

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**20<sup>TH</sup> AUGUST 2013**

**DIRECTORATE OF ENVIRONMENT**

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

**AMENDMENT SHEET**

1.1	APP NO: P/2013/349	TYPE: Change of Use	Page Nos: 3-16	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 NEATH PORT TALBOT SA11 4LG			

A letter of concern has been submitted to the Authority by the applicant's agent. The letter can be summarised as follows:

**Sought clarification whether the minutes from the original committee are available as yet** – the planning officer has directed the agent to the committee clerks section to query this and has also forwarded a copy of the minutes to the agent directly.

**The original report which was approved subject to the additional condition should be issued** – As no formal decision notice has been issued yet, the application remains undetermined. Therefore, Officers' considered that in light of additional information that came to light during a recent meeting involving the Planning Officer and representatives of the Highway Authority and the local ward Member Cllr D Davies that the application could and should return to the Planning and Development Control Committee for further consideration with the additional information and officers' recommendations.

**Was Cllr D Davies in attendance at a meeting with the Planning Officer, 2 members of the Traffic Section and the Highway Officer as the Ward Member or as a member of the Planning Committee** – the Councillor was

invited to attend the meeting as the ward Member, with reference to his local knowledge.

**Concerns over the validity of seeking a S106 agreement in respect of an application which had effectively been determined** – Committee were minded to approve the application subject to the additional condition being imposed on the consent, however, on further consultation with the officers of the Engineering and Transport Section, concerns were raised that the proposed condition could potentially result in the exacerbation of the current highway issues within this locality and an alternative arrangement was proposed. As no formal decision notice had been issued on the application it was considered expedient to return the application to the next available Planning and Development Control Committee for Members' further consideration.

**The agent has raised concerns about the proposed alternative arrangements and whether they would meet the tests for the imposition of a condition or the requirement for a Section 106 agreement.** - The officers of the Engineering and Transport Section raised concerns that the extent of the proposed TROs would further exacerbate the current parking and highway safety issues within the area. Instead a lesser scheme is now proposed with a 5 year period of monitoring to assess whether further TROs are required to deal with the potential resultant on-street car parking issues resulting from the proposed development. The financial contribution has been identified as potentially being required to provide any further TROs that the monitoring of the situation identifies as being necessary. As this is a financial payment it must be secured by a Section 106 agreement. It is considered that the provision is necessary (subject to further monitoring), directly related to the development, fairly and reasonably related in both scale and kind to the development, and as such is considered to meet the test for Section 106 agreements.