
Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 24/11/20

**gan Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17th December 2020

Appeal Decision

Site visit made on 24/11/20

**by Hywel Wyn Jones, BA (Hons) BTP
MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 17th December 2020

Appeal Ref: APP/Y6930/A/20/3259778

Site address: Land accessed off Lingfield Avenue, Sandfields, Port Talbot

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Andrew Hall on behalf of Tai Tarian Ltd. against the decision of Neath Port Talbot County Borough Council.
 - The application Ref: P2020/0147 dated 17 February 2020, was refused by notice dated 8 April 2020.
 - The development proposed is the construction of 5 energy efficient bungalows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the scheme would result in the loss of an area of informal open space that is valuable to the local community, particularly in terms of its recreational and visual amenity.

Reasons

3. The appeal site forms part of an elongated grassed area that lies between Afan Way road (A4241) and residential properties on Longfield Avenue and Poplars. The site projects to include part of the wide grassed area in between terraces of two-storey housing in Rembrandt Place.
 4. The site and adjoining grassed areas are well maintained and contain a few recently planted sapling trees. My visit, despite being undertaken in late autumn, revealed a clearly discernible trodden route across the site which is consistent with its regular use by pedestrians. The route provides a link from an access road immediately to the southeast and continues over the open space to a footway that enters a nearby underpass of Afan Way.
 5. Although the introduction of bungalows accessed via a rear access lane would depart from the pattern and character of the nearby housing, as that context has little aesthetic merit, I do not consider the development would appear discordant.
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6. The large grassed swathe that separates the dwellings, outbuildings and estate roads from the busy Afan Way and its tall screening fence provides an attractive sense of spaciousness in an area of fairly high-density housing. Whilst not a prominent feature from main public thoroughfares its visual amenity is clearly appreciated by the local community including as a green corridor enjoyed by dog walkers and as an alternative pedestrian route to the underpass. The development of the site, which is at the core of this open area, would materially reduce this sense of spaciousness and would harm visual amenity which is evidently valued by local residents.
7. I find the evidence of a significant number of local residents and 2 County Councillors persuasive. They explain that the site is valued, not only for its appearance, but for facilitating social interaction and recreational walking. Its position means that it serves as a natural informal gathering point for nearby residents to socialise.
8. The site is somewhat wider than most of the open areas that flank it. As it opens onto the communal open space of Rembrandt Place it is subject to natural surveillance from those properties. These attributes mean that it is the focus for informal ball games and other sporting activities. In the absence of sizeable, if any, private gardens for the vast majority of the local residents, this public green space is particularly valued for a range of leisure pursuits.
9. As the appellant points out the local community have access to a generous and well-maintained playing fields nearby. It is clearly a valuable sporting and recreational facility, and includes football pitches, tennis courts, a bowling green, a playground, and gardens. However, local residents explain that neither this more formal provision at Vivian Park nor the nearby beach, are as suitable as the appeal site for informal play. The site is especially suited for use by young children as it is deemed safe by parents because of its proximity to their homes and that it is away from busier roads. The Park is also locked overnight whereas the site is used outside these times.
10. In accordance with the advice in Technical Advice Note 16: Sport, Recreation and Open Space the Council has identified the site as an informal open space in its Open Space Assessment (2013). The qualities of open space which the TAN identifies are pertinent to the site in question. Its particular local value is not diminished by the fact that the Sandfields East Ward, within which it lies, is well served by informal open space.
11. In line with the expectation of policies SP4 and I1 of the Council's Local Development Plan (LDP) the appeal is accompanied by a unilateral undertaking under section 106 of the 1990 Act which would secure a financial contribution towards local leisure provision. This is a contribution which recognises the additional demand on local services that would arise from new housing development. It does not compensate for the proposed loss of the open space.
12. The proposed development would remove a significant section of public open space and fragment the remainder and would block up the informal walking route. Accordingly, I find that the scheme is not consistent with the placemaking approach which underpins Planning Policy Wales, particularly in terms of sustaining communities and facilitating accessible and healthy environments. An objector confirms that the value of this space to the well-being of the community has been highlighted during the restrictions imposed in response to the current pandemic. PPW recognises the contribution of informal open green spaces, particularly in urban areas, to enhancing quality of life.

13. On the main issue I find that the scheme would result in the loss of an area of informal open space that is valuable to the local community. It is contrary to policy BE1, Design of the LDP which seeks the retention and enhancement as far as possible of local features, including amenity areas and green spaces. It is also contrary to policy OS2 which permits the loss of open space only in certain circumstances, including that the open space is no longer needed or that a replacement site of equal community value is provided.
14. The appellant draws attention to the fact that the Council has approved an application elsewhere which has resulted in the loss of open space contrary to the policy framework. Whilst no details of the case have been provided, such a decision does not justify allowing this appeal which I have determined on its individual planning merits.
15. Local residents and their elected representatives have raised several other concerns, including: highway safety and other traffic matters; noise and disturbance; loss of light, privacy and view; drainage; and pollution. However, there is no persuasive technical evidence to demonstrate that the scheme would fall short of established standards or otherwise be harmful. The Council has concluded that none of these effects would be unacceptable. Accordingly, and bearing in mind the scope to mitigate some concerns through the imposition of planning conditions, I do not find that any of these matters justify withholding permission for the scheme had I found it acceptable in relation to the main issue.

Conclusion

16. It is intended that all 5 dwellings would be affordable housing units, and I am satisfied that this could be secured through the planning condition suggested by the appellant. I note that provision of affordable housing in the County falls significantly short of the LDP target which, it is suggested, is linked to the failure to deliver housing on the large-scale sites allocated in the Plan.
17. I have no reason to dispute that, against this background of under provision, affordable housing schemes on small unallocated sites have the potential to make a meaningful contribution to meeting this shortfall and that the type of housing proposed would meet an identified local need. Mindful of the emphasis placed by Welsh Government on increasing the provision of affordable housing and given the site's sustainable location in terms of access to services, this potential contribution to housing supply is a weighty consideration. However, in this instance I find that this benefit is outweighed by the harm that I have identified to the resident community's well-being.
18. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective to build better environments

Hywel Wyn Jones

INSPECTOR