

OFFICER REPORT

Application Number: 17/P/0612/FUL

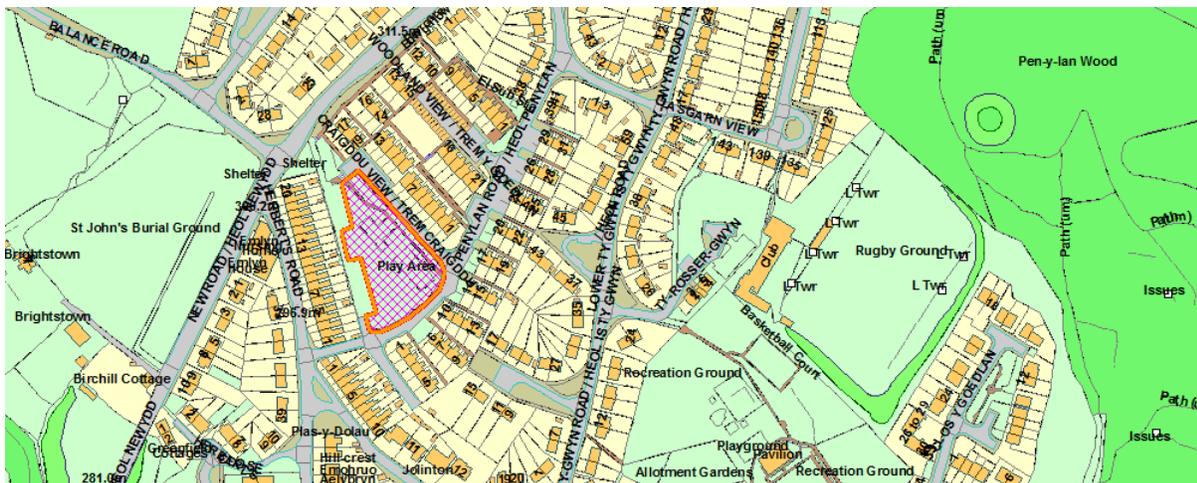
Received Date: 3rd August 2017

Proposal: Construction of two adapted bungalows, landscaping works, improvements to existing play area, and other associated works

Site Address: Land At Graigddu View Garndiffaith Pontypool Torfaen

Ward: Abersychan

Applicant: Bron Afon Community Housing **Agent:** Mr Steffan Harries



SITE HISTORY:

App Number	Proposal	Status	Received Date	Decision Date
99/P/03595	demolition of buildings (Nos.1/12 Summerhill Court & Nos.1/12 Finchway Court)	Prior approval not required	17.12.1999	20.01.2000

BACKGROUND

Members of the planning committee visited the site on 12 September 2017 and the notes of that visit are appended to this report.

Members are advised that there is no corresponding Village Green application for this site. A previous Village Green application was subsequently withdrawn by the applicant.

The planning application has been submitted by Bron Afon Community Housing which is a Registered Social Landlord.

DESCRIPTION OF SITE

The application site comprises an area of hardstanding and grassland (formerly occupied by flats that were demolished in 2000) that is located in the centre of a larger area of grassed amenity space and adjacent to a well-established equipped children's play area. The surrounding land use is predominantly two-storey residential comprising traditional terraced dwellings and more modern social housing built to an estate layout. Land to the north is at a higher ground level and the land to the south is at a lower ground level. There is an unadopted lane along the southern boundary of the application site to the rear of the terraced properties and which acts as an informal access and parking area that is utilised by local residents. Ownership of this lane is unknown.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the construction of two assisted-living bungalows. The submitted application originally stated that the proposal was to address an identified need by Aneurin Bevan University Health Board to provide accommodation for local persons, however this has not been supported with any evidence. The bungalows are designed to be fully wheelchair accessible.

The bungalows are not designed for persons with a specific condition, but are designed as flexible accessible accommodation capable of being lived in by persons presenting with a range of health conditions, where their existing accommodation is unsuitable for their needs which requires them to be re-housed in purpose-built housing within proximity of their existing homes.

As part of the application, the applicant proposes to upgrade the remaining area of open space to provide new formal and informal recreational opportunities including new play equipment, community planting areas, seating and enclosures. Pre-application consultation with the community has been carried out, but as a development of this scale does not require this statutorily then no pre-application consultation report has been submitted with the application.

The application is accompanied by a landscaping plan showing the intention for a landscaped buffer between the bungalows and the remaining open space/play area including:

- Paved area around the bungalows
- Planting bed for a defensible boundary near to the bungalows
- Sloped grass bank to further physically separate the bungalows from the play area.
- A number of trees, approximately 7.5m in height when full mature, to provide a visual and physical boundary between the bungalows and the play area.
- Flat grassed area between the trees and edge of playground and a fence.

PLANNING POLICY:

PLANNING POLICY WALES (9th Edition, November 2016), particularly:
Chapter 3 (Making and Enforcing Planning Decisions)
Chapter 4 (Planning for Sustainability)
Chapter 9 (Housing)
Chapter 11 (Tourism, Sport and Recreation)
Chapter 13 (Minimising and Managing Environmental Risks and Pollution)

PPW sets out the context for planning in Wales and has a series of chapters that deal with particular subjects. Each of the subject chapters contains sections on how the subject should be treated in Development Plans and for Development Management purposes.

Paragraph 3.1.8 states that when determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. It continues to state that while the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting planning permission; objections, or support, must be based on valid planning considerations.

Section 3.7 sets out the policies for entering into Planning Obligations.

Paragraph 9.2.3 states that local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study. The Welsh Government will monitor development plans and their implementation to ensure that sufficient housing land is brought forward for development in each local planning authority and that economic development and related job opportunities are not unreasonably constrained.

9.2.14 A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

Paragraph 11.1.12 states that playing fields should be protected except where

- facilities can best be retained and enhanced through the redevelopment of a small part of the site;
- alternative provision of equivalent community benefit is made available; or
- there is an excess of such provision in the area

Paragraph 11.3.2 states that Local planning authorities may be justified in seeking Section 106 Planning Agreements to contribute to the maintenance of safe and attractive facilities and open space, and to meet the needs of new communities. Such agreements may also need to be used to help ensure that standards of provision set out in development plans are met.

Paragraph 13.7.1 states that planning decisions need to take into account:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

Technical Advice Notes (TANs), particularly:

TAN 16: Sport, Recreation and Open Space (2009)

This provides guidance regarding planning for sports, recreation and open space provision as part of new development proposals.

It provides advice relating to this area including on the preparation of Open Space Assessments, the keeping of existing facilities, the provision of new facilities and the planning for allotments and spaces for children's and young people's play. It discusses development management issues regarding the design of facilities and spaces, and noise and accessibility. It also considers how planning agreements can help to ensure the provision and maintenance of facilities.

Para.2.29 - Local planning authorities should ensure that an Open Space Assessment has been completed as an important part of the LDP preparation process. However, they should not delay work on the preparation of the LDP where an Assessment is not available. Instead, they should make use of information which is to hand, and in which they have confidence.

TAN 1: Joint Housing Land Availability Studies (2015)

TAN 2: Planning and Affordable Housing (2006)

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007)

Field In Trust “Guidance for Outdoor Sport and Play Beyond the Six Acre Standard” 2017

Sets out recommended distances for access to outdoor recreation opportunities.

Well Being of Future Generations (Wales) Act 2015

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.

Adopted Torfaen Local Development Plan (December 2013)

LDP Policy S1 - Defines the Urban Boundaries to promote the full and effective use of urban land, to allow for development to contribute to the creation of sustainable communities and define the urban area within which there is a presumption in favour of development. Land outside Urban Boundaries is within the Countryside where development is restricted.

LDP Policy S2 - Gives a set of Sustainable Development criterion that should be taken into account in the design of development proposals.

LDP Policy S3 - Provides criterion that should be considered to seek to mitigate the causes of further climate change and adapt to the current and future effects of climate change such as promoting sustainable design.

LDP Policy S4 -seeks that new development must have full regard to the context of the local natural and built environment and its special features including criterion on sustainable design and promoting a mix of uses.

LDP Policy S5 - makes provision by identifying sites for new dwellings during the period 2006-2021.

LDP Policy S7 - seeks to ensure that development proposals promote the conservation and enhancement of the Natural, Built and Historic Environment.

LDP Policy S8 - outlines the planning obligations will be required on development proposals to address impacts of development and to make the proposal acceptable in land use planning terms; with key priorities being stated.

LDP Policy BW1 - provides a detailed Borough wide General Policy on Development Proposals with criterion covering 'Amenity and Design', the 'Natural Environment', the 'Built Environment', 'Utilities Provision' and 'Design and Transport', against which all planning applications will be determined in conjunction with other relevant policies of the Local Development Plan.

LDP Policy CF5 Protection of Allotments and Recreation & Amenity Open Space states that development will be permitted on allotments, areas of formal & informal recreation space, children's play areas and amenity open space subject to the following criteria:

- a) It would not cause or exacerbate a deficiency of such space taking account of the Councils Adopted Standards; and
- b) The space does not have significant amenity value or quality; or
- c) The loss is not significant to the overall integrity of the space;
- d) It is an appropriate use, which relates to the function of the space; or
- e) The need for the development outweighs the need to protect the space; or
- f) The developer makes satisfactory compensatory provision, which is of equal community benefit, value and quality.

LDP Policy H4 sets a target of affordable homes within Torfaen over the Plan Period and, subject to annual review, seeks to negotiate the provision of a percentage of affordable housing on all residential sites/developments over a certain size.

LDP Policy H5 sets the standards for the provision for Recreation, Open Space and Allotments which will be sought in conjunction with new residential developments of 3 or more dwellings. It states that provision for children's play areas, outdoor recreation, open space and leisure facilities will be sought in conjunction with new residential developments of 3 dwellings or more, based on a minimum of: -

- a) 2.4 hectares of recreational open space per 1,000 population;
- b) 0.4 hectares of on-site open space per 1,000 population;
- c) 2.0 hectares of accessible natural green space per 1,000 population; and
- d) 20 allotments (250m² each) per 1,000 households.

SUPPLEMENTARY PLANNING GUIDANCE: Planning Obligations (September 2016) - Planning obligations are an established and valuable tool within the development control process. They provide a means to enable a proposed development to proceed and to meet the needs of the local community associated with the new development by securing developer contributions towards the provision of infrastructure, services and other public benefits. They are commonly used to bring development proposals in line with the objectives of sustainable development as set out in local and national policy. The SPG sets typical criteria and thresholds for contributions towards: Affordable Housing; Highways and Transport; Educational Facilities; Community Facilities and Regeneration; Ecology and Biodiversity and Recreation and Public Open Space.

CONSULTATION RESPONSES:

Ward Members

Councillor G Davies: I am totally against this application after attending a public meeting, the residents made their views quite clear that they did not want this development to take place.

The development will encroach on a safe haven playing area and a well-used easily supervised green area.

The site in my opinion isn't suitable for this type of bungalow as the noise levels and children play area is on top of the site.

The extra traffic to and from the site during and after development would be a hazard to the children playing close by.

I support the residents living here and as their representative will be supporting them against this development on their doorstep.

I also support the children's right to play in a well-used and safe environment.

Community Council

The area affected by the proposal is a valued open space and a much used play area for local children, within close proximity of their homes and easily visible for parents to watch over them. The removal of the old flats greatly improved the look of the area and created a good sized open space close to the many social housing properties in the area. This area has now become an asset and leisure resource to the residents and their children. The area is in daily use by local children to play football, other ball games and play activities and to ride their bikes safely off the roads. Residents attended a meeting at the Millennium Hall, Garndiffaith on 22nd March 2017 to discuss the application with the then Borough Councillors. Residents have also expressed their views via social media.

Parents express concerns that a reduction of the area available for play would mean their children's enjoyment of leisure amenity and opportunities to play in a safe environment within close proximity of their homes would be greatly reduced.

Concerns have been expressed that although the current play area would be updated if the application was successful, the loss of the open space for ball games and bike riding would mean children would resort to playing in the car parking area - possibly damaging vehicles and causing neighbour conflict or on the roads and therefore at risk from traffic movement. It would be difficult to change children's play habits and with the loss of space they would utilise the remaining open areas i.e. parking areas and roads.

Residents also express concern that the updating and improvement of the play area is dependent on the bungalows being built and that nothing would be done to improve the facilities if the application was unsuccessful... residents have commented that this is not acceptable.

Comments have also been put forward that a play area so close to disabled bungalows may cause conflict as children are understandably noisy when at play but residents of the bungalows may find this a disturbance, especially if they have health issues. Ball games are well known to create neighbour disputes and many green spaces carry signs prohibiting the playing of ball games to prevent this happening.

While it cannot be ignored that adapted bungalows are needed in the Ward, the comments and concerns raised should be considered to decide the appropriateness of this development, it's actual and potential effects on the quality of life and leisure amenity of all residents, along with the impacts of reduced opportunity for local children to participate in social activities and outdoor play in a safe environment.

Highways And Transportation

The proposal is to construct 2 bungalows for assisted living on this site, each with a car port and drive capable of accommodating 3 cars (including the car port).

The visibility requirements from the centre line of both parking areas is 2.4 metres x 23 metres in both directions and these splays can be achieved within the red line Area of the site.

Sufficient car parking provision has been provided to meet the Torfaen County Borough Council, CSS Wales Parking Standards 2014. The combined width of the parking spaces has been indicated on the plan as 7200mm which is the width of 2 disabled parking spaces.

There is a difference in level between the road and site; however Drawing No (04)01 showing the Site Plan Proposals indicates a maximum gradient of 1:20 on the parking areas.

There does not appear to be a very commodious pedestrian route for any disabled or wheelchair user. There are no separate pedestrian paths leading from the footway on Graigddu View into the bungalows; as such the applicant will need to consider how a disabled person will gain pedestrian access to the front door with the parking areas/car ports in the location they are.

I would not oppose the application from a highway standpoint however would wish to see the following conditions attached to any grant of approval:-

1. Visibility splays of a minimum of 2.4 metres x 23 metres must be provided in both directions from the centre of each individual access. Any wall/fence/land within the visibility splays must not exceed 0.9 metres in height above the existing carriageway level and any planting within the visibility splay must not exceed 0.6 metres above the existing carriageway level.

2. Prior to beneficial occupation of the dwellings, parking provision in accordance with the Torfaen County Borough Council, CSS Wales Parking Standards 2014 must be provided for each dwelling and be maintained in perpetuity for the sole use of motor vehicles.

3. Prior to beneficial occupation of the dwellings and use of the parking areas, where the accesses cross the footway a vehicular footway crossing must be provided to a highway specification in accordance with Drawing No. 1173/B1. The works must be carried out by an Approved Term Contractor and supervised by an Officer from the Highway Development Control Section, Neighbourhood Services, Ty Blaen Torfaen, Panteg Way, New Inn NP4 0LS (Tel. 01495 742434).

4. No surface water from the site shall drain onto the highway or into highway drainage and no soakaway may be constructed within 5 metres of the adopted highway or within 5 metres of an existing or proposed structure, (above or below ground).

NOTE

Please can you forward to the applicant with any grant of approval the attached Drawing No 1173/B1 and list of Approved Term Contractors.

Environmental Health
(noise/contamination)

Public Health (Housing) have no comments regarding this application.

CONTAMINATED LAND

A desk top study has been provided with the application which is satisfactory. The study recommends an intrusive investigation which can be conditioned using the following model conditions. It is acknowledged that part (1) a) below has already been discharged.

All work should comply with the latest guidance which includes;

BS 10175:2011 Welsh Government Document WG 15450,
Contaminated Land Welsh Statutory Guidance.
Welsh Local Government Association Document,
Requirements for the Chemical Testing of Imported Materials
for Various End Uses.

Contamination

(1) No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011 containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

- d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.
- e) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

Contamination - Unforeseen

(2) Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be

implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Validation Report, confirming the remediation has being carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

Contamination - Imported Material

(3) Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority and must comply with the Welsh Local Government Association Document, Requirements for the Chemical Testing of Imported Materials for Various End Uses 2011. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

NOISE, DEVELOPMENT PHASE

Given the proximity of surrounding residential properties I would advise that the working times on this site be restricted as follows.

1. All works and ancillary operations which are audible at the site boundary or at such other place as may be agreed with the council shall be carried out only between the hours of 08:00 and 18.00 on Mondays to Fridays; 09.00 and 14.00 on Saturdays and at no other times.

Drainage Officer

I have checked the drainage strategy and can comment that the WG guidance for surface water discharge should be applied to more than one property, which does not seem the case in this proposal.

(additional comments): A soakaway system for the surface water drainage may be a non-starter, but would ask the source of the local knowledge. The site should be classed as greenfield, not brown field, and surface water should be attenuated on-site with discharge being limited to a maximum of 5l/s.

Dwr Cymru/Welsh Water Treharris

The applicant has listed that surface water from proposed developments will communicate into the public sewerage network. From reviewing the "Drainage Strategy" the use of

sustainable drainage systems cannot be ruled out as full geotechnical site survey has not yet been completed. The applicant is required to fully exhaust all technical options outlined under Sections 3.2 and 3.4 of Part H of the publication 'Building Regulations 2000; Disposal should be made through the hierarchical approach, preferring infiltration and, where infiltration is not possible, disposal to watercourses in liaison with the Land Drainage Authority and/or Natural Resources Wales. Discharge of surface water to the public sewer is only to be made as a last resort.

The development site is crossed by a number of public sewers and water mains, (Please see attached plans). The sewers have a protection zone of 3m either side of the centreline of the sewer. The water mains have a protection zone of 3.85m either side of the centreline of the main. We advise the applicant to book a sewer and water main trace with us to understand the location, depth and condition of the sewers and mains. It can then be determined if these assets will be in proposed operational areas, if they are the applicant may be able to divert these assets under Section 185 of the Water Industry Act 1991.

SEWERAGE

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The proposed development site is crossed by a number of public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of

the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication 'Sewers for Adoption'- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

WATER SUPPLY

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

Landscape Officer

No reply received

Housing Officer

The bungalows are being delivered in partnership with the health and housing partnership In One Place, therefore housing has no objections and are supportive of the development

Forward Planning (LDP/Policy)

(original comments 1.9.17): I was also present at the pre-application meeting. The submitted details do not accurately reflect the meeting. Concern was expressed about the proximity of the bungalows to the play area. There was also concern that the proposal represented a loss of Public Open Space ('POS') in the area and that Policy CF5 would apply. It was indicated that details of how the scheme addressed the criteria in CF5 would be needed and that as the proposal

would represent a loss of POS that other elements of the scheme would have to show how these represented an overall benefit of the scheme to the area. It was indicated that the proposals as they were did not represent an 'on balance' improvement of the area and that further work would need to be done to attempt to evidence that the proposals could produce an improvement to the area which would compensate for the loss of space to the bungalows.

Need for the facilities is not extensively covered with 6.14 only giving the briefest details of who the development is for. If there is a great and urgent need for these types of dwellings in the area I would have expected this section to be much more detailed to justify why the proposals have been submitted.

As the proposal stands I do not consider a case has been made to justify the loss of POS that this proposal will represent.

(additional comments 16.10.17):

The Policy Justification for LDP Policy CF5 identifies an informal recreation space as 'an area, which although not specifically marked out for formal active recreation activities, can accommodate informal active recreation and children's play. It must have a relatively flat uninterrupted grassed area. Such areas can contain incidental shrub and tree planting providing this does not inhibit the area's recreation function'.

It is on the basis of this definition that I have reviewed the spaces suggested by the applicant.

From the applicant's plan and photographs submitted with the preliminary inquiry I believe that the following spaces (or part of spaces) comply with the LDP definition

- Open Space 1 (Photos 1-8)
- Open Space 2 (Photo 11) *however this is an employment allocation EET3/1
- Open Space 3 (Photos 17-20)
- Open Space 4 (Photo 23)

The exact area that complies with the definition needs to be defined. Only part of some of these areas falls within the definition of informal recreation space.

Notes - Open Space 1 (the subject of the application) - This informal recreation area will be considerably reduced with the bungalows taking up a significant part of what was the informal recreation area.

Open Space 2 - This is an employment allocation

Open Space 3 - This is the recreation ground and a significant part of this is formal recreation space.

Open Space 4 - Area beside the playing pitch.

This total area appears to fall below the 1.29ha required standard. Therefore, the proposal would not comply with criterion a) of Policy CF5 as it would exacerbate a deficiency.

The details of the relationship and landscape buffer have been provided however this is well under the required separation distance recommended. As the proposal is also for a potentially vulnerable client group the very close relationship gives added cause for concern. If the proposal is to be pursued a revised layout would be required to give required separation distances.

(additional comments 7.12.17): Previous POSA have been conducted on a Ward basis which gives the overall provision in the wider area but as commented previously this is not ideal and does not always reflect the local position. Wards can in some cases be very large and provision will not always be evenly distributed throughout the area.

New FIT guidance issued in February has provided benchmark walking distance to facilities and therefore in assessing the level of provision serving an area it is considered appropriate to look at provision within these newly issued benchmark distances.

In the case of amenity open space/informal recreation areas the benchmark distance to such a facility is 480m. It has also now become possible to calculate the approximate population within reasonable walking distance to the site using new GIS software and therefore possible to calculate and assess the informal recreation POS required to serve this localised population.

From the previous Ward based calculation method Abersychan appears deficient in informal recreation provision Abersychan - 7064 population equates to a need for 3.89ha of informal recreation space. Accessible informal recreation areas within the Ward is calculated as approximately 3.5ha. As stated the Ward method does not cover the localised position and in taking forward POSA methodology it is considered that a methodology based on the useable spaces in the benchmark distances is potentially more appropriate for assessing the level of provision of an area.

Note - I have used 500m to cover the distance from the edge of the space. For 480m this would be 949 dwellings which equates to 1.25ha The applicants agent has indicated 832 properties within this area which equates to 1.1ha. From the applicant's new plan submitted they have indicated

that the following spaces (or part of spaces) comply with the LDP definition

1.Open Space (Photos 1-8)	396m ² 883m ²
2.Open Space (Photos 17-20)	No allowance given
3.Open Space (Photo 23)	2000 m ² 2900 m ²
New	
4.Open Space (Photo 11)	526 m ²
5.Open Space (Photos 9,10)	1524 m ²
6.Open Space (photos 15)	596 m ²

Total - 0.8825 ha

My measurements of these spaces

1	500	(Site - areas mostly planted or not available for informal rec)
2	1000 2500 2000	- This is within the welfare ground.
3	1300 1800	
4	500	(middle of bus turnaround)
5	800	
6	300	(limited mainly planted area)
Total	1.07 ha	

Summary - Even accepting the new areas 4,5 & 6 (4 and 6 I have reservations about) and also potentially including major sections of the Welfare Ground the total is below the 1.25has (or even 1.1ha) required. The application would therefore exacerbate a deficiency and is contrary to Policy CF5a)

The loss of POS classed as informal recreation at the site is limited being mainly hardstanding but due to the limited alternative areas this is still significant. The details on benefits of the scheme and improvements to the area does not overturn CF5 because there is a deficiency and the proposal fails criteria a (the quantitative analysis).

(additional comments 5.2.18): Looking at the more detailed measurements from the applicant's agent. There is disagreement between the figures mainly due to constraints of topography, landscaping and also some buffer areas between features.

Note For Abersychan Ward there is a requirement for 3.87ha of informal recreation (7029 x 0.55ha).

Apart from the sites already listed for the Ward - in terms of significant sites there are only Abersychan open space, Around Varteg play area, Parts of Glansychan Park and areas around the Church road playing field which contribute to the Ward informal recreation areas. For a ward level analysis Abersychan is significantly deficient in informal recreation space.

Ward level additional Sites	
Abersychan Open Space	0.45ha
Varteg Open Space	0.35ha
Glansychan Park	0.9ha
Church Road Playing Field	0.3ha
Total	2.0ha

Combined with previous sites 1.07ha = 3.07ha against ward level requirement of 3.87ha

Open Space 1 - Area around the application site.

The existing informal recreation on site is larger than the area indicated. The small northern area is divided by a path and the area to the east is sloping and landscaped the area to the west is considered part of the IRS. The proposals will result in a small loss of this area to community planting but this is minimal. The retained area is approximately half of that shown as available in the submission approximately 200sqm. The existing space available in the southern section is more extensive than shown in the calculations (not including the hardstanding area) and the proposal will involve a loss of a section of this area to the development - mainly to landscape buffer around the bungalows. The proposal will therefore involve a loss of informal recreation space. The area shown retained is also larger than what is shown to be available (the southern corner is not useable and the section along by the parking is quite steeply sloping. Approximately 750sqm retained.

Open Space Area 2 Welfare Ground

On visiting the Welfare Ground this is a good facility for informal recreation space and there are a number of areas for this space. I accept the submitted figure of 7200sqm

Open Space Area 3 Around Football pitch

This space has now become leased to the football club and whilst the 2 areas indicated are currently still publically accessible they are both smaller than measured and also not directly accessible from the north. Access to the areas has to be from the Emlyn Road and the distance to both these areas is considerably further than the 480m guideline. For this reason I have discounted these spaces from the calculations.

Open Space 4 Bus Turnaround.

Whilst grassed and flat the area is effectively a roundabout with regular bus services using it every 10 minutes. I do not consider this area appropriate as an informal recreation space.

Open Space 5 Long Area (2 sections)

The southern small section is too small and narrow to serve as a recreation area. The northern section whilst linear can form a reasonable size recreation area (excluding the corners and small sloping areas near the parking areas) approximately 900sqm

Open Space 6 Small landscaped Area

This area has two sections of planting which restrict the recreation area to a strip through the middle. The available space in this small area is approximately 300sqm

Space remaining after development

200

750

7200

900

300

Total = 0.935ha

Requirement for 1.1ha based on submitted housing figures

(Taking housing numbers as 832 = requirement for $832 \times 2.4 = 1996.8 \times 0.55 = 1.1\text{ha}$)

Conclusion – On both a Ward based and walking distance based assessment, the proposal would exacerbate a deficiency of such space.

The Coal Authority

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Tree (Arboricultural) Officer

There are few small trees to be removed, these are of poor quality, and there will be a landscape plan with new planting I have no objections to the proposed construction.

PUBLICITY

Neighbour notification letters were sent to 75 properties and an Article 12 site notice was erected at the site.

REPRESENTATIONS RECEIVED

48 letters of objection, including a petition with 100 named signatories and a letter from the local MP, have been received raising the following issues:

- opposed to the loss of safe play area for children
- area is used by children for ball games and riding bicycles, scooters etc.
- loss of green open space used by dog walkers and adults for socialising
- increase in traffic and danger
- appreciate the need for more housing but this is the wrong place
- demolition of the flats helped remove anti-social behaviour and crime in the locality
- residents look after the space as a community, making it a pleasant space to live and improving our quality of life and well-being
- Bron Afon met with residents and were told that residents objected to any building on or reduction in size of the recreational area but they haven't listened
- increase in dust and noise
- this is an over-development of a small area
- Torfaen Council's Health, Social Care and Wellbeing Strategy 2011-2025 confirms that Torfaen has a high prevalence of lifestyle issues leading to poor health. It is clear that the Council recognises that exercise is a good way for people to cheaply improve their health
- the site is a pleasant open space where children can be observed from all around thereby ensuring their safety
- new development should contribute positively to making places better for people
- Bron Afon should resubmit a building design in an area more suitable for this development

ASSESSMENT AND CONCLUSION

The application site is within the urban boundary, as defined in the Adopted LDP, where there is a presumption in favour of sustainable development subject to other development plan policies and material considerations. As this is a full planning application, the determining issues are considered to be the principle of a residential development of the site, particularly whether the loss of part of this communal space to the bungalows development is acceptable in principle, together with matters of detail including design, character and appearance of the area, residential amenity, highway safety, trees, landscaping, ecology, drainage and ground contamination issues.

Principle of Development

As stated above the site is located within the urban boundary but is not specifically designated for residential development. The site is not allocated as Important Urban Open Space in the LDP but a site appraisal of, and the third party representations received to, this application confirm that the site is considered to have a significant amenity value locally. Policy CF5 of the Adopted Torfaen Local Development Plan seeks to protect such recreation and amenity open space and therefore the application falls to be considered having particular regard to the criteria contained within the policy.

The aim of LDP Policy CF5 is to protect open space, either in public, private or voluntary ownership, which has significant recreational, conservation, environmental or amenity value. It applies to all areas of open space within the County Borough. There are five categories of open space that apply to Torfaen: Formal Recreation Space, Informal Recreation Space, Children's Play Areas, Amenity Open Space and Allotments. The application site comprises a mixture of informal recreation space and children's play as well as an area of hardstanding that, based on third party representations received, is also used for informal recreation purposes.

LDP Policy H5 sets out more detailed guidance on the Council's adopted recreation and amenity open space standards for the provision of new open space on new residential developments. The purpose of the policy is to identify the Council's standards for protection of existing sites. In order to assess significance, the definition of Amenity Value and Quality is outlined in the TCBC Open Space and Recreation Assessment Report, which is part of the evidence base for the LDP. The policy recognises that areas of open space can perform more than one function, for example a park can be both formal recreation and amenity open space. Some areas of open space serve a purely local function while others have a countywide importance.

Policy CF5 allows development provided it does not cause or exacerbate a deficiency of open space in accordance with the Council's adopted standards (criterion a). The developer has submitted an open space assessment that concludes there is no deficiency of informal recreation space locally and that the bungalows are proposed to be constructed on an area of hardstanding that was formerly occupied by flats with a much bigger footprint.

The developer goes on to state that the development should be approved as it complies with both the quantitative and qualitative criteria of CF5, including the need for the housing outweighing the need to keep the space (criterion e), that the part of the site being developed is previously developed land and does not have significant amenity value (criterion b), its loss is not significant to the overall integrity of the rest of the open space (criterion c), the development is an appropriate use (criterion d) and compensatory provision of equal community benefit, value and quality has been made as part of the development(criterion f).

In line with new Fields In Trust guidance (issued February 2017), the Planning Policy and Implementation Section have assessed the quantum of informal recreation space within a distance of 480m from the site. This localised assessment has shown that within 480m of the site there are approximately 1997 people (832 households x 2.4 persons) and 1.07 ha of informal recreation space. Accordingly, from this localised standpoint there is considered to be an existing under-provision (deficiency) of 0.03ha of informal recreation open space locally and this deficiency would increase to 0.165ha if the proposed development were to go ahead.

Given the site's previously developed status and the available evidence on the extent and date of demolition works for the flats, it is considered important to reference Planning Policy Wales, which advocates the re-use of previously developed land as a priority in terms of the location of new development. This approach favours building on previously developed land rather than greenfield sites, for example fields or other areas of open/green space that have never previously contained buildings.

In respect of the loss of open space in this case, the key consideration is considered to be the comparison between the site as exists at present and how it is proposed to present itself post-development. The open space in its entirety is not being lost. The area of existing hardstanding

and limited grassed areas adjacent are proposed to be used for the construction of the two bungalows and this footprint is significantly smaller than the flatted development that previously existed on the site. Aside from this area of hardstanding, all other areas will be retained and/or enhanced. The play area will be improved through provision of new equipment and boundary treatments, as well as a further new area for play to the southeast, with details of this to be confirmed following consultation with the local community. Furthermore, an area is proposed to be provided for community planting to the west of the site (remote from the play area), in accordance with suggestions made through a public consultation exercise carried out by the applicant prior to the application submission. Finally, additional planting is proposed in order to improve the aesthetics of the site and provide a buffer to the bungalows.

It is considered that the development will not result in the loss of the entire area of open space, rather it comprises the redevelopment of previously developed land (currently an area of hardstanding) – and at a much smaller scale than the preceding development – with proposed improvement of all remaining areas of open space within the site confines.

In this respect whilst officers agree with the applicant that the quantitative need at a local level is for 1.1ha (based on FIT guidance for 480m walking distance) there is disagreement over whether or not there is an existing deficiency in the local area. The applicant is claiming an existing provision of 1.6ha but your officers calculate an existing provision of only 1.07ha (which would be reduced to 0.9ha by development of the application site). This disparity in figures is based upon a site-by-site assessment of the practical usability of available spaces having regard to such matters as topography and landscaping features as well as a 480m walking distance.

Therefore it is concluded that the development does not comply with the principle, quantitative test of Policy CF5 as the development of the site would exacerbate an existing deficiency of open space. The qualitative indicators (criteria b-f) are factors that can only be taken into consideration in the overall assessment of the proposals if the local planning authority is firstly satisfied that the development will not cause or exacerbate a deficiency of open space in quantitative terms (criterion a).

Design, Character, Appearance and Amenity

The development is considered to be an acceptable addition to the local area in terms of both scale and massing. Bungalows are not typical in the area however given the topography and relationship with the remaining open space the form of development is not considered to be unduly harmful to the character and appearance of the area, although visual amenity will be affected by re-introducing built development on an otherwise open aspect area of land.

Residential Amenity

The amended layout provides for satisfactory parking and amenity space provision for the benefit of future occupiers. Separation distances and orientation of windows have been carefully considered to an acceptable standard so that the amenity of existing residents and future occupiers is not unduly harmed. There are no openings in the side elevation closest to the area of equipped play (which is only 11m away) but nevertheless this is significantly below the 20m minimum separation recommended in FIT guidance and the proximity of the development to the existing equipped play area could give rise to conflict between users of the equipped play area and future occupiers of the bungalows.

A repositioning/reorientation of the equipped play area could be secured as part of the proposed enhancement works for the remaining open space to achieve a greater separation distance to the buildings themselves. This would help alleviate current concerns about the potential for future conflict between occupiers of the bungalows and users of the remaining area of open space/equipped play area, the retention of which is essential to prevent a further loss of facilities to serve the local community. However because of the 'in principle' objection to the loss of the space this has not been requested from the applicants.

It is therefore concluded that, subject to a more detailed open space improvement plan which includes a reconfiguration and repositioning of the equipped play area to comply with FIT guidance (which can be secured by condition), the development is otherwise considered acceptable with regard to residential amenity.

Highway Safety

The highways officer raises no objection to the development of this site for 2 bungalows and is satisfied that the additional traffic generation can be accommodated safely, subject to conditions to control visibility and parking provision.

Trees, Landscaping and Ecology

The siting of the bungalows has been carefully considered to ensure retention of the more significant trees on the site and the wider open space enhancement proposals will result in a net gain in terms of landscape and biodiversity.

Drainage

The Drainage Officer has stated that any new development should explore the possibility for Sustainable Urban Drainage and retain surface water run-off on site to discharge at a greenfield run-off rate of 5L/s.

An appropriately worded condition can be used to ensure a Drainage Strategy is submitted and to be agreed with the Council prior to any works commencing on site.

Furthermore, Dwr Cymru/Welsh Water have requested appropriate conditions and advisory notes need to be attached to the development, given the extent of public apparatus/infrastructure within the vicinity of the development/application site.

Other Material Considerations/Issues

The Council's EHO is satisfied that it is safe for development of this site to proceed, subject to the imposition of suitably worded conditions requiring further site investigation work and mitigation where necessary.

Whilst the original assertion of an Aneurin Bevan University Health Board supported need has not been evidenced and is no longer likely to be taken forward, the applicants have nevertheless advised that there are 237 applicants requiring an adapted property, 48 who require a maximum of 2 beds and 42 who require a minimum of 42 beds. They therefore consider that this need, together with a much larger need for affordable housing generally and the Council's lack of 5 year housing land supply, be taken into consideration. Your Officers do not consider that the weight afforded to these issues is sufficient to outweigh the need to retain

the space in this case.

Conclusion

Your officers consider there to be an existing deficiency of space in quantitative terms which the development of this site would exacerbate and therefore the proposal is considered to be contrary to criterion (a) of Policy CF5. The qualitative arguments and those advanced in support of criteria b-f of Policy CF5, particularly the opportunity to upgrade the remaining open space, have been given weight in the consideration of this application however this is not considered to outweigh the principle objection in quantitative terms under criterion a, notwithstanding the site's previously developed status, given that the integrity of the space as a whole would be compromised by the addition of new built development in the centre.

It is accepted that the arguments advanced under criteria b-f are important considerations in this case however they are considered insufficient to outweigh the need to protect the existing space in accordance with criterion (a). LDP policies seek to protect and enhance open spaces for the benefit of the health and wellbeing of local residents both now and in the future and on balance it is considered that whilst the development of a small part of this site affords an opportunity to improve the remaining space for the benefit of the community it is clear from the third party representations received that the community wishes to retain the integrity of the existing space for informal recreation purposes and therefore the application is recommended for refusal.

RECOMMENDATION: Refuse

- 1 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 and the visual amenity of the area. Furthermore the proximity of the proposed development to an area of equipped play introduces a conflict of land uses which could jeopardise the retention of this valuable community facility in the longer term, further undermining the function and integrity of the space.

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

Mrs Claire Hall

Appendices	None
Background Papers	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. Planning Application File: 17/P/0612/FUL

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

