m) or more formal parks and gardens (710m). The Inspector commented that this recognises the role of smaller spaces for impromptu play and recreation, particularly for children, compared to the more strategic 'leisure' role provided by larger parks. As a result of a more focused analysis of open space as part of the appeal proceedings, the Council conceded that there was not a *quantitative* deficiency of open space locally and therefore the development did not conflict with criterion (a) of Policy CF5 as originally outlined in the reason for refusal.

The Inspector then turned to the remaining *qualitative* criteria (b) – (f) of Policy CF5. The Inspector agreed with the Council that the site has significant visual amenity value. Furthermore, due its location adjacent to a Community Hall, being overlooked by surrounding houses and conveniently and safely located at the heart of the residential estate, the Inspector opined that the site makes a significant contribution to the area's local amenity. The Inspector was not persuaded by the appellant's argument that the other open spaces within a 480m walking catchment were comparable alternatives, particularly due to a lack of passive surveillance and lack of safe road crossing points making them of limited use for unsupervised play by younger children.

The Inspector attached significant weight to the provision of 100% affordable housing and the contribution this would make towards reducing the Council's current shortfall in its 5 year housing land supply. However he was not persuaded that this weight was sufficient to outweigh the need to protect the open space in this case. The Inspector also afforded moderate weight to the appellant's offer of S106 contributions towards children's recreation, adult recreation and the enhancement of open space and facilities elsewhere within the locality however he was not persuaded that this would sufficiently compensate for the loss of the appeal site which he agreed needed to be protected in its own right.

The Inspector accepted that, as the site is within private ownership, it could be fenced off and public use prevented however he also opined that the fact it would still remain largely devoid of built development meant it would still make a contribution to visual amenity. He did not accept the appellant's argument that, as the site has not been designated as an Important Urban Open Space under LDP Policy CF4 it should not be afforded the same level of protection against development. In the Inspector's view the site has significant amenity value which is a fundamental characteristic of the estate's urban fabric and the reduction in open space caused by the development would not respect the local pattern of development and would significantly harm the area's character and appearance and be contrary to LDP Policies BW1 and S7.

The Inspector did not agree that the development of the site would have an unacceptable impact on local biodiversity and was not persuaded that the site was of strategic importance as a 'stepping stone' or 'wildlife corridor', although he did recognise the importance of such features being identified, evidenced and managed via the development plan process. However he dismissed the appeal because he felt that the benefits of the development did not outweigh the harmful effect on the quality and value of this locally significant open space, its integrity and function and the character and appearance of the local area.

The Inspector's decision notice is attached in full for Members' information.

<b>Appendices</b>	Appeal Decision Notice dated 25 September 2018
<b>Background Papers</b>	<p><b>Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report.</b></p> <p>Appeal Reference: <b>18/APPEAL/08/REF</b>            Planning Reference: <b>17/P/0579/FUL</b></p>

**For a copy of the background papers or for further information about this report, please telephone: Richard Lewis, Head of Planning and Development (Tel. 01633 647628)**