

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**9<sup>TH</sup> JULY 2013**

**ENVIRONMENT SERVICES**

**REPORT OF THE HEAD OF PLANNING – N. PEARCE**

**INDEX OF REPORT ITEMS**

**PART 1 – Doc.Code: PLANDEV-090713 -REP-EN-NP**

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RECOMMENDED FOR APPROVAL**

1.1	APP NO: P/2012/92	TYPE: Full Plans	Page Nos: 3-51	Wards Affected: Glynneath
PROPOSAL:		Proposed anaerobic digestion facility (up to 1MW) with associated works (revised application submitted 21/12/12)		
LOCATION:		Former Coal Stocking Ground, Maesgwyn, Glynneath		

1.2	APP NO: P/2013/349	TYPE: Change of Use	Page Nos: 52-63	Wards Affected: Resolven
PROPOSAL:		Change of use of ground floor residential accommodation to shop (Class A1) and part change of use of first floor from pub function room to residential use		
LOCATION:		New Inn, New Inn Place, Resolven, Neath, SA11 4LG		

1.3	APP NO: P/2013/406	TYPE: Householder	Page Nos: 64-68	Wards Affected: Port Talbot
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## 2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

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LOCATION:	Land at, CEFN YR ALLT, ABERDULAI, NEATH NEATH PORT TALBOT SA10 8HE			

## SECTION B – MATTERS FOR INFORMATION

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#### **Human Rights Act**

The Human Rights Act 1998 came into force on 2<sup>nd</sup> October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. Reports and recommendations to the Sub-Committee have been prepared in the light of the Council's obligations under the Act and with regard to the need for decisions to be informed by the principles of fair balance and non-discrimination.

#### **Background Papers**

The relevant background papers for each of the planning applications listed in sections 1 to 3 above are contained in the specific planning applications files and documents listed in Background Information in each individual report. The contact officer for the above applications is Nicola Pearce.

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

### **1. PLANNING APPLICATIONS RECOMMENDED FOR APPROVAL**

<b><u>ITEM 1.1</u></b>	
<b><u>APPLICATION NO:</u> P/2012/92</b>	<b><u>DATE:</u> 20/02/2012</b>
<b>PROPOSAL:</b> Proposed anaerobic digestion facility (up to 1MW) with associated works (revised application submitted 21/12/12)	
<b>LOCATION:</b> Former Coal Stocking Ground, Maesgwyn, Glynneath	
<b>APPLICANT:</b> Mr Will Watson	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Glynneath	

### **BACKGROUND INFORMATION**

#### **Planning History**

10/1102 – Change of use to a recycling, composting and waste transfer facility, erection of ancillary offices with car parking, landscaping and associated works. Approved 5/4/2011

08/869 – Change of use to transfer station and erection of ancillary offices with car parking spaces and landscaping. Approved 18/6/2008

#### **Adjacent Site**

06/1261 – Development of a 45mw wind farm comprising 15 x 3MW wind turbines with associated masts, substation and related infrastructure together with improvement of existing access to A4109 and internal access tracks etc. – Approved with conditions 2/5/08

08/979 – Discharge of condition 3 (planting scheme) of planning application P2006/1261 – Approved with conditions 28/10/08

08/981 – Discharge of conditions 6 & 7 (Archaeological works) of previous planning consent P2006/1261 – Approved 6/11/08

08/982 – Discharge of conditions 9 & 10 (landscaping) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/983 – Discharge of condition 15 (contamination) of previous planning consent P2006/1261 – Approved 27/10/08

08/984 – Discharge of condition 20 (pollution prevention measures) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/985 – Discharge of condition 21 (ecology) of previous planning consent P2006/1261 – Approved 27/10/08

08/986 – Discharge of condition 23 (traffic management plan) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/987 – Discharge of condition 24 (electromagnetic signals) of previous planning consent P2006/1261 – Approved 27/10/08

08/988 – Discharge of condition 25 (shadow flicker) of previous planning consent P2006/1261 – Approved with conditions 27/10/08

08/1198 – Discharge of condition 11 of planning consent P2006/1261 relating to colour of turbines – Approved 27/10/08

08/1209 – Screening opinion, increase in height of 10 turbines from 115M TO 119.5M – Not required 30/9/08

08/1256 – Micro siting of turbines and re-siting of electrical sub station – Approved 6/11/08.

08/1484 – Increase tip height of 10 turbines permitted under 06/1261 Approved 19/6/09.

09/0015 – Screening opinion, Small biomass CHP and wood pellet manufacturing plant. Not required 14/1/09.

09/0805 - Biomass and wood pellet manufacturing plant. Minded to grant consent subject to Section 106 agreement

10/0468 - Consultation under Sct 47 Planning Act 2008 Statement of community consultation (SOCC). No Objection 18/5/2010

10/510 - Consultation under section 42 of the Planning Act 2008 for a proposed 132 KV electricity line. No Objection 29/6/2010

10/1263 – Solar farm Minded to grant consent subject to Section 106 agreement.

**Publicity and Responses if applicable:**

The application was advertised on site and in the local press as development affecting footpath Number 13, 19 and 24 and Byway 23.

Site notices were displayed at the site entrances and adjacent settlements of Banwen and Glynneath.

Glynneath Community Council: Objection on the grounds of potential windblown debris off the site, odour towards Glynneath and the future development of the site as a landfill site when the area appears to be saturated with these types of development.

Onllwyn Community Council: No Response.

Powys County Council: No Response.

Brecon Beacons National Park: Objection on the ground of visual effect.

Head of Engineering & Transport (Highways): No Objection.

Head of Engineering & Transport (Drainage): No objection.

Biodiversity Section: No Objection, subject to conditions.

Footpath Section: No Objection.

Pollution Control Section (Land contamination): No Objection.

Pollution Control Section (Air Quality): No Objection.

Head of Housing and Public Protection (Noise): No Objection.

Wales and West Fire and Rescue: No objection, subject to conditions.

NRW: No objection subject to conditions.

Western Power Distribution: No Objection.

The Health Board: No Objection.

### **Background Information**

This application was submitted in February 2012 for an anaerobic digestion facility producing 2.5MW of electricity. The proposal was to import 45,000 tonnes of non hazardous food waste consisting of 25,000 tonnes of municipal waste and 20,000 of commercial and industrial waste.

That proposal was the subject of public consultation in February 2012.

A revised application was subsequently submitted in December 2012, which reduced the size of the proposed facility, the details of which are set out below.

### **Description of Site and its Surroundings:**

The application site is located approximately 1.04km south east of Banwen, 1.7km south of the Brecon Beacons National Park and 1.9km north east of Glynneath on the former Maes Gwyn opencast coal stocking grounds.

The site will be located on the two plateaus which form part of the former stocking grounds. The upper plateau is level, made up of crushed stone and is at a height of approximately 310m AOD. The lower plateau, to the south of the upper plateau, is at a lower level at between 275m – 300m AOD. This plateau falls gently in a westerly direction and consists predominately of loose fine stone with small patches of scrub vegetation. The site is south of the proposed Biomass Plant, within a managed forestry plantation and lies within the site of the existing wind farm.

To the north of the upper part of the site is a forested ridge rising to a height of 315.6m-317.2m AOD. To the west the level plateau continues for approximately 200m before sloping steeply into a small basin. To the east is an existing weigh bridge and the access road to the site. To the

south of the site on the edge of the lower plateau is Byway 24.

Access to the site is off an existing access point along the A4109 Intervalley Road. It is located approximately 500m east of the junction of Roman Road and the A4109 and is made up of compacted stone.

To the north of the site, behind the wooded ridge above the upper plateau is Footpath 24. This crosses the access road to the site approximately 300m north east of the weigh bridge on the upper plateau. Footpath 19 is also located to the north of the site behind the wooded ridge. This crosses the access road approximately 700m north east of the junction of Footpath 24 and the access.

The overall application site area is approximately 9 hectares, including the access road corridors. Within this, the area used for processing, storage and renewable energy generation is 1.82ha.

The nearest dwelling is Gorswen approximately 0.8km north west of the site. The nearest large settlement is to the southern end of Roman Road in Banwen, which is approximately 1.04km north west of the site. The Brecon Beacons National Park boundary is approximately 1.7km north from the site, at its nearest point.

#### **Brief description of proposal:**

This application seeks consent for the construction of an Anaerobic Digestion facility (AD). The proposed AD would generate up to 1MW of renewable electricity, diverting around 15,000 tonnes of waste food from landfill.

Anaerobic Digestion is a process where biodegradable material is encouraged to break down in the absence of oxygen, in an enclosed vessel. It produces carbon dioxide, methane and solids/liquors known as digestate, which can be used as a fertiliser and compost. Electrical energy can be generated from the methane through its use as a fuel in gas generators. Methane can also be compressed and used to fuel vehicles, or injected into the gas grid. In this case the gas will be burnt on site to produce electricity.

The operation will be sited on the two plateau areas described above and includes the following structures:

### Upper Plateau

1. Weighbridge office- 7.2m x 3m x 3.4m high (weighbridge is existing);
2. A 2m high steel mesh fence will enclose the above.

### Lower Plateau

1. Waste vehicle reception hall (40m x 35m x 12.4m);
2. 3 x Pre-storage tanks each 6.98m in diameter and 7.37m high;
3. Safety gas flow 0.6m in diameter, 5.5m high;
4. Post digestate storage tank 16.3m in diameter and 8.07m high
5. 2 x Combined Heat and Power compounds;
6. Biogas filter 5m x 6.5m x 12m;
7. Digester tank 31m diameter and 13.63m high;
8. 4 x Surface water lagoons;
9. Vehicle parking area;
10. Landscaping;
11. Means of enclosure.

In order to provide a level surface for the above works the lower plateau will be re-contoured into 3 platforms to heights of between 285m and 277m, with sections of the slope being re-profiled. Access between the two areas will be via existing tracks which will be improved to achieve appropriate widths and gradients.

The upper and lower plateaus will be illuminated with bollard and pole lighting between 1m and 8m in height. CCTV cameras will be located on columns and buildings.

A landscaping bund of up to 4m in height is proposed on the western, and southern ends of the lower plateau. Additional landscaping is also proposed along the northern slope between the two plateaus and along the loop access tracks. These areas will be enclosed with a 1.2m high stock proof fence.

### **MATERIALS TO BE PROCESSED**

The application seeks consent to process up to 15,000 tonnes of commercial and industrial food waste arising in the Neath Port Talbot and South Powys regions. The applicant has confirmed that Hazardous wastes would not be accepted at the facility.



## **THE PROCESS**

Waste will arrive on site in sealed lorries (up to 3 loads per day). Vehicles will enter the waste reception building and unload in a sealed and air filtered area. Vehicles will be cleaned and disinfected before leaving the site.

Waste will be taken from the storage bunker and transferred into a hopper for loading into a de-packaging, separation/screening and maceration line. This will remove plastic and biodegradable packaging, as well as contaminants such as cutlery and other foreign objects.

The waste is then transferred to a pre-storage tank for temporary storage. When required, waste will be drawn from the pre-storage tank into pasteurisers prior to introduction into the digesters. Following pasteurisation the slurry will be cooled to achieve the correct digestion temperature prior to being introduced into the digester tank. The proposed system operates in the Mesophilic Temperature Range (35-45°) which is most suited to the proposed feedstock materials. Within the digester micro organisms break down the feedstock materials to produce biogas (typically ~60% methane, ~40% CO<sub>2</sub> and minor sulphide and hydride gases) which is suitable for energy production. It also produces a liquid digestate.

Gas from the digestion process is removed from the space above the digestion tank, cleaned, dewatered and de-sulphurised in the gas bio-filter preparation unit. Gas from the storage tank will be piped to two Combined Heat and Power (CHP) units, each capable of generating up to 0.5MW of renewable electricity.

Digestate exits the digester tank and is transferred to a post-digestate storage tank (and during winter to a covered lagoon) for storage. The digestate storage tank contains submersible mixers to agitate and maintain the digestate in a fluid state so that it can be easily moved for use as a bio-fertiliser.

It is proposed that the digestate will achieve Publicly Available Specification for Digestate (PAS 110), this is a national quality standard recognised by NRW. Digestate that attains this standard is no longer considered as waste, but a product and therefore not liable to further waste regulation control. Digestate that does not attain PAS 110 will require environmental permits to be used on agricultural land. Liquid digestate will be pumped from the storage tanks to waiting vehicles for

transport to the point of use, which includes application on land as a fertilizer or use as a compost improving agent.

### **HOURS OF OPERATION**

Mondays to Fridays 07.00 - 19.00hrs

Saturdays 07.00 - 17.00hrs

Sundays and Public Holidays 08.00 - 13.00hrs

It is envisaged that the plant will employ approximately 10 staff. It is also anticipated that there will be up to 40 jobs created during the construction period.

### **Material Considerations**

The material planning considerations with regard to the application are:

- Prevailing National and Development Planning Policy;
- Air Quality;
- Public Health;
- Ecology;
- Hydrology and Flooding;
- Visual Amenity;
- Waste;
- Noise;
- Residential Amenity;
- Traffic Considerations;
- Health and Safety;
- Social and Economic;
- Issues Arising from Objections.

**EIA Screening/Scoping opinion  
Habitats Regulations:**

With regards to Environmental Impact Assessment the proposal is of a type that requires a decision as to whether an Environmental Impact Assessment needs to accompany the application. This is called a 'Screening Opinion'.

The application has been screened and it was concluded that the development is not likely to have significant affects on the environment by virtue of factors such as nature, size or location and it was determined that the project was not Environmental Impact Assessment development.

**Policy Context:**

The Local and National policies referred to below form the framework within which the planning application is to be considered. Given the nature of the application there are overlapping policies both in relation to Waste and Renewable Energy.

**European Waste Management Policy and Legislation****EU Framework Directive on Waste (75/442/EEC as amended by 91/156/EEC)**

National Waste Policy and Legislation is strongly driven by European Directives, the principal directive being the EU Framework Directive on Waste (75/442/EEC as amended by 91/156/EEC).

It requires member states to:

“Encourage waste prevention or reduction and encourage reuse and recovery of waste;

Ensure that waste is recovered or disposed of without endangering human health and without using processes which could harm the environment;

- Prohibit the uncontrolled disposal of waste;
- Establish an integrated and adequate network of disposal installations taking account of the Best Available Technology, Not Involving Excessive Cost;
- Prepare Waste Management Plans;

- Ensure that any establishment or undertaking carrying out waste disposal or recovery is appropriately licensed; and
- Ensure the cost of disposal is borne by the waste holder in accordance with the polluter pays principle.”

### **Landfill Directive (99/31/EC)**

The waste framework is backed up through a number of waste specific ‘daughter’ directives, notably the Landfill Directive (99/31/EC). This is the most significant driver affecting how wastes are managed and was transposed into UK law through the Landfill (England and Wales) Regulations 2002. For biodegradable Municipal Solid Waste (MSW) it set landfill reduction targets of:

- By 2010 no more than 75% of that produced in 1995;
- By 2013 no more than 50% of that produced in 1995; and
- By 2020 no more than 35% of that produced in 1995.

The Directive also introduced a number of measures to limit landfilling of waste.

### **National Policy and Legislation**

#### **One Wales One Planet –Wales (April 2010)**

The Welsh Governments’ objectives and policy for waste management are outlined in ‘Towards Zero Waste, One Wales: One Planet The Overarching Waste Strategy for Wales’ and replaces ‘Wise About Waste, The National Waste Strategy for Wales 2002’.

The strategy proposes that by 2025 all sectors in Wales will recycle at least 70% of their waste –this includes businesses, households and the public sector.

Zero waste by 2050 is defined as “an aspirational end point where all waste that is produced is reused or recycled as a resource, without the need for any landfill or energy recovery”. It goes on to state that “we will as a minimum reduce the impact of waste in Wales to within our environmental limits (which we define as One Wales: One Planet levels of waste, roughly 65% less waste than we produce now), aiming to phase out residual waste through enhanced actions on waste prevention and sustainable consumption and production and ensuring that all waste that

is produced is reused or recycled.”

In 2006/7 Towards Zero Waste indicates that in Wales around 1.57m Tonnes per annum of household waste, 5.41m Tonnes per annum of construction and demolition waste, and 3.92m Tonnes per annum of commercial and industrial waste was generated.

Towards Zero Waste proposes targets and priorities for each sector, the delivery of which will be detailed in subsequent sector plans. Within the targets and priorities for the municipal waste and commercial and industrial waste it is indicated that:

*“Our collection, infrastructure and markets sector plan will concentrate on the following areas for action:*

- Diverting food waste from landfill to anaerobic digestion plants”.*

### **Towards Zero Waste – Draft Food Manufacture Service and Retail Sector Plan ( March 2011)**

This document states that a desirable outcome from the sector plan is:

*“Send food waste to anaerobic digestion plants to generate valuable renewable energy and fertiliser”*

### **Planning Policy Wales (2012) PPW**

Provides the following guidance:

*12.5.1 Local planning authorities are obliged by the EC Framework Directive on waste to make provision for establishing an integrated and adequate network of waste disposal installations.*

*12.5.3 Waste should be managed (or disposed of) as close to the point of its generation as possible, in line with the proximity principle. This is to ensure, as far as is practicable, that waste is not exported to other regions.*

*12.5.4 In Wales, the aim should be to provide sufficient facilities to treat, manage, or dispose of all the waste produced. Each local authority should consider what facilities are required to manage all waste streams generated within its area, although it may be necessary for some facilities (such as facilities for managing special or clinical waste) to be shared.*

*12.7.1 Decisions on planning applications should have regard to the waste management objectives in the national waste strategy. The environmental impact of proposals for waste management facilities must be adequately assessed, supported by independent surveys where appropriate, to determine whether a planning application is acceptable and, if the adverse impacts on amenity cannot be mitigated, planning permission should be refused.*

**Technical Advice Note 21: Waste (Welsh Assembly Government, November 2001)**

Supplements the policies of *Planning Policy Wales*, providing further guidance relating to proposals for waste developments.

The advice is intended to facilitate the introduction of a comprehensive, integrated and sustainable land use planning framework for waste management in Wales to deliver the Welsh Government's aim for sustainable development.

The concepts of proximity and self sufficiency have been introduced into TAN 21 waste policy by action of the Directive 99/31/EC on the Landfill of Waste and previous Directives.

The Proximity Principle states that waste should be treated and or disposed of as near to the source of origin as possible because transporting waste itself has an environmental impact

*“The Self Sufficiency Principle also sets out that as far as practically possible, waste should be treated or disposed of within a sensibly defined region where it is produced. Therefore, each region should aim, as far as is practicable, to provide for facilities with sufficient capacity to manage the predicted quantity and nature of waste arising from that area for at least a ten year period, and preferably longer.”*

Local Planning Authorities therefore have a duty to use these principles as set out in the various Directives in strategic planning, and development control.

**Consultation on Proposed Revision of Chapter 12 in Planning Policy Wales (PPW) and Technical Advice Note (TAN) 21 Waste**

The proposed changes are ;

- The recasting of national planning policy on waste is intended to facilitate a comprehensive, flexible, integrated and adequate land use planning framework for the delivery of sustainable waste management in Wales.
- The rWFD has identified that there is a need to think about waste as a valuable resource rather than an unwanted burden. Consequently land use planning has a key role in allowing suitable and sustainable waste management facilities to be developed that will re-use, recycle and recover waste materials prior to the disposal of any residual element

The main changes in summary are:

- The Regional Waste Plan is out of date and should be revoked;
- Requirements for data collection and reporting;
- Introducing a requirement to retain a minimum number of years of landfill capacity;
- Recasting policy to promote driving waste facilities up the waste hierarchy through the introduction of a Waste Planning Assessment (WPA).

In relation to this application, there are no proposed fundamental changes. However the core objective to see waste as “*as a valuable resource rather than an unwanted burden.*” is recognised within this application which seeks not only to produce energy from waste but a usable end product.

## **Regional Waste Policy**

### **South – West Wales Regional Waste Plan (2003)**

The specific aim of the RWP is to provide a land use planning framework at the Regional level. Each constituent Local Planning Authority would then use the RWP to develop their Development Plans in a way that determines potentially suitable locations for the range and type of facilities needed to manage waste arising within its’ own area.

The plan is based on four key principles:

- Regional self sufficiency: As far as is practicable, all wastes produced within the Region shall be managed by the Region.

- The proximity principle: As far as is practicable, all waste shall be effectively managed as close to its point of origin.
- The waste hierarchy: where possible, waste management decisions will follow the waste hierarchy which at the top encourages waste reduction and in descending order of preference waste re-use, recycling and composting, waste recovery and waste disposal.
- Sustainability: A commitment to promoting sustainable development is at the heart of the decision making process and is a fundamental consideration for assessing possible sites and proposals for new waste management facilities.

The RWP indicates that in 2001/2 Neath Port Talbot County Borough landfill approximately 696,864 tonnes of waste (from a total of 810,098 tonnes of waste deposited at licensed waste management facilities). Based on these figures, which are subject to potential inaccuracies identified in the RWP, waste from the County Borough accounts for around 54% of all waste sent to landfill in South-West Wales and 37% of all waste sent to licensed waste management facilities in South-West Wales. In addition a further 337,140 tonnes of waste (126,626 tonnes in NPT County Borough) is transported and “is likely to end up in landfills within the UK”.

The RWP identified seven waste management options for the South-West Wales region based on the concept of “Do Nothing”, a solution that falls well short of meeting waste policy requirements in future years, “Meet 2013 Targets” and “Do More”. With the exception of “Do Nothing”, all options met national and international obligations for the year 2013.

Of the proposed options Option 6 was ranked highest in the evaluation within the plan and “represents a ‘Do More (Mechanical Biological Treatment-led Strategy)’ which attempts to achieve the 2020 Landfill Directive target in 2013 principally through maximising recycling and composting levels with all remaining residual wastes being sent to Mechanical Biological Treatment. The additional diversion of residual wastes through Mechanical Biological Treatment ensures the 2020 Biodegradable Municipal Waste Landfill Directive target is met and in fact exceeded.



## **South – West Wales Regional Waste Plan, First Review (2007)**

This Regional Waste Plan (RWP) 1<sup>st</sup> Review has been prepared by the South-West Wales Regional Waste Group (RWP) in line with the requirements of Planning Policy Wales Technical Advice Note 21: Waste (TAN 21) and later guidance from the Welsh Government (WG).

TAN 21 sets the WG's requirements for the review of the RWP. In addition to these requirements, there were a number of stated practical reasons for reviewing the RWP:

*The RWP 1<sup>st</sup> Review states that “Altogether in South-West Wales approximately 4.3 million tonnes of waste is produced each year and that amount is forecast to rise over the next decade” It goes on to indicate that “An examination of existing waste management/resource recovery infrastructure across the region shows that the existing capacity of the newer generation of residual waste treatment technologies is very limited. There is therefore an urgent need to commission new infrastructure in order to meet 2013 targets for landfill diversion.”*

Based on assumed growth forecasts the Plan predicts that *“All controlled waste will increase by 0.18 million tonnes by 2013 and by 0.28 million tonnes by the year 2020, the equivalent of 4% and 6% respectively.”* and *“Whilst I&C waste is currently the most significant proportion of the total controlled waste stream, projections suggest that C&D waste will become the most significant proportion in the future.”*

Industrial and commercial waste was forecast to reduce from 1,912,800 tonnes in 2002/03, by -28%, to 1,375,922 tonnes in 2024/25. MSW arisings were forecast to change from 580,736 tonnes in 2004/05, by +73%, to 1,007,160 tonnes in 2024/25. C&D waste arisings were forecast to change from 1,754,920 tonnes in 2002/03, by +18%, to 2,076,883 tonnes in 2024/25. Agricultural waste arisings that were likely to require an external management route were forecast to change from 16,404 tonnes in 2003, by -20%, to 13,150 tonnes in 2024/25.

The Plan also indicates 621,400 tonnes (32.5%) of Industrial and Commercial waste arisings were sent to landfill in 2002/03, a significant reduction in both the quantity and proportion landfilled since the previous survey year. As the proportion of Industrial and Commercial waste arisings sent to landfill reduced, the proportion recycled increased to 34.6%.

Current available figures held by the Authority indicates that for 2012/13 within the County Borough total waste collected was 71,695 tonnes(3,555 tonnes food waste) of which 14,378 tonnes went to land fill.

As a key element of the RWP 1st Review's framework for the sustainable management of waste, references to Anaerobic Digestion appear frequently throughout the document emphasising the potential benefits.

UK and Welsh Waste Policy objectives are clear in that they seek to reduce landfill. However, in relation to location of facilities they outline that facilities should be appropriately located in the most sustainable location. Therefore, whilst the principle of treating waste through anaerobic digestion methods is generally acceptable as it reduces the amount of waste to landfill, its location must be subject to further consideration.

TAN 21 and RWP set out key objectives in relation to the location of waste facilities. The concept of the proximity and self sufficiency tests introduced by TAN 21, are driven by Directive 99/31/EC.

In broad terms, waste should be treated or disposed of as near to its source as possible and waste should be treated or disposed of within sensible defined regions.

In support of the application the applicant has undertaken a site selection process over a study area including Neath Port Talbot and South Powys. This study included the application site. Based on the need to have a site with an area of 1.5 ha, 25 sites were identified in a "Long List".

Further sieving was undertaken which took into account other factors such as, transport infrastructure, flood risk, availability and deliverability, neighbouring land use, compatibility and accessibility. These criteria reduced the site list to a "Medium List".

A further sieving exercise involving a site visit, to assess the information contained within the desk top study, reduced those sites to a "Short List" of three sites.

The final stage of assessment involved the comparative analysis of the sites and a rank in terms of final suitability. The analysis was assessed on 13 criteria based on information within the desk top study and site visit. Junction 38 Margam ranked third with 4 out of the 13 criteria. Baglan

Bay second with 7 out of the 13 criteria and the application site first with 11 out of the 13 criteria.

This final analysis indicated that the application site was the most appropriate location for the development.

The Authority appointed consultants to assess the study and they concluded that:

3.1.6. *“The shortlist sites were the subject of comprehensive comparative analysis” and that “the sieving process used was appropriate and the criteria were applied consistently and appropriately.”*

The consultants in a review of the initial submission (March 2012) raised concerns over the applicants failure to adequately apply the proximity and self-sufficiency principles and undertake an alternative site assessment. These matters were subsequently addressed in the most recent submission and the consultants concluded:

3.1.9. *“Overall, the Alternative Site Assessment addresses the issues raised in PB’s first Planning Appraisal and demonstrates that the proximity and self-sufficiency principles have been adhered to as far as practically possible.”*

It is therefore considered that having regard to the proximity and self-sufficiency principles set out in TAN 21 and the RWP the application site is an appropriate location for the proposed development. Further consideration, however, has to be given to the location of the development, having regard to National and Local Planning Policy.

### **Planning Policy Energy**

#### **EU Renewable Energy Directive (April 2009)**

The 2009 Renewable Energy Directive sets a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.

#### **National Planning Policy Guidance Energy**

#### **The UK Renewable Energy Strategy 2009**

This strategy explains how and why the Government intends to radically increase our use of renewable energy through the use of renewable

electricity, heat and transport. It outlines the path to meeting the target of achieving 15% of energy from renewable sources by 2020, with 30% of electricity from renewables by 2020 thus helping to tackle climate change.

The strategy also acknowledges that the achievement of these targets should not be at the expense of good planning. Paragraph 3.6.1 reads:

“Our planning system must enable renewable deployment in appropriate places, at the right time, and in a way that gives business the confidence to invest. Thus we must speed up the system and make it more predictable, whilst ensuring that we continue to protect our environment and natural heritage and respond to the legitimate concerns of local communities. Clearly we do not want to see large-scale renewable deployment in places where it is inappropriate.”

### **UK National Renewable Energy Action Plan (2010)**

The National Renewable Energy Action Plan provides details on a set of measures that would enable the UK to meet its 2020 target for renewable energy. It also seeks to secure UK energy supplies through 2020 and beyond and provides a sound framework for business to develop in the new industries, providing jobs and cutting harmful greenhouse gases.

The action plan recognises the role of the planning system to deliver the infrastructure required to reduce carbon emission. It also equally recognises the need for the planning system in “safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.”

### **UK Renewable Energy Road Map (July 2011)**

This document sets out the shared approach to unlocking the UK renewable energy potential and ensures that 15% of the UK energy demand is met from renewable sources by 2020 in the most cost effective way. The role of the planning system is also recognised within the document. Paragraph 3.20 states:

“3.20 The planning system plays a central role in delivering the infrastructure we need to reduce our carbon emissions, to ensure continued security of energy supply and help our economy to grow. It has a vital role in safeguarding our landscape and natural heritage and allowing individual communities the opportunity to shape their

environment.”

### **UK National Infrastructure Plan EN-1 & EN-3 (July 2011)**

The document recognizes the need for large scale renewable energy projects to deliver the ambitious 15% renewable energy targets. The policy document recognizes the importance of design within the context of the surrounding environment. Paragraph 2.4 states:

2.4.1 Section 10(3)(b) of the Planning Act 2008 requires the Secretary of State to have regard, in designating an NPS, to the desirability of good design.

Section 4.5 of EN-1 sets out the principles of good design that should be applied to all energy infrastructure.

2.4.2 Proposals for renewable energy infrastructure should demonstrate good design in respect of landscape and visual amenity, and in the design of the project to mitigate impacts such as noise and effects on ecology.”

Section 4.5 of EN-1 indicates that infrastructure projects should be “sensitive to place”. Whilst the document accepts that there are limitations in the appearance of some infrastructure applicants ought to demonstrate “good design in terms of siting relative to existing landscape character, landform and vegetation”

### **General Policy**

#### **Wales Spatial Plan**

The Wales Spatial Plan whilst post dating the adoption of the UDP is an important strategic document to direct new development to appropriate locations as part of both the LDP process and Development Control Process and this achieves the regional objectives as set out within the Plan.

4.7.2 The Wales Spatial Plan provides the context and direction of travel for local development plans and the work of local service delivery boards, and sets out within its vision the following key features; fuzzy boundaries, key settlements, cross-boundary settlements, socio-economic hub and international/interregional links/ regional links. The key issues and challenges facing Wales as a whole are considered as;

- Building sustainable communities.
- Promoting a sustainable economy.
- Valuing our environment.
- Achieving sustainable accessibility.
- Respecting distinctiveness.

Of these specifically important with regard to this proposed development is; Promoting a sustainable economy and valuing our environment.

The Wales Spatial Plan Area Strategies set out further specific aims and objectives, and with reference to this region as a whole, the Swansea Bay-Waterfront and Western Valleys identifies the need to create...

*“A network of interdependent settlements with Swansea at its heart which pull together effectively as a city region with a modern, competitive, knowledge-based economy designed to deliver a high quality of life, a sustainable environment, a vibrant waterfront and excellent national and international connections”.*

### **“A Low Carbon Revolution” – (The Welsh Government Energy Policy Statement 2010)**

In this policy statement, the Welsh Government sets out its ambitions for low carbon energy in Wales. It recognises the challenge of climate change and the aim is to renewably generate up to twice as much electricity annually by 2025 compared to output in 2010.

### **Planning Policy Wales (2012) PPW**

PPW sets out the need to deliver renewable energy up to 2025. The Welsh Government outline an aspirational target of 22.5GW (by 2025.)

PPW states within Paragraphs 12.8.6, 12.8.9, 12.8.10, 12.8.14, and 12.10.1 that:

“12.8.6 The Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic

driver and a commitment to sustainable development.”

“12.8.9 Local Planning Authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy (see 4.4.3) to help to tackle the causes of climate change (see 4.7.3). Specifically, they should make positive provision by:

- considering the contribution that their area can make towards developing and facilitating renewable and low carbon energy, and ensuring that development plan policies enable this contribution to be delivered;
- ensuring that development management decisions are consistent with national and international climate change obligations, including contributions to renewable energy targets and aspirations;
- recognising the environmental, economic and social opportunities that the use of renewable energy resources can make to planning for sustainability (see Chapter 4); and
- ensuring that all new publicly financed or supported buildings set exemplary standards for energy conservation and renewable energy production.”

“12.8.10 At the same time, Local Planning Authorities should: ensure that International and National statutory obligations to protect designated areas, species and habitats and the historic environment are observed;

- ensure that mitigation measures are required for potential detrimental effects on local communities whilst ensuring that the potential impact on economic viability is given full consideration; and
- encourage the optimisation of renewable and low carbon energy in new development to facilitate the move towards zero carbon buildings (see 4.11 and 4.12).

12.8.14 An integrated approach should be adopted towards planning renewable and low carbon energy developments and additional electricity grid network infrastructure. Additional electricity grid network infrastructure will be needed to support the SSAs and local planning authorities should facilitate grid developments when appropriate proposals come forward whether or not the wind farms are to be

connected are located within their authorities. Within the SSAs, whilst cumulative impact can be a material consideration, it must be balanced against the need to meet the Welsh Government's renewable energy aspirations and the conclusions reached fully justified in any decisions taken. Developers will need to be sensitive to local circumstances, including siting in relation to local landform, proximity to dwellings and other planning considerations. The development of large wind farms or other large scale renewable and low carbon energy schemes will not generally be appropriate in internationally or nationally designated areas and sites.

12.10.1 In determining applications for renewable and low carbon energy development and associated infrastructure local planning authorities should take into account:

- the contribution a proposal will play in meeting identified national, UK and European targets and potential for renewable energy, including the contribution to cutting greenhouse gas emissions;
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development;
- the impact on the natural heritage (see 5.5), the Coast (see 5.6) and the Historic Environment (see 6.5);
- the need to minimise impacts on local communities to safeguard quality of life for existing and future generations;
- ways to avoid, mitigate or compensate identified adverse impacts;
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so consider whether measures to adapt to climate change impacts give rise to additional impacts (see 4.5);
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the capacity of and effects on the transportation network relating to the construction and operation of the proposal.

## **Technical Advice Note 12 – Design**



Identifies visual appearance of developments, scale and its relationship to its surroundings as material considerations in determining planning applications.

Driven by the EU, both UK and National Planning Policy seek to reduce carbon emissions and provide additional renewable energy. However, policy recognises that renewable energy projects, whilst providing a national benefit, can have local impacts and as such need to be appropriately sited.

Therefore, whilst it is considered that this proposal is broadly supported by UK National Planning Policy, in that it reduces carbon emissions and provides renewable energy, detailed consideration of the effect on the local area must be considered and balanced against the national aim to deliver additional renewable energy.

### **Neath Port Talbot Unitary Development Plan**

Unitary Development Plan objectives with regard to environmental aspects state that we should:

Resist development which would bring hazardous or bad neighbour processes into close contact with housing or other sensitive uses.

Resist uses which would create or be affected by flooding, tidal inundation or unstable ground.

Policy 4 of the Environment Section of the UDP summarises these objectives and seeks to avoid:

*The creation of Pollution risks to health and amenities that would have unacceptable impacts upon the environment, communities or individuals will be resisted.*

Policies relating to this application include

Strategic Policy 1 Countryside

Strategic Policy 2 Ecology

Strategic Policy 4 Pollution

Strategic Policy 5 Built Environment

Strategic Policy 9 Economy and Employment

Strategic Policy 19 Infrastructure and Energy

## Strategic Policy 26 Waste

GC1 New buildings, structures and changes of use

GC2 Engineering works and operations

ENV1 Development in the countryside

ENV 3 Impacts upon the landscape

ENV 5 Nature conservation

ENV13 Brown Field Derelict and Wasteland

ENV15 Air quality

ENV17 Design

ENV 28 Polluting or hazardous installations,

ENV 29 Environmental quality

T1 Location Layout and Accessibility

EC1 Employment Land bank

EC3 Creation or Expansion of Businesses within Settlement Limits

EC5 Employment in the countryside

IE2 Infrastructure facilities

IE6 Renewable Energy

W1: Proposals for the Collection, Treatment, Transfer and Disposal of Waste

W4: Proposals for the Minimisation, Recovery and Recycling of Waste.

W6: Recycling of Industrial Waste.

As indicated previously both UK and National policy support the proposal in that it diverts waste material from landfill sites and the development will reduce carbon emissions and provide a source of renewable energy.

Policies W1,W4 and W6 are relevant in relation to the principal of dealing with waste they state:

#### Policy W1

Proposals for the collection, treatment, transfer or disposal of waste will be given priority on;

- a) industrial and commercial land (within sites listed for B2 employment use in Policy EC1)
- b) derelict, contaminated and despoiled land;
- c) previously used (“brownfield”) land;
- d) former mineral workings;
- e) existing or former waste management facilities; or
- f) or as part of a land reclamation and improvement scheme

#### Policy W4

Proposals for the minimisation, recovery and recycling of waste will be promoted and encouraged. Proposals should not create any unacceptable impacts and will be considered in terms of the Plan’s policies.

#### Policy W6

Proposals for the recycling of industrial waste will be promoted and encouraged. Proposals should not create any unacceptable impacts on the environment or local communities and will be considered against the Plan’s policies.

Whilst the above waste policies broadly support the proposal the explanatory text makes it clear that each proposal must assess local impact.

In summary notwithstanding broad national and any local benefits, the proposal must be assessed against any local impacts. In assessing the principal of the development on the site, consideration must be given to policies GC1, GC2, EC1, EC3, EC5, ENV1 and ENV 13, of the Neath Port Talbot Unitary Development Plan.

#### Policy ENV1 states

*A proposal for development in the countryside will not be permitted unless it satisfies one of a number of criteria one of which reads: -*

*d) it is development necessary to serve the social, recreational or economic needs of the local community (this includes the expansion of an existing commercial or industrial use) and it has been demonstrated that the development cannot be located within a settlement; or*

*h) it is development necessary for communications, telecommunications*

*and other forms of infrastructure provision, renewable energy generation, waste treatment or disposal, derelict or contaminated land reclamation, or minerals extraction; and in all cases the development would not create unacceptable impacts upon the character or appearance of the countryside, biodiversity, the amenities of neighbouring residents or other land users, traffic generation or highway safety.*

Policy ENV13 states

*Within settlement limits and allocations and where proposals justify a countryside location, preference should be given to the development of previously developed land. The restoration of derelict and wasteland will be encouraged, provided the nature conservation, industrial heritage or amenity value of the site does not outweigh the need to develop it.*

Policy IE2 states

*The following shall be adequately taken into account:*

- A) the use of existing facilities and the opportunities to co-ordinate different types of infrastructure has been considered and maximised;*
- B) the location and design minimise risk to human health, the environment and highway safety and pays adequate regard to the landscape, seascape, townscape and biodiversity and ensure that unacceptable impacts would not be created.*

The aim of policy ENV1 is to protect the countryside from unjustified development. The proposed development falls within the exemptions outlined in paragraph (h) ENV1 and accords with the list of uses considered appropriate outside settlement limits as defined within the Development Plan. However, criteria (d) makes it clear that any proposal has to “*demonstrate that the development cannot be located within a settlement*”

The RWP indicated that technological advances have meant that such facilities may be appropriate within “*many B2 employment sites*” and that development plans should therefore seek to make provision for such proposals.

In order to facilitate the creation of waste treatment uses, the UDP has allocated sites within Policy EC1 and encourages the development of those sites, subject to appropriate impact within policy EC2.

In support of the application the applicant has undertaken an Alternative Site Assessment (ASA) to deal with the proximity issue previously referred to and in order to address the requirements of policies EC1 and

EC2 of the UDP. The assessment has considered the 20 sites identified within policy EC1, 4 sites in Powys and the application site.

As indicated previously the ASA has been studied by the Council's consultants who have provided the following assessment:

3.1.5 *"The sites have been through a sieving process removing sites that are not sufficient in size, sites that are not easily accessible by road and sites at risk from flooding. The remaining sites were then subject to a second sieving exercise that excluded sites that are already developed, adjacent to incompatible uses (including residential), reserved for future development, or with poor accessibility."*

3.1.6 *"Short listed sites were then subject to a comprehensive comparative analysis. The sieve process utilised was appropriate and that the criteria were applied consistently and appropriately. The analysis considered the proximity principle and self sufficiency principle in considering the location of each site in comparison to both sources of waste and users of the end product"*

The report concluded that:

31.19 *"Overall, the Alternative Site Assessment demonstrates that the proximity and self-sufficiency principles have been adhered to as far as practically possible."*

Whilst the report address the suitability of the site in respect of the proximity principal it is also considered that the methodology employed by the applicant is adequate to assess the suitability of allocated industrial sites within the UDP is sound.

The ASA, as set out previously, undertook a 5 stage assessment process involving the assessment of 25 sites. Each of the 5 stages involved a more detailed assessment of the site against fixed criteria. As set out above the Council's consultants raised no issues with the methodology employed or the detail of the refinement criteria.

The 25 sites were reduced to 3 sites Junction 38, Margam, Baglan Bay and the application site. The final stage involved the assessment of the sites against following 13 criteria.

- Planning Vision
- Sensitive Human Receptors

- Landscape and Visual Impact
- Natural Environment
- Historic Environment
- Road Access
- Transport ( Rail and water)
- Energy utilisation
- Digestate Utilisation
- Flood Risk
- Ground Water Vulnerability
- Air Quality Management Area
- Previously Developed Land

This list was compiled having regard to the Waste Framework Directive 2008, National Planning Policy Towards Zero Waste (2010) and guidance contained within PPW, TAN21 and RWP.

Each site was assessed against the above criteria and awarded a none numerical value (a tick). The criteria were not ranked in importance and the performance of each site in relation to the criteria was calculated. Junction 38 Margam ranked third with 4 out of the 13 criteria. Baglan Bay second with 7 out of the 13 criteria and the application site first with 11 out of the 13 criteria.

It is considered that the assessment has been undertaken in accordance with national and regional guidance. It has been comprehensive and criteria have been applied consistently and appropriately.

It is therefore considered that the applicant has adequately demonstrated that the proposal cannot be suitably accommodated within settlement limits on existing allocated sites.

In addition to the above, it is noted that the proposal will involve the restoration of derelict waste land formerly used as a coal stocking yard and therefore is in accordance with the broad requirements of ENV13. The proposal will also utilise existing infrastructure such as access and grid connection in association with other adjacent developments and therefore accords with criteria (a) of IE2.

As such, it is considered that the applicant has adequately demonstrated that the proposal cannot be suitably accommodated within settlement limits the proposal accords with Policies ENV1, ENV13, IE2, W1, W4, W6 and IE2 of The Neath Port Talbot Development Plan.

## **Visual Amenity:**

In assessing the landscape and visual impact of the proposed development specific consideration must be given to policies ENV3, ENV17, GC1 and GC2 of the Neath Port Talbot Unitary Development Plan

Policy ENV3 states:

Proposals that would create unacceptable impacts on the landscape will be resisted.

Particular emphasis will be placed on protecting :-

- 1) significant skylines, views and panoramas
- 2) features which are important in terms of contributing to the character of the local landscape.
- 3) landscape, parks and gardens which are of special historic interest.

Policy GC1 identifies specific criteria which need to be complied with by all new buildings and changes of use. Whilst the criteria are broad ranging in scope, a number of them relate to the visual impact of a development and its impact upon the wider landscape.

POLICY IE6 states

Proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land.

## **Existing Landscape**

To the north of the site is a forested ridge rising to a height of 315.6m-317.2m AOD. Footpath 24 runs behind this ridge and then crosses the access road. To the West of the site the level plateau continues for approximately 200m before sloping steeply into a small basin. To the south of the site a forested slope falls steeply to the second plateau some 15m below the application site. Byway 23 runs along the southern edge of this plateau. To the west of the site is Hirfynnydd Ridge. Other than the two open plateaus and access tracks the area is dominated by dense forestry plantation. LANDMAP, which is a national landscape information system that gathers, organises and evaluates information about landscape into a nationally consistent data set, classifies the site (NPTVS357) and adjacent areas (NPTVS970) as having a *moderate* valuation (of local importance).

## **Assessment Methodology**

A Landscape and Visual Impact assessment has been prepared by the applicant as part of the application in order to assess the impacts of the proposal on the landscape and visual amenity. The landscape assessment has included photomontages, plans and views taking into account landforms and vegetation cover. Sections have been provided from viewpoints in Banwen (North West), Coryn y Rhos, (North East, Brecon Beacons National Park) and Cwmgwrach (south).

The sections demonstrate that given the height of the landform to the North, West and East, the development will not be visible from Banwen, The National Park and Glynneath. The main Landscape impact and visual impact effects are from distant views from the south and views from byways and footpaths within the site.

The National Park has raised an objection in relation to the possible view of the proposal from the Park. However, the ridge to the North, which rises to over 15m above the site level, dictates that the proposal will be unsighted from this point.

To mitigate for any potential adverse effect on visual amenity, in addition to siting the proposal to maximise natural screening, the applicant following pre application negotiations with the department, has introduced two measures to reduce visual impact. These are

1. The provision of earth bunds up to 3-4m in height on the site.
2. Tree planting on the earth bunds.

From Cwmgwrach (3.6km) buildings on the lower plateau would be visible. Although some of the structures are large, the separation distance and scale of the surrounding landform dictates that the development although visible would not dominate the landscape. Furthermore, the proposed screen bunding and planting would reduce the impact on these distant views.

The results of the Landscape impact assessment has shown that other than from Byway 23 the resulting visual impact is negligible given the location of the proposal and the intervening landforms and vegetation which screen the proposal.

Byway 23 is approximately 4m below the level of the lower plateau and runs along the Southern edge of the site.

It is accepted that during the construction phase of the proposal there would be a slight and temporary visual impact.



Given the elevation of the view points along byway 23, the duration of the views in an extensive footpath network and the subsequent limited view of the proposal, it is considered that the visual impact of the proposal from byway 23 does not in itself warrant refusal of the application given the mitigating landscaping bunding that screens the proposal.

In relation to footpath 24, which runs to the north of the site behind the northern ridge, there is a limited view along the access track between the northern ridges. This view will be seen against Hirfynnydd Ridge. There is likely to be a limited view of the weigh bridge office. This will appear small within the context of the larger landscape.

It is therefore considered that the proposal does not have a significantly detrimental impact on the character and appearance of the area to warrant refusal and does not unacceptably affect the setting of either byway 23 or footpath 24 both individually and in combination with other developments within the area.

As such it is considered that the proposal accords with policies ENV3, ENV 17, IE6, GC1 and GC2 of the Neath Port Talbot Unitary Development Plan.

#### **Residential Amenity:**

The application site is located approximately 1.04km south east of Banwen and 1.9km north east of Glynneath. The nearest residential property, Gorswen, is located 0.8km from the site.

#### **Noise:**

Following advice from Environmental Health, the applicant prepared and submitted a noise assessment. The assessment considered the noise impact from the proposal and the cumulative noise associated with a thirteen turbine wind farm, composting plant and the Bio Mass plant.

The assessment considers the existing noise sources at the site and assesses the potential noise impact from future plant and delivery vehicles associated with the proposal in isolation and in combination with the wind farm and proposed biomass plant on six nearby, noise sensitive receptors.

The report has concluded that the proposal in isolation or in combination

with the Wind farm, composting plant and proposed biomass will have no adverse effect on noise

*“The cumulative noise assessment for the anaerobic digestion facility, recycling and composting facility, biomass power plant and wood pellet manufacturing facility and wind farm activities shows that the noise experienced by residential receptors is below background levels for all properties. Comparing the modelled results with data within BS4142 it can be concluded that at these levels complaints are unlikely from nearby residential receptors”.*

Having considered the assessment the Environmental Health section raised no objection to the proposal.

## **Odour**

It is considered that the predominant odour risk on-site arises from the receipt and preparation of waste prior to it being introduced into the hydrolysis tank;

The application indicates that the following measures will be set in place to control odour

- The transport of waste will be in covered vehicles;
- Processing operations will take place within a closed system with appropriate filters or scrubbing systems;
- Vehicles will unload within the waste reception building. Unloading shall not commence until external doors to the unloading area have been closed. There will be an average of 3 delivery loads per day and on this basis, the doors would open and close 6 times per day (doors open and close behind entering/exiting vehicle).
- Emissions shall be free from odour;
- Emissions of biogas shall be minimised;
- All storage tanks and process lagoons will be covered;
- Implementation of an odour management plan;
- Activities will not to be carried out within 250 metres of any off site building used by the public.

The nearest dwelling, Gorswen is over 0.8km to the north and the nearest large settlement to the south east is Glynneath which is located 1.9km away while the closest settlement to the north east is Banwen is 1.04km.

The nearest public building is the Dove workshop approximately 1.2km in a north easterly direction. Given the mitigating methods proposed, the separation distance and a prevailing wind direction from the West, and South West, it is considered that there is unlikely to be a significant effect on residential properties from odour.

NRW and the Authority's Environmental Health section have raised no concerns in relation to odour. The Health Board has offered no objection to the proposal in relation to odour confirming a properly managed site should not give rise to odour issues.

In summary, it is considered that the proposal will not have a detrimental effect on residential amenity by virtue of noise and odour. In addition, given the distance of the proposal from the nearest residential property, Gorswen which is 0.8km from the site, it is considered that the proposal will also not have a detrimental effect in relation to overlooking, overbearance and loss of privacy.

The issues of the effect of traffic and air quality on residential amenity are dealt with further on in this report.

#### **Highway Safety (Access, Parking and Traffic flows):**

Access to the site is off an existing access point along the A4109 Intervally Road approximately 500m east of the junction of Roman Road.

The applicant has produced a detailed breakdown of vehicle movements in and out of the site associated with the development.

Based on receiving waste 6 days per week in 20 tonne loads, a maximum of 3 loads per day would be delivered to the facility, giving rise to 6 delivery related movements per day.

Including waste removal and digestate transportation a total of 11 additional HGV movements per day have been calculated for the proposed anaerobic digestion facility, giving a combined total of 136 HGV movements per day once all adjacent developments (Wind Farm, Solar Array, Composting Plant and Bio Mass plant) are operating at full capacity.

The current traffic flows along that section of highway are approximately

4000 per day.

Given the existing level of traffic movements it is considered that the small increase of approximately 0.275% will not increase traffic volumes to the detriment of highway safety or residential amenity.

The Head of Engineering & Transport (Highways) has therefore offered no objection to the proposal subject to conditions and a Section 106 agreement to control the number of vehicle movements and other highway safety matters. The request for a S106 is considered to be unnecessary given that this matter can be addressed via condition. As a result of the above, the proposal accords with Policies T1 and GC1 of the Neath Port Talbot Unitary Development Plan.

### **Landscaping:**

As part of the landscaping proposal the applicant proposes to provide landscaping bunds to the south and east of the site.

These bunds will be up to 4m in height and planted with native species in order to enhance the landscape and screen the proposal.

### **Ecology (including trees & Protected Species):**

The site is not located within 500m of a European Site or SSSI. The nearest designated site is, the Coedydd Nedd A Mellte SAC (including the Dyfrynoedd Nedd a Mellte a Moel Penderyn SSSI) which is over 1.92km away from the small exhaust stack on the electrical generators.

Emissions for the proposal and the proposed Bio mass plant have the potential to affect ecology within that area. Therefore in accordance with Regulations, in consultation with NRW, a Test of Likely Significant Effect has been undertaken.

The conclusion reached was that the proposed development would not in itself, or in combination with other developments have a significant effect on Coedydd Nedd A Mellte and as such an Appropriate Assessment is not required.

The application site was the subject of an ecological survey in 2005 and 2006 for the wind farm application. During that survey no habitats or species of any particular nature conservation significance were noted. Whilst a period of five years has expired both the Biodiversity Unit and

NRW are still satisfied that this brownfield site has not changed significantly in terms of habitat provision.

In relation to the application neither NRW nor the Biodiversity section has raised any objection.

In line with the NERC Act and TAN 5 the biodiversity section have recommended the following:

- (a) Landscaping should be wildlife friendly – A suitably worded condition will require the submission of such details.
- (b) The lagoons have wildlife friendly features – A suitably worded condition will require the submission of such details.
- (c) The buildings should incorporate a brown roof- It is considered that such enhancement is disproportionate to the scale of the scheme.
- (d) Native mature trees are not felled – there are no proposals to fell native mature trees.
- (e) Bird Boxes are provided - a suitably worded condition is considered acceptable to provide nesting boxes and landscaping.

The National Park has raised concerns in respect of the effect on ecology within the Coedydd Nedd A Mellte SAC. It is therefore considered that the objection from the National Park is justified. However, both NRW and Biodiversity have not raised any concerns over the possible impact upon either local or national sites of importance.

It is therefore considered that the proposal will not have an unacceptable adverse effect on biodiversity and is in accordance with the NERC Act, TAN 5 and ENV5 of the Neath Port Talbot Unitary Development Plan which aims to improve habitat.

### **Flooding and Hydrology:**

There are no flooding issues in respect of the site.

In relation to drainage the applicant has submitted a comprehensive drainage scheme to deal with surface water, foul water, and other contaminated water from the site.

The NRW raises no objection to the development subject to conditions.

**Pollution:**

Any development that has the potential to affect air quality in and around the application site must be considered as a material planning consideration as part of the planning process.

**Human Health:**

Policy ENV 15 of the Neath Port Talbot Unitary Development Plan states that:

Proposals which would be likely to have an unacceptable adverse effect on air quality, or would expose people to an unacceptable level of air pollution will not be permitted.

In support of the planning application the applicant has submitted an air quality assessment to consider the impact of the proposal individually and in association with the proposed Bio Mass plant. Dispersion modelling was carried out in-respect of;

- Nitrogen dioxide
- Carbon monoxide
- Sulphur dioxide
- Total VOC as benzene
- Non methane VOC

The air quality section has confirmed that none of the pollutants exceed air quality objectives and they have offered no objection.

The Health Board has offered no objection to the proposal in relation to air quality.

NRW has confirmed that a permit will be required under the Environmental Permitting Regulations 2007 (EPR) before the proposed facility can be operated. NRW raises no objections with regard to the proposal subject to conditions.

**Waste:**

The application indicates that residual materials resulting from the process will be disposed of in a land fill site. Waste will consist of bags and other foreign material within the incoming waste such as cutlery, which are considered to be minimal. These vehicle movements are dealt with in the transport appraisal.

### **Health and Safety:**

The remote location of the site dictates that sensitive receptors are unlikely to be significantly affected by dust. However, the applicant has proposed construction and post construction measures to reduce dust.

These include:

1. Wheel washing
2. Road sweeping
3. Covering of lorries
4. Feed stocks to be stored internally.

### **Social and Economic Impacts:**

With regard to labour, the construction phase will create 40 jobs. The impact on the labour market would therefore be minor beneficial and short term at county level.

During the operational phase it is estimated that 10 people will be employed full time. It is therefore considered that the cumulative effect will have a positive impact both during the construction and operational phases.

In terms of social impact, a number of concerns have been expressed with regard to the process, these include emissions, health, transport, and amenity, and have been dealt with in the above report under the appropriate headings.

It is therefore considered that the proposal will not have an adverse effect on air quality, human health, hydrology, noise, and ecology. As such the proposal accords with Policies ENV15, ENV28, ENV 29, and EC5 of the Neath Port Talbot Unitary Development Plan

### **Others (including objections)**

#### **Issues arising from representations received**

An objection has been received from Brecon Beacons National Park raising concern with regard to the visual impact of the development upon the Park together with the impact of emissions to air on ecology. These issues have been addressed within the report.

The objections raised by Glynneath Town Council are summarised and addressed as follows:

(a) Additional Traffic through Glynneath – The matter has been addressed in the appraisal.

(b) Escape of anaerobic bacteria –The process is undertaken within buildings and sealed vessels as set out in the appraisal, therefore there would be limited potential for escape of anaerobic bacteria.

The department has received one letter of objection which is summarised as follows:

1. The site is not proposed as a candidate site in the LDP – The site is not an allocated site within the UDP or the emerging LDP. The appraisal, however, deals with the principle of development within the context of the development plan.
2. Concerns over the content and conclusion of the ASA – As indicated the department has appointed independent consultants to assess both the methodology and conclusion of the ASA. The consultants’ conclusions are set out in the appraisal and adequately address the above objection.
3. Neath Port Talbot employees are directors within the Green Energy (South Wales) Ltd. which may be prejudicial in the determination of the application – The objector has not made reference to any specific allegations of inappropriate conduct. The determination of this application is for The Planning Committee and the identity of any directors is not a material planning consideration. This application must be determined only in relation to the planning merits of the scheme.
4. The objector alleges that a director of “Green Energy South Wales Ltd.” has been charged with a criminal offence – This is not a material planning issue.
5. The planning application should be dealt with by a Planning Inspector due to the issues raised in point 3 – This application cannot be dealt with by the Welsh Government unless it is the subject of a “call in” request. No such request has been made and the allegation of undue influence by Green Energy directors has been adequately addressed in point 3.
6. The objector sets out the sentence for an offence of Misconduct



in Public Office and advises of the need to properly consider accurate information. The objector has made no reference to any part of the application that he considers incomplete, incorrect or misleading – It is not considered that there are any such inaccuracies, errors or omissions within the submission.

7. The disposal of council waste should be undertaken by tenders – This application is not for the disposal of municipal waste.
8. The objector alleges that the application demonstrates a link between the Council and The Walter Group, which accounts for failures by the Council to deal with issues within the site relating to:
  - Public rights of way
  - Failure to publicise planning applications
  - Failure to take action against members of the Council

The identity of the applicant and their relationship with the Council were addressed earlier. There is no evidence to corroborate any of the other claims made in relation to other application on the site.

9. The application incorrectly refers to composting on an adjacent site – Consent does exist for a composting facility as set out in the site history.
10. There are unauthorised motor sports on the adjacent site – It is evident that there is a long history of motor sports on the adjacent site and an application for a Lawful Development Certificate is currently being considered in association with this use.
11. Concern has been expressed over the potential closure of public rights of way during the construction process – the application does not indicate the need to close public rights of way during the construction process - Such detail will be the subject of a Construction Management Plan. Should there be a requirement to close public rights of way, then that will be the subject of a separate consenting process.
12. The cumulative effects of development of the site will have a detrimental effect on the character and appearance of the area –

This matter has been addressed in the appraisal.

13. Concern over the additional traffic movements associated with the developers and the content of the traffic appraisal within the application – This matter has been addressed in the appraisal.
14. The development cannot be considered as an ecopark due to the following:
  - Location
  - Smell
  - Smoking stacks
  - Noise
  - Cumulative visual effects – All of these issues have been previously addressed in the appraisal
  - Deforestation – The majority of the site has no tree and vegetation cover. The proposal will not therefore result in large deforestation.
15. The revised application is due to the grid capacity – There is no evidence to demonstrate that the grid capacity is inadequate. The application was revised as a result of a change in the source of the food waste.

### **Community Benefit:**

TAN 8 “Community Involvement and Benefits” recognises the opportunities that large developments provide in making contributions that benefit the community. However, it makes it clear in paragraph 2.16 that

“such contributions should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.”

The Authority within its Interim Planning Guidance: Wind Turbine Development states that it is more appropriate for these “community contributions” to be dealt with as part of the planning process in order that they may better reflect the needs and aspirations of the area as identified through the Community Plan and UDP/ Local Development Plan (LDP) process, although they should not impact on the decision making.

Whilst the guidance contained within TAN 8 and the Interim Planning Guidance relates to wind farm development, it should be noted that this proposal is for a renewable energy development and the core principles of dealing with community involvement and benefits as set out in the documents can be appropriately applied in this circumstance.

The applicant has offered to provide a community benefit contribution of £10,000 per installed mega watt per year over the lifetime of the development.

It should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the decision making process.

### **Conclusion:**

This application has been assessed with reference to both national and local policies. These policies are strategically aimed at decreasing the amount of waste sent to landfill. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including air quality, human health, the affects on communities within the local area the visual impact and noise.

It is accepted that the proposal is broadly supported by National and Local policy as it will result in the reduction of 15,000 tonnes of waste being sent to landfill and based on an average household electrical usage of 4,700 kw p.a., the facility will generate sufficient renewable energy to meet the full electrical demand of 8,510 homes and depending on heat use, will save up to 50,500 tonnes per annum of CO2 equivalent emissions.

It is considered that the proposal does not have an adverse effect on air quality, Public health, ecology, hydrology and flooding, visual amenity, waste, noise, residential amenity, traffic, social and economic conditions and therefore accords with policies GC1, GC2, ENV1, ENV3, ENV5, ENV13, ENV15, ENV17, ENV28, ENV29, T1, EC1, EC5, IE2, IE6, W1, W4 and W6 of the Neath Port Talbot Unitary Development Plan.

### **Recommendation:**

Approval subject to the following conditions and upon the signing of a Section 106 Agreement to secure the provision of community benefits.

## **CONDITIONS:**

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the use hereby approved shall be for an Anerobic digestion facility and no other use within Class B2 of the Use Classes Order 1987

Reason

In the interests of amenity

(3)Unless otherwise agreed in writing with the Local Planning Authority only commercial and industrial food waste arising from Neath Port Talbot County Borough Council and South Powys, as shown on plan JER5569-001a, shall be processed or stored on the site.

Reason

In the interest of amenity

(4) Unless otherwise agreed in writing with the Local Planning Authority no more than 15,000 tonnes of material per annum shall be processed on the site and no more than 5000 tonnes of material stored on the site at any given time.

Reason

In the interest of clarity

(5) Unless otherwise agreed in writing by the Local Planning Authority, no more than 300 vehicles movements shall use either access onto the A4109, calculated as an Annual Average Daily Traffic two way flow. These movements shall include those generated by the application site, together with the site of the proposed biomass power station, the site of the solar array, composting plant and the wind farm. Of the 300 movements no more than 100 movements shall be associated with heavy goods vehicles.

## Reason

In the interest of highway safety

(6) Unless otherwise agreed in writing with the Local Planning Authority prior to first use of the proposed facility the access shall be improved by the applicant in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority indicating:

(i) Advance signing to warn motorists of the junction location and of vehicles turning into and out of the junction including the use of Vehicle Activated Signs (VAS) to slow vehicles on approach to the junction. This signage to be in the format Side Road Ahead to Diag. 506.1 TSR&GD (900mm high and handed to show side of road that junction lies on) with a Supplementary Plate Diag 572 120 yds. (Signs should be positioned within 110 to 180 metres of the junction position).

(ii) A minimum length of 70m of anti-skid surfacing to both approaches of the A4109 to the junction position.

(iii) Over marking of the current junction road markings where existing markings are showing signs of being scrubbed off the road surface.

## Reason

In the interest of Highway Safety

(7) Other than in an emergency or otherwise agreed in writing with the Local Planning Authority no materials shall enter, leave or be processed on the site on public holidays and outside the following hours

Monday to Friday 07.00 - 19.00hrs

Saturdays 07.00 - 17.00hrs

Sundays and Bank Holidays 08.00 - 13.00hrs

## Reason

In the interest of residential amenity.

(8) Notwithstanding the submitted details prior to the commencement of development a plan identifying the location of the external lighting, as set out in paragraph 673 of the supporting statement, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the site

## Reason

In the interest of site safety.

(9) Unless otherwise agreed in writing, prior to the first beneficial use of the site hereby permitted, an artificial nesting site for birds shall be erected on the office to one of the following specifications, and retained as such thereafter;

### Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

### Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs,

at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

## Reason

In the interest of biodiversity

(10) Notwithstanding the submitted details prior to the commencement of development a hard and soft landscaping scheme shall be submitted to and agreed in writing with the Local Planning Authority. The submitted scheme shall include the following:

- (i) All areas of grassland not immediately adjacent to pathways, entrance ways or are areas intended to be directly used by staff for recreational purposes shall be seeded with a species-rich grassland seed mix.
- (ii) Details of management of grassland, including planned maintenance

(iii) All trees and shrub species to be planted shall be native and of local provenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first beneficial use hereby permitted, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

(11)Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 as may be applicable (or any order revoking or re-enacting that order) no tank for the storage of oils, fuels or chemicals shall be erected within the curtilage of the development unless it is sited on an impervious base and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the volume of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets must discharge downwards into the bund.

Reason:

In order to prevent pollution of the water environment.

(12)Prior to the first beneficial use of the site details of fire control systems shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved prior to the first beneficial use of the site.

Reason

In the interest of fire safety

(13) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

(14) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall only be carried out in accordance with the approved Construction Method Statement, unless otherwise approved in writing by the Local Planning Authority. The Construction Method Statement shall address the following matters:

- i) A full drainage scheme for the management of surface water and foul water. This shall detail both the temporary and permanent drainage strategy and include details on the hydraulic calculations to control flow rates and detail the measures to be implemented.
- ii) A scheme for the environmental monitoring of local watercourses, before and during the construction phase. Any such scheme shall be supported, by information such as the method and frequency of monitoring and the contingency plans to be implemented should any pollution/derogation be noted.
- iii) A scheme for the protection and conservation of soil at the site, in order to prevent pollution of the water environment. The scheme shall include the pollution prevention techniques to be deployed during the construction and restoration phases.



- iv) A remediation strategy detailing how contamination of controlled waters would be dealt with.
- v) Details of the timing of works and methods of working for cable trenches and foundation works.
- vi) Dust management.
- vii) Disposal of surplus materials.
- viii) Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise).
- ix) Temporary site illumination.
- x) The construction of the access into the site and the creation and maintenance of visibility splays.
- xi) Wheel cleaning facilities
- xii) Arrangements for keeping the site entrance and adjacent public road clean.
- xiii) Post-construction restoration and reinstatement of the working areas.

The approved Construction Method Statement shall be implemented and maintained for the duration of the construction works.

Reason: To ensure the development is constructed in a satisfactory manner

(15) Notwithstanding the submitted details and prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority for the control of surface water from the site. The scheme shall include:

- i) Detailed calculations outlining surface water run off and the total surface water storage capacity required.
- ii) Detailed plans ( including cross sections ) indicating the size and location of storage tanks and lagoons
- iii) Details of the hydro brake, which shall not allow water to discharge from the site at more than 27 litre per second , and discharge point of surface water to adjacent watercourses

iv) Details of wildlife friendly features.

The scheme as approved shall be completed prior to the first beneficial use of the site.

Reason

In interest of flood prevention.

(16) Prior to the commencement of development a foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented prior to the first beneficial use of the site

Reason: To prevent pollution of the environment.

(17) Prior to the first beneficial use of the site a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented prior to the first beneficial use of the site.

Reason: In the interest of sustainability.

(18) The noise rating level emitted from Maesgwyn Renewable Energy and Recycling Facility (cumulative impact of the anaerobic digestion facility, recycling and composting facility, biomass power plant and wood pellet manufacturing facility and wind farm) shall not be greater than the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Authority. Measurements and assessments shall be made in accordance with BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas

Reason

In the interest of amenity

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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.

It is considered that the proposal does not have an adverse effect on air quality, Public health, ecology, hydrology and flooding, visual amenity, waste, noise, residential amenity, traffic, social and economic conditions and therefore accords with policies GC1, GC2, ENV1, ENV3, ENV5, ENV13, ENV15, ENV17, ENV28, ENV29, T1, EC1, EC5, IE2, IE6, W1, W4 and W6 of the Neath Port Talbot Unitary Development Plan.

<b><u>ITEM 1. 2</u></b>	
<b><u>APPLICATION NO:</u> P/2013/349</b>	<b><u>DATE:</u> 01/05/2013</b>
<b>PROPOSAL:</b> Change of use of ground floor residential accommodation to shop (Class A1) and part change of use of first floor from pub function room to residential use	
<b>LOCATION:</b> New Inn, New Inn Place, Resolven, Neath , SA11 4LG	
<b>APPLICANT:</b> Mr Natgunasingham Gowribalan	
<b>TYPE:</b> Change of Use	
<b>WARD:</b> Resolven	

### **BACKGROUND INFORMATION**

#### **Background Information:**

Members should note that this application is reported to the Planning and Development Control Meeting at the request of Councillor D Davies who has highway concerns over the close proximity of the application site to the A465.

#### **Planning History:**

P2004/1530    Change of use from public    Approved    23/11/2004  
house to private dwelling  
(single)

#### **Publicity and Responses (if applicable):**

Resolven Community Council – No Response

Head of Engineering & Transport (Highways Section) – Objection on the grounds that the development will result in an increase in on street parking congestion and the deliveries to the shop would create issues with the bus stop and vehicles negotiating parked cars and possible queues backing on to the A465, which would cause a road safety concern.

Trunk Road Agency – No Response

The application was advertised on site and 5 Neighbouring Properties

were consulted – 4 letters of objection have been received which are summarised as follows:

- There are several shops in close proximity.
- Concerns over pedestrian safety as there is a Youth Club opposite. There are also highway safety concerns due to the proximity of the dual carriageway and speed of traffic on this stretch of road.
- The development will result in an unacceptable impact on existing residents parking. Sardis Chapel car park tends to be used for people who car share, this would reduce parking facilities for the shop. School buses park outside the shop and the public bus stop is close by.
- Litter nuisance, possibility of vermin, noise and disturbance.
- Lighting on the shop would distract drivers.
- Concerns over deliveries to the shop and early morning papers.
- A neighbouring resident shares the alley way between their property and the proposal and has concerns over the alley being kept clear and that drink won't be consumed in the alleyway.
- Rubbish bins if provided outside the shop will have a detriment impact on visual amenity and be incongruous to the entrance of Resolven.
- The name of the application site is Cockle Ally House.
- The description of the proposal is inaccurate as the property was sold as a dwelling at auction.
- The brewery told previous owners that no alcohol was to be sold at the premises and the brewery took certain equipment out of pub that is why the auction price was so low.
- Queries over how family can operate the shop for such long hours and the 15 year old son was manning the surveillance cameras and why was he not at school.
- The footbridge that crosses the A465 comes down the path close to the application site and if the forecourt area is congested with vehicles how will pedestrians use the bridge safely.

### **Description of Site and its Surroundings:**

The application site is the former New Inn Public House, Resolven.

The former public house is a substantial sized traditional two storey end of terraced stone built building. The façade of the building has been rough rendered and painted in a cream colour, has a slate roof with terracotta ridge tiles and has white Upvc fenestration. The building has a

pitched roof which runs parallel to the highway to the front of the building and there is a central front projection at first floor level which provides space for a cantilevered bay window and above this is an ornate roof feature of a semi circular hipped roof with terracotta ridge tiles on each of the rising joints. There is also living accommodation in the attic area.

The building fronts directly onto the highway and has residential properties to either side, the highway to the front and open land to the rear.

There is no car parking provision available at the premises at present.

### **Brief Description of Proposal:**

This proposal seeks planning permission to change the use of the ground floor of the premises from residential (Class C3) to a shop (Class A1) and part change of use of the first floor, which is still laid out as a function room in association with the former use of the premises as a public house (Class A3) to residential (Class C3).

There will be no external alterations undertaken as the façade of the premises has not been altered since its original use as a public house.

The ground floor will be laid out as a shop area, office, toilet, kitchen and stairwell and the first floor will accommodate a living room, dining room, kitchen, 4 bedrooms and a bathroom. There will also be attic rooms consisting of 2 bedrooms but this arrangement exists already.

All of the accommodation on the upper floors is accessed via a staircase located to the rear of the shop. Therefore the accommodation on the upper floors cannot be independently accessed.

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion is not required for this application.

### **Material Considerations:**

The material issues to be considered in relation to this planning application are the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and also

highway and pedestrian safety having regard to prevailing planning policies.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

- GC1 New Buildings/Structures and Changes of Use
- EC3 Creation or expansion of businesses within settlement limits
- T1 Location, Layout and Accessibility of new proposals
- H6 Conversions to and subdivision of dwellings and other premises

As the proposed site is located within the settlement limits as defined in the UDP, the principle of creating a shop with residential accommodation above would be acceptable in principle, provided there would be no unacceptable impacts upon infrastructure, visual or residential amenity or highway safety.

It is also anticipated that this proposal will generate employment opportunities and will result in the diversification of the business within the site and therefore assist in the retention of a community facility within Resolven.

### **Visual Amenity:**

With regard to visual amenity, as there will be no external alterations to the building as a consequence of this proposal, it is considered that the development would not impact upon the character and appearance of the building, the surrounding area or the streetscene in which the application site is located.

As such it is considered that the change of use would have no material adverse impact upon the character or appearance of the surrounding area.

### **Residential Amenity:**

In terms of residential amenity, by virtue of the fact that there are no external alterations to the premises, it is considered that there is no unacceptable overbearing or overshadowing impact on the adjacent properties. In terms of noise and disturbance it must be acknowledged that the historic use of premises was a former public house with a former function room on the first floor. The property gained planning permission

in 2004 for the change of use to a residential dwelling, this use it seems was part implemented with the retention of the function room on the first floor of the property. The Planning Officer has received conflicting information from residents in Resolven as to whether the residential use was ever implemented, especially due to the fact that the function room has been retained and the shelves still hold glasses and drinks. In addition to this, the front elevation of the building has retained the public house façade which has been boarded up for years. However, the Council's Council Tax records seem to indicate that the use of part of the property was residential, this has also be confirmed in letters of objection from one neighbour. Furthermore, photographic evidence is available to demonstrate that the first floor of the building has not been converted to residential use and retains the layout and associated facilities to demonstrate that the function room use has not been superseded.

The removal of the residential use from the ground floor and the function room from the first floor and their replacement with a convenience store with family living accommodation on the first floor is unlikely to result in an increase in noise and disturbance to neighbours over and above the historic use of the former public house.

Furthermore there are 11 shops and a public house between the application site and the bend in the road at the centre of Resolven and all have yellow lines in front of their premises, some single and some double yellow lines. This dispersal of retail uses within the existing residential area dictates that the area is characterised as mixed in use rather than being wholly residential. The application site is also located in a busy area just off the A465, and as such it is considered that the amenities of neighbours will not be affected by the change of use of the property over and above that which would previously and to a certain extent is currently being experienced.

### **Highway Safety (Access, Parking and Traffic flows):**

In terms of highway safety, the Head of Engineering and Transport (Highways Section) has objected to the proposal on the grounds that the proposed development will exacerbate existing parking congestion and no safe provision is made for either customer parking or parking arrangements for deliveries. The development is therefore likely to result in an increase in on street parking within adjacent streets namely New Inn Place and Rose Cottages. Another issue could be that vehicles especially deliveries park on Commercial Road, this would create issues with the bus stop and vehicles negotiating parked cars and possible queues



backing on to the A465 which would be a road safety concern.

Concerns are also raised in relation to the layout of the highway at this location, as it does not present itself to busy traffic movements which are likely to arise as a consequence of this development.

As a consequence of the above the Head of Engineering and Transport recommends refusal of the application on the grounds that the development will result in an increase in indiscriminate parking by customers and delivery vehicles due to the lack of adequate loading and unloading facilities and the resultant impact this will have upon the safety and free flow of traffic upon the public highway and safety of pedestrians.

In response to these concerns, it should be noted that the former use of the first floor and the roof void were as a function room and a five bedroomed flat. Under the planning legislation the flat could be occupied by up to six individuals living together as a single household. Furthermore the use of the function room for private parties and events was also likely to have led to a significant demand for parking facilities. This former use and its demands upon parking cannot be ignored when considering the parking requirements associated with the uses which are sought under this application. The development will result in the removal of the function room which will amount to a loss of a floor area of approximately 44.37m<sup>2</sup>. Notwithstanding the fact that there is little off street parking available, the adopted parking guidelines for this authority require the provision of 1 car parking space for every 5m<sup>2</sup> of public house floor space. This development will result in the loss of 44.37m<sup>2</sup> of public house floor space which equates to between 8 and 9 parking spaces. The residential unit would require 3 parking spaces.

As a result and notwithstanding the fact that there are no dedicated parking facilities for the building at present, the lawful use requires between 11 and 12 parking spaces.

The proposed use of the building as a shop, office and residential use would require only 6 parking spaces. This is between 5 and 6 spaces less than would be required for the lawful use of the building and as such would have less of an impact upon on street parking than the lawful use of the property.

Furthermore it should be noted that there are no parking restrictions in place outside the application site, and inspections of the site and its

surroundings have indicated that there is on street parking capacity within the surrounding area. It should also be noted that the lack of parking associated with convenience shops is not uncommon, as is the case with the other shops in the village of Resolven where customers either walk to the premises from the surrounding community, given that it is a local shop, or alternatively they have to find a parking space within the surrounding area.

As indicated above, there is no parking provision within the site and little scope for on-street car parking on New Inn Place even though there are no parking restrictions on the highway. However, there is a Council owned car parking area and on-street provision exists to the south west of the site off Commercial Road, at approximately 20 metres from the site. This form of car parking would not be suitable for a residential dwelling, however as stated above it is not uncommon for convenience stores to have off-site parking within close proximity. The car park is across the main road from the application site and the on street parking areas are to the south west of the site beyond Sardis Baptist Church. It is therefore considered appropriate to serve the limited demands of the proposal.

Furthermore it should be noted that if the property had not been converted partly into a residential unit and had retained its use as a public house, it would not have required planning permission to convert to a shop as there are permitted development rights afforded to such changes of use. Moreover the existing first floor of the premises could still be converted to a shop without planning permission, as its use as a public house has not been superseded. This proposal is therefore effectively swapping the lawful land uses between floors, i.e. the lawful residential use on the ground floor is moving to the first floor, while the vacant public house use on the first floor which has permitted development rights available to convert to a shop is moving from the first floor to the ground floor.

Turning to the issue of deliveries, the above lawful uses cannot be dismissed given that the proposal is effectively swapping uses within the building and as such the lawful uses could result in similar deliveries to that currently proposed. It should also be noted that the former use would have had regular dray deliveries, which would have a similar impact upon traffic. Therefore it is not considered that the concerns regarding one delivery a week to the premises can be justified as a reason for refusal.

As stated earlier in this report the lawful use cannot be discounted as a material planning consideration. As a result a refusal on highway grounds is unjustified.

Concerns have also been raised by a neighbouring resident over the siting of an existing bus stop which is in close proximity to the application site. The bus stop is on the New Inn side on the corner of Ynys Fach Avenue and is used as a pick up and drop off point for passengers travelling towards Neath. Across the Road from the New Inn is the bus stop for passengers wishing to travel up the valley. The stop is not directly opposite the New Inn, therefore the Head of Transport and Engineering raises no objection to the proposal. It is considered therefore, that the siting of the existing bus stop having regard to the proposed uses will not exacerbate traffic problems around the application site.

**Landscaping:**

Not Applicable.

**Ecology (including trees & Protected Species):**

Not Applicable.

**Flooding:**

The site is located with Zone C2 as defined in TAN 15. However, Natural Resources Wales have taken account of the fact that the proposal will move the existing residential use from the ground floor, up to the first floor level to allow the ground floor to be used for retail and office purposes. Although the site is considered to be at risk of fluvial flooding from the Clydach Brook, Natural Resources Wales consider the proposal to be an improvement to the existing scenario as the more sensitive land use will be relocated to the upper levels of the property. Furthermore a condition can be imposed to state that flood evacuation signs be located at access-egress routes and the surrounding area.

**Pollution (air and ground):**

None.

**Others (including objections):**

Four letters of objection have been received, which are summarised and responded to as follows:

- **There are several shops in close proximity** – This is not a

planning consideration, competition would be down to market forces.

- **Concerns over pedestrian safety as there is a Youth Club opposite. There are also highway safety concerns due to the proximity of the dual carriageway and speed of traffic on this stretch of road** – There is a car park between the Youth Club at the chapel and the application property and it is considered that the opening of a shop on a road off the main road would not increase the speed of the traffic along this stretch of road.
- **The development will result in an unacceptable impact on existing residents parking** Sardis Chapel car park tends to be used for people who car share, this would reduce parking facilities for the shop. **School busses park outside the shop and the public bus stop is close by** – As stated earlier the Head of Engineering and Transport has confirmed that the bus stop on the New Inn side on the corner of Ynys Fach Avenue is the pick up and drop off point for passengers travelling towards Neath. Across the road from the New Inn is the bus stop for passengers wishing to travel up the valley. The stop is not directly opposite the New Inn, If buses are actually allowing children to alight outside the New Inn, complainants should contact the Home to School Transport Section as this would be a breach of contract.
- **Litter nuisance, possibility of vermin, noise and disturbance** – This would be a matter for the Council's Environmental Health Section and the police.
- **Lighting on the shop would distract drivers** – Advertisement consent would be required for certain illuminated signs and as such the planning department would maintain control over such illumination. In terms of lighting, it is not anticipated that the shop would have lighting which would be any different to any other shop.
- **Concerns over deliveries to the shop and early morning papers** – The applicant has indicated that there will be one delivery lorry per week and the daily supplies will be collected by the applicant.
- **A neighbouring resident shares the alley way between their property and the proposal and has concerns over the alley being kept clear and that drink won't be consumed in the alleyway** – This would be a civil and police matter, however, a condition will be imposed on the consent that there will be no outside storage of any shop related items in this alley way.
- **Rubbish bins if provided outside the shop will have a detriment impact on visual amenity and be incongruous to the entrance of**

**Resolven** – Due to the size of a rubbish bin it is considered that they would not constitute an incongruous feature to the entrance of Resolven.

- **The name of the application site is Cockle Ally House** – There is a location plan with the application which clearly identifies the property.
- **The description of the proposal is inaccurate as the property was sold as a dwelling at auction** – The enforcement officer has photographic evidence that the function room is still in place and as such the description for the application is accurate.
- **The brewery told previous owners that no alcohol was to be sold at the premises and the brewery took certain equipment out of pub that is why the auction price was so low** – These details are not material planning considerations.
- **Queries over how family can operate the shop for such long hours and the 15 year old son was manning the surveillance cameras and why was he not at school** – The Division of labour and individual work hours are not a planning matter. Nevertheless, the opening hours can be controlled by a condition.
- **The footbridge that crosses the A465 comes down the path close to the application site and if the forecourt area is congested with vehicles how will pedestrians use the bridge safely** – This footbridge descends onto the public footway which is separated from the application site by a landscaped area and the road of New Inn Place, therefore it is considered that pedestrians can continue to use the bridge safely as there will be no change to the existing situation.

## **Conclusion:**

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character or appearance of the surrounding area and given the nature of the development is likely to enhance employment opportunities and community uses within the area in accordance with the aims of the development under policy EC3.

Whilst concerns have been expressed with regard to the increased demand for parking, the adopted parking guidelines indicate that the development will result in the need for less parking spaces than the existing use of the premises and as such should result in less on street parking. Furthermore it is likely that the number of deliveries proposed for the use is restricted and could potentially arise if permitted

development rights were utilised. It is not therefore considered that the development will result in an increase in on street parking congestion or deliveries over and above the current/lawful situation, and as such the development will not have an unacceptable adverse impact upon highway safety.

In view of the above it is considered that the development would be in accordance with Policies GC1, H6, T1 and EC3 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

**RECOMMENDATION:      Approval with Conditions**

**CONDITIONS:**

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) The use hereby permitted shall not be open to customers outside the following times:

Monday to Sunday 7am-10pm

Reason

In the interest of the amenities of the area.

(3) There shall be no outside storage of any non domestic items.

Reason

In the interest of residential and visual amenity.

(4) There shall be no deliveries to the premises between the hours of 22.00 to 07.00 seven days a week.

Reason

In the interest of highway safety and residential amenity.

**REASON FOR GRANTING PLANNING PERMISSION**

The decision to grant 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.

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character or appearance of the surrounding area and given the nature of the development is likely to enhance employment opportunities and community uses within the area in accordance with the aims of the development under policy EC3.

Whilst concerns have been expressed with regard to the increased demand for parking, the adopted parking guidelines indicate that the development will result in the need for 2 less parking spaces than the existing use of the premises and as such should result in less on street parking. It is not therefore considered that the development will result in an increase in on street parking congestion and as such the development will not have an unacceptable adverse impact upon highway safety.

In view of the above it is considered that the development would be in accordance with Policies GC1, H6, T1 and EC3 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

<b><u>ITEM 1. 3</u></b>	
<b><u>APPLICATION NO:</u> P/2013/406</b>	<b><u>DATE:</u> 28/05/2013</b>
<b>PROPOSAL:</b>	<b>Detached garage</b>
<b>LOCATION:</b>	<b>55 Beverley Street, Port Talbot, SA13 1EB</b>
<b>APPLICANT:</b>	<b>Mr Shofiqur Rahman</b>
<b>TYPE:</b>	<b>Householder</b>
<b>WARD:</b>	<b>Port Talbot</b>

### **BACKGROUND INFORMATION**

#### **Background:**

This application has been reported to Committee as the applicant is a close family member of Cllr. Rahaman.

#### **Planning History:**

P2011/0237 – Single storey rear extension – Approved 23/05/11

#### **Publicity and Responses:**

The application was advertised on site and one neighbouring property was individually consulted: No response received.

#### **Description of Site and its Surroundings:**

55 Beverley Street is a traditionally designed end of terrace dwelling house sited in a street of similar dwellings. It has a front, rear and side garden and pedestrian access is on the northern side of the dwelling. The property is attached on the southern side to a neighbouring dwelling, while Tan y Groes Street lies to the north of the property, Beverley Street to the front and a lane to the rear. The topography of the site is relatively flat.

The property previously had planning permission for a single storey rear extension which has been completed.

The submitted plans indicate that the applicant will be creating a hard



standing to the northern front/side of the dwelling which will be accessed from Beverley Street. The creation of the hard standing does not require planning permission. However, as the proposed access is near the junction with Tan y Groes Street, the Head of Transportation and Engineering was asked for advice and responded saying that the applicant should reduce the height of the stone wall on the northern and eastern corners of the application boundary to a metre in height, so that any potential highway visibility issues from vehicles accessing and egressing the property would be addressed. As such, the agent was contacted and advised of the concerns, and has amended the original block plan, which now shows the section of the boundary wall coloured in red, that will be reduced to 1 metre in height to satisfy the Highway Authority.

The agent was also advised that the concrete blocks which have been sited above the existing stone wall would require planning permission as they are sited above an existing stone wall and over 1 metre in height adjacent to a highway. Furthermore, as the materials do not match those of the original stone wall they are considered to be unacceptable in terms of visual amenity and are required to be removed. The agent has also indicated on the submitted plan that the boundary stone wall will be returned to its original height by the removal of the unauthorised block work. Should planning permission be granted, a note will be included upon the decision notice to this effect, and in the event that it is not removed within the time period specified, the breach will be referred to Enforcement for further investigation.

### **Brief description of proposal:**

Full planning permission is sought for the construction of a detached irregular shaped garage which will be narrower at the front elevation adjacent to the rear lane and wider at its rear elevation. It is to be sited in the rear garden of the application site. The main roof of the garage will be ridged with a flat fibreglass roof on the part of the garage closest to the boundary wall with Tan Y Groes Street.

The garage will have a length of 6 metres, a width at its narrowest part of 3.8 metres and 4.8 at its widest part with an eaves height of 2.3 metres. The flat roof will have a maximum height of 2.4 metres and the ridged roof will have a maximum height of 3.4 metres. Two windows and a door will be sited on the rear elevation and a roller shutter garage door will be sited on the front elevation. No windows or doors will be sited on the side elevations.

The external materials will comprise of rendered spar dashed concrete block work, colour coated steel sheeting to the ridged part of the roof with fibreglass to the flat part of the roof. The windows and door will be upvc with a roller shutter door.

### **Material Considerations:**

The main issues to be considered in the determination of this application are the impact upon the amenity of residents within the neighbouring properties, the impact upon the character and appearance of the surrounding area and the impact upon highway safety, having regard to prevailing planning policies.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

Policy GC1 – New Buildings/Structures and Changes of Use  
ENV17 – Design

### **Visual Amenity:**

The external materials of the garage will be in keeping with those of the existing dwelling house. Whilst it is acknowledged that the proposed garage can be viewed from the street, it has a size, design and finish which is typical of garages and outbuildings within the rear gardens of residential properties in the surrounding area. The irregularly shaped flat roof element will, for the most part, be obscured by the stone boundary wall and would not therefore have such an adverse visual impact that could justify refusal of the application. Furthermore, there are garages of various heights and designs sited in the rear gardens of a number of neighbouring properties which are accessed off the rear lane.

It is therefore considered that due to its size, siting and design the proposed garage will be in keeping with the property and will not have an unacceptable adverse impact on or detract from the character and appearance of the street scene or the surrounding area to which it relates.

### **Residential Amenity:**

With regard to residential amenity, the detached garage will be sited adjacent to the existing northern boundary stone wall in the rear garden and will be sited a distance of approximately 0.8 metres from the 1.8

metre high boundary wall/fence and the neighbour's garage within the adjoining property, no. 53 Beverley Street. The garage will have an eaves height of 2.3 metres with a maximum ridge height of 3.4 metres and the ridge will be a distance of approximately 2.6 metres from the neighbours boundary wall and garage. Taking into consideration its position in relation to the neighbour's existing boundary treatment and garage it is not considered to have an adverse impact with regard to overbearing or overshadowing issues on this property.

Two windows will be sited within the rear elevation of the garage which will look into the applicant's garden. The existing boundary wall will, for the most part, screen the windows of the garage from the neighbouring property, and as the garage is not considered to be a habitable room they are not considered to have an unacceptable adverse impact with regard to overlooking to the rear garden of the neighbouring property.

Therefore, it is considered that due to its size, siting and design the proposed garage is not considered to have an unacceptable adverse impact in relation to overlooking, overbearing or overshadowing issues to the detriment of the amenities of the occupiers of the neighbouring property.

### **Highway Safety:**

With regard to highway and pedestrian safety, the proposed garage will be set back 0.8 metres from the rear lane and will have a roller shutter door on the elevation facing onto the lane. The property currently has no parking within the curtilage of the application site and the addition of the proposed garage will have the added benefit of providing off street parking. As a result it is considered that the proposed garage will not have an adverse impact on highway or pedestrian safety.

### **Others:**

None.

### **Conclusion:**

It is considered that the proposed garage will not have a detrimental impact upon the amenities of residents within the adjoining dwellings, or upon the character and appearance of the surrounding area by virtue of its size, siting and design. Hence, the proposed development would be in accordance with Policies GC1 and ENV17 of the Neath Port Talbot

Unitary Development Plan.

**RECOMMENDATION:**      **Approval with Conditions**

**CONDITIONS;**

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

**REASON FOR GRANTING PLANNING PERMISSION**

The decision to grant 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.

It is considered that the proposed garage will not have a detrimental impact upon the amenities of residents within the adjoining dwellings, or upon the character and appearance of the surrounding area by virtue of its size, siting and design. Hence, the proposed development would be in accordance with Policy GC1, Policy ENV17 of the Neath Port Talbot Unitary Development Plan and the Policy document entitled 'A guide to Household Extensions'.

## 2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

<b><u>ITEM 2.1</u></b>	
<b><u>APPLICATION NO:</u> P/2012/808</b>	<b><u>DATE:</u> 16/04/2013</b>
<b>PROPOSAL: Demolition of existing buildings and construction of 3 dwellings (outline)</b>	
<b>LOCATION: Land at, CEFN YR ALLT, ABERDULAIS, NEATH, SA10 8HE</b>	
<b>APPLICANT: Mr David Davies</b>	
<b>TYPE: Outline</b>	
<b>WARD: Aberdulais</b>	

### **BACKGROUND INFORMATION**

#### **Background Information:**

Members should note that this application is reported to the Planning and Development Control Committee at the request of Cllr. D Jones who has concerns relating to the officer recommendation of refusal on highway and pedestrian safety grounds. Cllr. Jones maintains that a consistent approach is not being adopted given that previous development has been approved in the vicinity of the site that utilises the same road system that would serve this proposed development.

#### **Planning History:**

None

#### **Publicity and Responses (if applicable):**

**The application was advertised on site:** No response received.

**Biodiversity Unit:** No objection, subject to conditions

**The Coal Authority:** No objection, subject to conditions

**Aboricultural Officer:** No objection, subject to conditions

**Head of Engineering & Transport (Highways):** Recommends refusal

**Head of Engineering & Transport (Drainage):** No objection, subject to conditions

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

**Building Control (Demolitions):** Notified

**Head of Property and Regeneration (Estates):** No response, therefore no observations to make

**Blaenhonddan Community Council:** No objection

#### **Description of Site and its Surroundings:**

The application site is located on land at Cefn Yr Allt, Aberdulais.

The application site is a rectangular shaped parcel of land measuring approximately 0.15 hectares in area. It is relatively flat in profile, with only a small change in levels towards the western boundary where they slightly decrease. The site has a maximum width of approximately 48.0m at the front reducing to 46.0m at the rear, and a maximum depth of 22.0m. Vehicular access to the site is via Cefn Yr Allt, which at a point close to the application site, reduces to a country lane that links Aberdulais to Crynant. The site is bounded by open land to the north and east, land belonging to a community centre to the west and Cefn Yr Allt to the south.

The site is currently occupied by a number of sheds and containers which the applicants state are used as storage for agriculture, vehicles and various other uses.

The site is located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP).

#### **Brief description of proposal:**

This application seeks outline planning permission for the erection of three detached dwellings. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

In line with the new outline requirements, the applicant has submitted an indicative layout and scale parameters. These illustrate the demolition of the existing buildings on site and their replacement with three single detached dwellings fronting onto Cefn Yr Allt.

The indicative scale parameters provided in support of this application indicate the proposed dwellings will measure between 10m-13.0m wide, 10m-12m in depth and 6.0m-8.5m high.

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

As the development is not Schedule 1 nor Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application.

### **Material Considerations:**

The main issues for consideration with regards to this planning application are the principle of residential development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regard to prevailing planning policies.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

- GC1 New Buildings/Structures and Changes of Use
- H3 Infill and Windfall Development within Settlements
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- H4 Affordable Housing
- ENV5 Nature Conservation

As the proposed site is located within the settlement limits as defined by Policy H3 of the UDP, the principal of a residential development at this location is generally acceptable in terms of planning policy, provided there are no overriding highway, amenity or service objections.

With regards to the issue of affordable housing, Supplementary Planning Guidance on Affordable Housing was adopted by the Council in July 2008. This policy requires 20% affordable housing provision to be sought

from all developments of 3 dwelling units or above, with a computed sum being sought for developments between 3 and 4. As such in the case of this development which is for three dwellings, a commuted sum will be sought for affordable housing provision. This issue can be dealt with via a suitably worded planning condition.

In respect of Code for Sustainable Homes and TAN 22, the applicant has chosen not to provide a Code for Sustainable Homes pre-assessment. However, within the submitted Design and Access Statement the applicant makes a commitment that the proposed development will be designed to reach the required Code Level 3 and achieve 1 credit under category Ene1. Suitably worded conditions will be imposed on the permission, should it be granted, requiring a design stage assessment and related certification, together with a post construction stage assessment and a final code certificate indicating the levels achieved.

#### **Visual Amenity:**

As previously stated above, the proposed development seeks outline permission with all matters of access, appearance, landscaping, layout and scale reserved for subsequent approval. As such, there are no specific design details available.

However, as the application site has an approximate width of 48.0m and a maximum depth of 22.0m it is considered to be adequate in size to ensure that three detached dwellings could be constructed within the confines of the submitted scale parameters without having an adverse impact upon the character and appearance of the surrounding area.

#### **Residential Amenity:**

In respect of potential overbearing and overshadowing impacts, the location of the site dictates the nearest existing residential properties are located approximately 45.0m to the south west of the application site. Given this significant separation distance it is considered that three dwellings could be constructed at this site without having an unacceptable overbearing and overshadowing impact upon existing neighbouring properties.

In addition, it is considered that the site is sufficient in size to accommodate three detached dwellings which could be sited to ensure that there will be no unacceptable overbearing or overshadowing issues to the detriment of the amenities of the future occupiers of those properties.



Turning to potential overlooking issues, as referred to above, there is adequate separation distance between the proposed development and existing residential properties to ensure that three dwelling could be erected on the application site without creating any unacceptable overlooking issues.

Furthermore, it is considered that the proposed indicative layout demonstrates that a satisfactory level of privacy and private amenity space could be achieved for the future occupiers of the proposed dwellings.

### **Highway Safety (Access, Parking and Traffic flows):**

The Head of Engineering and Transport (Highways Section) recommends that the application is refused. This is on the grounds that the access route to the proposed development from the built up section of Cefn yr Allt is an inadequate and is an unsatisfactory (given its width, alignment and lack of footway provision) means of access to the proposed development and further residential development will be detrimental to the safety and free flow of traffic and pedestrians. Furthermore, the applicant does not appear to have control over the land required to improve this section of highway.

In addition to the above, the access into Fforest Hill off the A4109 is inadequate and any further development served by this access creating additional traffic generation has to be resisted on the grounds that the generation of additional using the junction of Fforest Hill/Dulais Close with the A4109 will be detrimental to the safety and free flow of existing traffic using the junction and pedestrians who may be crossing it or walking into Fforest Hill.

Notwithstanding the above, concern has been raised by the local ward member that planning permission has been granted for a stable facility further along Cefn Yr Allt and that there was no highway objection to this proposal. It is noted that users of the approved stable facility would use the same highway network adjudged (above) as unsuitable to serve the development proposed under this application. However, the planning permission for the stable facility is restricted to a private use and does not therefore allow a commercial use such as a livery. As such, it is considered that the approved stable would not generate any significant levels of vehicular movements, particularly when considered that the field

within which the stable is located could be lawfully used for an equestrian use without the benefit of planning permission (the structure being the only element that requires planning permission). Furthermore, the levels of traffic generation associated with a private stable would be significantly less than those associated with three detached dwellings as proposed under this application.

It should also been noted that planning permission (2/3/95/0162/03) has previously been refused and a subsequent appeal (APP/T6715/A/95/509036/P3) dismissed in 1996 for the erection of 5 houses at Dulais Close, Aberdulais. This appeal was dismissed on the grounds of highway safety given the inadequacy of the Dulais Drive / A 465 (T) junction. The Inspector noting that “rarely have I seen a link with a trunk road which is as dangerous to negotiate as the Dulais Drive / A 465 (T) junction”. While it is accepted that the A465 is now known as the A4109, this appeal decision is relevant and the same concerns still stand given that Dulais Close and Fforest Hill (that eventually leads to Cefn Yr Allt) are both served from the same problematic junction leading from the A4109 (formerly the A465).

**Landscaping and Ecology (including trees & Protected Species):**

As previously stated, landscaping of the site is reserved for subsequent approval. Nevertheless, the Biodiversity Unit raises no overriding objection to the proposed development, subject to conditions. It is therefore considered that the principle of a residential development would be acceptable in terms of landscaping and ecology.

**Flooding:**

Not Applicable.

**Pollution (air and ground):**

Not Applicable.

**Others (including objections):**

None.

**Conclusion:**

It is considered that the principle of a residential development for the construction of three dwellings at this site would not have a detrimental impact upon residential amenity, or upon the character and appearance of the surrounding area. However, given the inadequacy of the access route to the site and also the junction from the A4109 serving Fforest Hill/Dulais Close, the proposed development is likely to result in an unacceptable impact upon highway safety and as such would be contrary to policies GC1 and T10 of the Neath Port Talbot Unitary Development Plan together with Technical Advice Note 18.

**RECOMMENDATION:**      **Refusal**

**CONDITIONS:**

(1) The primary access route to the proposed development from the built up section of Cefn yr Allt is an inadequate and unsatisfactory means of access to the proposed development by virtue of its inadequate width and alignment. Further residential development at this location will be detrimental to the safety and free flow of traffic and pedestrians. Hence, the proposed development is contrary to policies GC1 and T10 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note 18.

(2) The proposed development would result in an increase in traffic generation at the inadequate access point into Fforest Hill / Dulais off the A4109 which would be detrimental to the safety and free flow of traffic using the junction and pedestrians who may be crossing it or walking into Fforest Hill. Hence, the proposed development is contrary to policies GC1 and T10 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note 18.

## SECTION B – MATTERS FOR INFORMATION

### 3. DELEGATED APPLICATIONS DETERMINED BETWEEN 12<sup>TH</sup> JUNE TO 2<sup>ND</sup> JULY 2013

1	App No. P/2012/860	Type Change of Use
Proposal	Change of use and alterations to 2 No barns into tourist accommodation	
Location	Plas Farm, Lane from Church Road to Plas Farm, Rhos Pontardawe, Swansea, SA8 3JQ	
Decision	Refusal	
Ward	Rhos	

2	App No. P/2012/1022	Type Full Plans
Proposal	Two storey detached building comprising of ground floor storage area and two bedroomed first floor residential accommodation.	
Location	Land North West of Crossways, Parc Newydd, Briton Ferry, Neath, SA11 2UP	
Decision	Refusal	
Ward	Briton Ferry We	

3	App No. P/2013/104	Type Full Plans
Proposal	17 No. Semi-detached and link two storey dwellings, and associated infrastructure.	
Location	Land at, 58 Cardonnel Road, Skewen, Neath, SA10 6BS	
Decision		
Ward	Coedffranc Cent	

4	App No. P/2013/150	Type Outline
Proposal	5 dwellings with associated engineering operations. (outline application with all matters reserved.)	
Location	Rear of, 11-19 Castle Street, Skewen, Neath	
Decision	Approval with Conditions	
Ward	Coedffranc Cent	

5	App No. P/2013/225	Type Discharge of Cond
Proposal	Details to be agreed in association with Condition 43 of Planning Permission P2010/222 (Approved on the 30/08/12) in respect of Piling methodology.	
Location	Former BP Transit Site, Fabian Way, Jersey Marine, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

6	App No. P/2013/241	Type Full Plans
Proposal	Single storey front extension	
Location	Lidl Supermarket, Ffordd Parc, Ynysderw, Pontardawe, Swansea, SA8 4EG	
Decision	Refusal	
Ward	Pontardawe	

7	App No. P/2013/268	Type Householder
Proposal	Single storey rear extension and a replacement detached ridged roof garage.	
Location	41A Dynevor Road, Skewen, Neath, SA10 6TF	
Decision	Approval with Conditions	
Ward	Coedffranc Nort	

8	App No. P/2013/299	Type Full Plans
Proposal	Erection of a temporary 61.5m high wind monitoring mast.	
Location	Land at, Newlands Farm, Margam, Port Talbot	
Decision	Approval with Conditions	
Ward	Margam	

9	App No. P/2013/302	Type Householder
Proposal	Retention of close-board timber fencing to northern and eastern boundaries.	
Location	17 Tudor Gardens, Waunceirch, Neath, SA10 7RX	
Decision	Approval with no Conditions	
Ward	Bryncoch South	

10	App No. P/2013/304	Type Scoping Opinion
Proposal	Scoping Opinion under Regulation 10 of the Town and Country Planning (Environment Impact Assessment) Regulations 1999 for retention of existing mine surface development, plus erection of new offices and welfare facilities; creation of a permanent car park; new materials and machinery storage area; construction of a footbridge and conveyor across the B4242 including a overland product conveyor to connect to a new rail loading facility at Unity Mine Railhead; creation of a mine waste repository at Forest Quarry 2 plus erection of an overland discard conveyor to connect it to the Aberpergwm coal preparation plant; use of Treforgan Colliery site and access drift for ventilation and emergency egress; renewal and extension of underground coal extraction boundary and Penstar tip reclamation scheme to include opencast development.	
Location	Aberpergwm Mine and Adjacent Land, Glynneath, Neath	
Decision	EIA Required	
Ward	Glynneath	

11	App No. P/2013/305	Type Change of Use
Proposal	Change of use from single dwelling (Use Class C3) to childrens home (Use Class C2)	
Location	Ty Groeswen, Lane from Glan Yr Afon Road to Bryndu House Farm, Bryndu, Pyle, Bridgend, CF33 6RA	
Decision	Approval with Conditions	
Ward	Margam	

12	App No. P/2013/332	Type Change of Use
Proposal	Change of use of vacant area (39 square metres) within an industrial unit (B1) to café (Class A3).	
Location	Unit B, Kenfig Industrial Estate, Margam, Port Talbot, SA13 2PE	
Decision	Approval with Conditions	
Ward	Margam	

13	App No. P/2013/345	Type Listed Building Cons
Proposal	Removal of timber suspended floor and replacement with an insulated concrete floor (application for Listed Building Consent)	
Location	Bethel Baptist Chapel, Aqueduct Terrace, Pontrhydyfen, Port Talbot.	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

14	App No. P/2013/347	Type Full Plans
Proposal	Construction of a detached pergola	
Location	Park House, Theodore Road, Port Talbot, SA13 1SP	
Decision	Approved with 5yr expiry only	
Ward	Port Talbot	

15	App No. P/2013/360	Type Householder
Proposal	First floor rear extension	
Location	7 Larkhill, Baglan, Port Talbot, SA12 8UE	
Decision	Approval with Conditions	
Ward	Baglan	

16	App No. P/2013/365	Type Householder
Proposal	Single storey extension and replacement flat roof over conservatory.	
Location	Fairview Bungalow, 112 Brytwn Road, Cymmer, Port Talbot, SA13 3EP	
Decision	Approved with 5yr expiry only	
Ward	Cymmer	

17	App No. P/2013/370	Type Full Plans
Proposal	Demolition of existing shed and rear single storey extension, proposed change of use of dwelling/ shop into 2 No 2 bed self contained residential units, two storey rear extension and front porch	
Location	52 High Street, Pontardawe, Swansea, SA8 4JH	
Decision	Approval with Conditions	
Ward	Pontardawe	

18	App No. P/2013/371	Type Householder
Proposal	Replacement roof to existing single storey side extension.	
Location	20 Old Road, Ynysmeudwy, Pontardawe, Swansea, SA8 4PN	
Decision	Approval with Conditions	
Ward	Pontardawe	

19	App No. P/2013/373	Type Change of Use
Proposal	Change of use from warehouse (Use Class B8) to prayer and meditation centre (Use Class D1).	
Location	Unit 43, Port Talbot Workshops, Addison Road, Sandfields, Port Talbot, SA12 6HZ	
Decision	Approval with Conditions	
Ward	Sandfields East	

20	App No. P/2013/396	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 2 (Materials) and 3 (mean of enclosure) of planning permission ref P2007/1378 granted on 7-11-08	
Location	Evandale, Tan Y Bryn Terrace, Cwmgwrach, Neath, SA11 5PU	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

21	App No. P/2013/400	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 12 (landscaping) of planning permission ref P2007/1378 granted on 7-11-08	
Location	Evandale, Tan Y Bryn Terrace, Cwmgwrach, Neath, SA11 5PU	
Decision	Approval with no Conditions	
Ward	Blaengwrach	



22	App No. P/2013/401	Type Householder
Proposal	Front Porch	
Location	88 Tir Morfa Road, Sandfields, Port Talbot, SA12 7PG	
Decision	Approved with 5yr expiry only	
Ward	Sandfields West	

23	App No. P/2013/404	Type Householder
Proposal	Rear Conservatory	
Location	57 Cimla Crescent, Cimla, Neath, SA11 3NR	
Decision	Approved with 5yr expiry only	
Ward	Neath South	

24	App No. P/2013/411	Type Householder
Proposal	Single storey side extension	
Location	13 Pen Y Wern, Croeserw, Cymmer, Port Talbot, SA13 3PP	
Decision	Approval with Conditions	
Ward	Cymmer	

25	App No. P/2013/428	Type Full Plans
Proposal	Retention and completion of building for use as care home (Class C2) in association with the adjacent nursing home and detached smoking shelter.	
Location	7 Mill Row, Pontardawe, Swansea, SA8 3AD	
Decision	Approval with Conditions	
Ward	Alltwn	

26	App No. P/2013/431	Type Change of Use
Proposal	Change of use from a single dwelling to two self contained flats	
Location	17 OSBORNE STREET, NEATH NEATH PORT TALBOTSA11 1NN	
Decision	Approval with Conditions	
Ward	Neath East	

27	App No. P/2013/441	Type Householder
Proposal	New ridged roof to existing garage.	
Location	Ty Derwen, Crynallt Road, Cimla, Neath, SA11 3RN	
Decision	Approval with Conditions	
Ward	Neath South	

28	App No. P/2013/445	Type App under TPO
Proposal	Works to 4 oak trees protected by Tree Preservation Order T2004/A1	
Location	67 Delffordd, Rhos, Pontardawe, Swansea, SA8 3EJ	
Decision	Approval with Conditions	
Ward	Rhos	

29	App No. P/2013/446	Type Householder
Proposal	Car port	
Location	3 Bryndulais Avenue, Seven Sisters, Neath, SA10 9ED	
Decision	Approval with Conditions	
Ward	Seven Sisters	

30	App No. P/2013/447	Type Householder
Proposal	Retention of rear flat roof dormer extension.	
Location	58 Park Drive, Lonlas, Neath, SA10 6SG	
Decision	Approval with no Conditions	
Ward	Coedffranc Nort	

31	App No. P/2013/450	Type Full Plans
Proposal	Retention of change of use from Retail (Use Class A1) to Offices (Use Class A2)	
Location	Ground Floor, 23 Windsor Road, Neath, SA11 1NB	
Decision	Approval with no Conditions	
Ward	Neath North	

32	App No. P/2013/453	Type Householder
Proposal	Demolition of existing store / W.C and construction of a single storey rear/side extension.	
Location	6 Hawthorn Avenue, Cimla, Neath, SA11 3NW	
Decision	Approval with Conditions	
Ward	Neath South	

33	App No. P/2013/457	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 21 (Pollution Prevention Measures) and 22 (Treatment or Removal of Suspended Solids from Surface Water Run-off) of Planning Permission P2012/0658 granted on 03/05/13.	
Location	Neath Car Sales, Neath Road, Briton Ferry, Neath, SA11 2AX	
Decision	Approval with no Conditions	
Ward	Briton Ferry Ea	

34	App No. P/2013/458	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 7 of Planning Permission ref. P2012/1149 (granted on 13/5/13) in respect of street lighting.	
Location	Foresters Lodge, Brombil Access Road, Margam, Port Talbot, SA13 2SR	
Decision	Approval with no Conditions	
Ward	Margam	

35	App No. P/2013/460	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 9 of Planning Permission P2012/1149 (granted on 13/5/13) in respect of the disposal of surface water.	
Location	Foresters Lodge, Brombil Access Road, Margam, Port Talbot, SA13 2SR	
Decision	Approval with no Conditions	
Ward	Margam	

36	App No. P/2013/463	Type Householder
Proposal	Demolition of Conservatory and construction of single storey rear extension.	
Location	16 Heol Pant Glas, Bryncoch, Neath, SA10 7UE	
Decision	Approval with Conditions	
Ward	Bryncoch North	

37	App No. P/2013/477	Type Householder
Proposal	Two storey side extension and rear conservatory	
Location	94 Brynau Wood, Cimla, Neath, SA11 3YQ	
Decision	Approval with Conditions	
Ward	Cimla	

38	App No. P/2013/478	Type Discharge of Cond
Proposal	Submission of details pursuant to Condition 2 of P2012/0953 (granted on 3/12/2012) in respect of a method statement for pollution prevention measures.	
Location	Aberavon West End Promenade, Sandfields, Port Talbot	
Decision	Approval with no Conditions	
Ward	Aberavon	

39	App No. P/2013/481	Type Screening Opinion
Proposal	Screening opinion under the Town and Country Planning (Environmental Impacts Assessment ) (England and Wales) Regulations 1999 as amended for a solar farm.	
Location	Cilcarn Farm, Port Talbot, SA13 2RA	
Decision	EIA Not Required	
Ward	Bryn & Cwmavon	

40	App No. P/2013/488	Type Householder
Proposal	Porch to front elevation.	
Location	13 Brynau Wood, Cimla, Neath, SA11 3YJ	
Decision	Approval with Conditions	
Ward	Cimla	

41	App No. P/2013/492	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 6 of planning permission ref: P2011/1019 granted on 05/12/12	
Location	The Bungalow, Baran Road, Pontardawe, Swansea, SA8 4RR	
Decision	Approval with no Conditions	
Ward	Pontardawe	

42	App No. P/2013/495	Type LawfulDev.Cert-Exist
Proposal	Lawful development certificate (existing) for residential use	
Location	9 Brynhyfryd Terrace, Seven Sisters, Neath, SA10 9BA	
Decision	Issue Lawful Dev.Cert.	
Ward	Seven Sisters	

43	App No. P/2013/496	Type Householder
Proposal	Removal of garage door and replacement with window.	
Location	27 Cloda Avenue, Bryncoch, Neath, SA10 7FH	
Decision	Approval with Conditions	
Ward	Bryncoch South	

44	App No. P/2013/497	Type Householder
Proposal	Steps and inclined wheelchair lift to front garden.	
Location	26 Blaenavon Terrace, Tonmawr, Port Talbot, SA12 9US	
Decision	Approval with Conditions	
Ward	Pelenna	

45	App No. P/2013/514	Type Householder
Proposal	Retention and completion of single storey side extension.	
Location	4 Friars Close, Court Herbert, Neath, SA10 7JB	
Decision	Approval with Conditions	
Ward	Dyffryn	

46	App No. P/2013/516	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 2 of Planning Permission ref. P2012/1149 (granted on 13/5/13) in respect of external materials	
Location	Foresters Lodge, Brombil Access Road, Margam, Port Talbot, SA13 2SR	
Decision	Approval with no Conditions	
Ward	Margam	

47	App No. P/2013/517	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 11 of Planning Permission ref. P2012/1149 (granted on 13/5/13) in respect of a Code of Sustainable Homes design stage assessment	
Location	Foresters Lodge, Brombil Access Road, Margam, Port Talbot, SA13 2SR	
Decision	Approval with no Conditions	
Ward	Margam	

48	App No. P/2013/518	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 3 (Design Stage 1 Code) of planning permission ref: P2012/0936 granted on 26/11/12	
Location	Land Adjacent Kimberley, Bryn Catwg, Cadoxton, Neath, SA10 8BG	
Decision	Approval with no Conditions	
Ward	Cadoxton	

49	App No. P/2013/520	Type Householder
Proposal	Two-storey side extension	
Location	33 Trevallen Avenue, Cimla, Neath, SA11 3US	
Decision	Approval with Conditions	
Ward	Cimla	

50	App No. P/2013/532	Type Discharge of Cond.
Proposal	Details pursuant to Condition 4 of Planning Permission P2012/871(Approved on the 01/11/2012) Code for Sustainable Homes Post Construction stage certification	
Location	Land to Rear of and Including, 102 Crymlyn Road, Skewen, Neath, SA10 6DT	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

51	App No. P/2013/565	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Condition 20 of Planning Permission P2010/222 (Approved on the 31/8/12) regarding gas monitoring	
Location	Land off, Fabian Way, Former BP Tank Farm, Crymlyn Burrows, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

52	App No. P/2013/597	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (materials to be used in the construction of external surfaces) of P2012/1085 granted on 08-Apr-2013	
Location	10 Khartoum Terrace, Onllwyn Road, Onllwyn, Neath, SA10 9HG	
Decision	Approval with no Conditions	
Ward	Onllwyn	