

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**10<sup>TH</sup> SEPTEMBER 2013**

**ENVIRONMENT SERVICES**

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

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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/2013/43</b>	<b><u>DATE:</u> 11/07/2013</b>
<b>PROPOSAL:</b> Change of use of existing buildings to commercial livery.	
<b>LOCATION:</b> 2 Dan Y Lan Farm, Lane From Fairyland Road To Dan Y Lan Farm, Tonna, Neath SA11 3QD	
<b>APPLICANT:</b> Miss Catherine Liles	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Tonna	

### **BACKGROUND INFORMATION**

#### **Committee Reason:**

This application has been called to committee by Cllr Ceri Morgan on the grounds that she has concerns over access to this application both on Fairyland Road, which is narrow and windy and also the road from Fairyland Road to the site which again is narrow and will inevitably have to withstand an increased usage with people using the livery.

“There are also concerns over privacy for residents living nearby with traffic passing metres from their front door.”

#### **Planning History:**

P2004/0964 – Use of Dan Y Lan Farmhouse as separate dwellings:  
Approved – 10/08/2004

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

Statutory Consultees:

Tonna Community Council: No Response.

Head of Engineering and Transport (Highways): No objections.

The application was advertised on site and 2 neighbouring properties were consulted.

One letter of objection has been received and can be summarised as follows:

- The owner of Number 1 Dan y Lan Farm owns the farm lane leading from Fairyland Road and therefore allows access to the occupant of Number 2 Dan y Lan Farm.
- The objector struggles to see how both economically and/or providing a livery at this location will provide any benefit to historic value of Fairyland and Tonna.
- The objector quotes the reason for refusal on a different Planning Application off Fairyland Road.
- The objector raises the issues of traffic generation, highway and pedestrian safety and how this application will negatively affect each of them.
- The objector believes the ecology of the area will be affected by the change of use in terms of bats and barn owls living conditions.
- The issue of waste has been raised by the objector who believes the Livery will increase the amount of waste generated.
- The objector believes the farm buildings are unsafe.
- Congestion caused by the singular vehicular access.
- Parking Loading and turning.
- The proposed Livery would negatively impact on safety, amenity and privacy, noise and disturbance and upkeep.
- The objector was advised by their solicitor that the properties on site were residential only and that neither them or their adjoining neighbour were allowed to run a business from site.

- The objector believes the application goes against Policy ENV9 – Horse related proposal.

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

The application site is located at Number 2 Dan y Lan Farm, Fairyland Road, Tonna, Neath, which comprises of a small holding within which there are a number of large former agricultural buildings and stables. It is adjoined by a pair of semi detached dwellings, one of which is occupied by the applicant. A narrow access road runs off Fairyland Road in front of the dwellings and onto the farm holding beyond.

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

The application seeks full planning permission for the change of use of existing farm buildings to be used in conjunction with adjacent fields as a Livery Business. On site car parking will also be provided to the rear of the building. The existing stable block currently provides 14 stables which are intended to be used as the Livery vacancies. The existing farmhouse is located approximately 75m to the south and access to the site is provided off Fairyland Road.

The applicant proposes the business to be open from 7.00am to 8.30pm Monday to Friday and 8.00am to 8.00pm on Saturdays, Sundays and Bank Holidays.

### **Policy Context:**

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

Policy GC1 - New building/Structures and changes of use.

Policy ENV1 - Development in the countryside.

Policy ENV8B - Conversion or re-use of buildings in the countryside.

Policy ENV8C - Farm Diversification.

Policy ENV9 - Horse related proposals.

Policy T1 - Location, layout and accessibility of new proposals.

The site area is currently allocated as a green wedge within the adopted Development Plan. There will however be no negative visible impact on the Green Wedge as no external alterations are proposed to the existing farm structures.

Policy ENV8C states that if the proposal is located within a Green

Wedge, that it be limited to small-scale diversification within the Farm complex. The proposal is clearly limited to within the Farm Complex as it is proposed to utilise structures already present in the farm yard. Furthermore it is considered that it is small scale diversification as the applicant only plans to use stable bays that already exist on site. No further extension, buildings or indeed infrastructure works are required.

Policy ENV9 promotes uses such as Livery Stables, provided they do not prejudice viable agricultural units. The proposal will not prejudice any such units, as the structure that forms the basis of the application is a stable block and will effectively be used in the same way albeit within a commercial context. Furthermore, the proposal will not displace any existing agricultural activities. This Policy also seeks to protect the character and appearance of the area and not to prejudice any conservation interests. This being said, there is a strong argument to suggest that a livery use will not detract from the established character of the immediate area, given that such used should be located within a countryside location. The affect the application has in terms of potential nuisance or danger to neighbours and pedestrians will be addressed in the residential amenity section of this appraisal.

#### **Visual Amenity:**

There are no external alterations proposed under this application. The appearance of the existing farm complex will therefore not be negatively affected. There is scope for the generation of additional vehicular traffic and associated parked vehicles within the site, however these are unlikely to have an unacceptable impact upon the character and appearance of the site given that agricultural holdings normally accommodate vehicles together with plant and machinery which don't differ significantly in terms of appearance to that which will be generated by this application. These parked vehicles however will only be for temporary time periods only whilst visiting the horses. Therefore there is not considered to be an adverse affect on visual amenity over and above what currently exist on site.

#### **Residential Amenity:**

Due to the nature of the application, namely the use of existing farm building on site, there is not considered to be any adverse affects on residential amenity in terms of the stable block overshadowing or overbearing the two residential properties.

In terms of noise generation, there are fourteen existing stable bays and the applicant does not plan to increase this number. Therefore the noise generated by the horses is not considered to be over and above what is currently present on site. However, the occupation of these stables for livery purposes is likely to result in an increase in traffic to and from the site from the different owners of the horses. The livery is proposed to be accessed off Fairyland Road along an entrance road that runs past the two semi-detached properties. The front elevations of these properties are set back a distance of 5m off the access road. The traffic will travel along this stretch of road towards an area set aside for parking some 90m away. The only impact on the existing residential properties will be the vehicular movements passed the properties on their way to the car park as it is considered that the Livery and car park themselves are considered too far away to have any impact. The applicant proposes 14 stables, which would be likely to generate a maximum potential of up to 14 sets of visitors to the property. However, it is very unlikely that the visitors would all visit the facility at exact same time throughout the day. Furthermore, the livery service delivered by the applicant will not necessitate owners to tend to their horses on a daily basis as husbandry will be provided. The vehicle movements will be sporadic at best and there is no reason for any stoppages in front of the residential premises, they will be simply driving passed and given the set back of the dwellings from the track, there is not considered to be an adverse affect on highway and pedestrian safety in terms of noise generation that would warrant a refusal recommendation.

It must also be acknowledged that this is an existing farm and under its current use the applicant and neighbouring properties can be subject to any number of vehicular movements which could include farm machinery as well as automobiles all day and every day. The impact of this proposal could be argued to be less as the applicant has proposed a time restriction which prevents the Livery operating after 8.00pm. This would be secured by conditions should planning permission be granted.

Therefore for the above reasons, the proposal is not considered to adversely affect residential amenity.

#### **Highway Safety (e.g. Parking and Access):**

The Head of Engineering and Transport (Highways) offers no objections subject to the imposition of suitable conditions. These conditions are concerned with the disposal of agricultural waste and implementation of the turning area as per the plan submitted.

**Ecology (including trees & protected species):**

As the proposed development does not proposed any

**Others (including objections):**

One letter of objection has been received in relation to this application.

The objections can be summarised and addressed as the following:

- The owner of Number 1 Dan y Lan Farm owns the farm lane leading from Fairyland Road and therefore allows access to the occupant of Number 2 Dan y Lan Farm. ***This is a Civil matter and cannot be considered in the determination of this application.***
- The objector struggles to see how both economically and/or providing a livery at this location will provide any benefit to historic value of Fairyland and Tonna. ***This is not a material planning consideration.***
- The objector quotes the reason for refusal on a different Planning Application off Fairyland Road. ***Each application is treated on its own individual merits and there is no such thing as the setting of a precedent.***
- The objector raises the issues of traffic generation, highway and pedestrian safety and how this application will negatively affect each of them. ***These issues have been addressed in full earlier in the appraisal.***
- The objector believes the ecology of the area will be affected by the change of use in terms of bats and barn owls living conditions. ***This is not an issue as the applicant does not propose any external alterations to the building and the stable bays are already in existence, hence minimum internal works will be undertaken. Such works do not require planning permission.***
- The issue of waste has been raised by the objector who believes the Livery will increase the amount of waste generated. ***The stable block is already in existence, therefore it can already accommodate fourteen horses without the benefit of planning permission. Nevertheless in the applicants Design and Access***



*Statement it describes how refuse will continue to be left at the end of the drive for collection by Council Refuse vehicles.*

- The objector believes the farm buildings are unsafe. *Following a site visit, this does not appear to be the case.*
- Congestion caused by the singular vehicular access. *This issue has been addressed earlier in the appraisal.*
- Parking Loading and turning. *Parking is proposed to be provided at the rear of the stables. There is ample room for additional parking without negatively impacting on the existing access road.*
- The proposed Livery would negatively impact on safety, amenity and privacy, noise and disturbance and upkeep. *All these issues with the exception of upkeep have been addressed earlier in this appraisal. Upkeep is not a material planning consideration and cannot therefore be considered in the determination of this application.*
- The objector was advised by their solicitor that the properties on site were residential only and that neither them or their adjoining neighbour were allowed to run a business from site. *This is not a material planning consideration. Planning permission is only one form of consent, should other consents be required including the removal of a restrictive covenant, that is a matter for the applicant.*
- The objector believes the application goes against Policy ENV9 – Horse related proposal. *The proposal's compliance with adopted Development Plan Policy has been addressed earlier in this report.*

### **Conclusion:**

The proposal does not adversely affect residential and visual amenity, nor does it affect highway and pedestrian safety, the proposal therefore complies with Policies GC1, ENV1, ENV8B, ENV8C, ENV9, T1 of the Neath Port Talbot Unitary Development Plan.

**Recommendation: Approval subject to 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) Unless otherwise agreed in writing with the Local Planning Authority the Livery hereby approved shall only be open to customers from 7.00am to 8.30pm Monday to Friday and 8.00am to 8.00pm on Saturdays, Sundays and Bank Holidays.

Reason

In the interests of residential amenity

(3) Prior to the first beneficial use of the livery stables the parking layout and turning facility shall be provided on site as per the submitted plan drawing number CL/2013/02, and shall be retained as such thereafter.

Reason

In the interests of highway safety

## **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.

The proposal does not adversely affect residential and visual amenity, nor does it affect highway and pedestrian safety, the proposal therefore complies with Policies GC1, ENV1, ENV8B, ENV8C, ENV9, T1 of the Neath Port Talbot Unitary Development Plan.

## 2. PLANNING APPLICATIONS RECOMMENDED FOR REFUSAL

<b><u>ITEM 2.1</u></b>	
<b><u>APPLICATION NO:</u></b> P/2012/647	<b><u>DATE:</u></b> 20/05/2013
<b>PROPOSAL:</b> One detached dwelling and detached garage (outline application with all matters reserved)	
<b>LOCATION:</b> Plot adjacent to, 102 & 104 Graig Road, Gellinudd Pontardawe, Swansea, SA8 3DS	
<b>APPLICANT:</b> Mr Byron Temblett	
<b>TYPE:</b> Outline	
<b>WARD:</b> Rhos	

### **BACKGROUND INFORMATION**

#### **Background Information:**

Members should note that this application is reported to the Planning and Development Control Committee at the request of Councillors Rebeca Lewis (Trebanos) and Alex Thomas (Rhos), on the grounds that they do not agree that the development will have an unacceptable impact upon highway and pedestrian safety.

#### **Planning History:**

P2006/1026	Outline planning application residential	Approved	19.09.06
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#### **Publicity and Responses (if applicable):**

3 neighbouring properties were consulted and a site notice was displayed on site: No response received

**Cilybebyll Community Council:** No objection

**Head of Engineering and Transport (Highways Section):**  
Recommends refusal

**Head of Engineering and Transport (Drainage Section):** No

Objection, subject to conditions

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

**The Coal Authority:** Substantive concern, request a Coal Mining survey

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

**Description of Site and its Surroundings:**

The application site is an irregular shaped parcel of land located between a pair of two-storey semi-detached dwellings, Numbers 102 and 104 Graig Road and Ty Capel, a converted chapel.

The front elevations of Numbers 102 and 104 face the eastern boundary of the application site. A watercourse runs along the western boundary with Ty Capel, while open fields are situated to the rear.

The application site has a frontage of approximately 25m onto Graig Road, an average width of 22m and an average depth of 26m. The site is currently unkempt and falls by approximately 900mm from east to west across the site.

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

Members should note that outline planning permission has previously been granted for residential development at this site on the 19th September 2006 under reference number P2006/1026. This planning permission expired on 19/09/09.

**Brief Description of Proposal:**

This application seeks outline planning permission for the erection of one detached dwelling and detached garage. 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 a single detached dwelling fronting onto Graig Road.

The indicative scale parameters provided in support of this application

indicate the proposed dwelling will measure between 10.5m-12.0m wide, 7.0m-8.0m in depth and 5.60m-6.05m high. The submitted details indicate that a detached garage will be located to the rear of the site. The indicative scale parameters for the garage indicate that it will measure between 3.0m – 5.0m in width, 5.50m – 6.0m in depth and 3.90 – 4.70 in height.

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

As the development is not Schedule 1 or 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 regards 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
- ENV14 Unstable Land

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 development of 3 dwelling units or above, with a computed sum being sought for developments between 3 and 4. However, given that

only one dwelling is proposed under this planning application, no affordable housing provision is required.

In respect of Code for Sustainable Homes and TAN 22, the applicant has provided a pre-assessment to demonstrate that the proposed dwelling would reach the required Code Level 3 and achieve 1 credit under category Ene1. Suitably worded conditions could 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 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 a maximum width of 25.0m and a depth of 28.5m it is considered to be adequate in size to ensure that a detached dwelling 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, habitable room windows are in existence within the north-west facing elevations of the existing properties numbers 102 and 104 Graig Road, which are some 5.0m off the eastern boundary of the application site. Ty Capel at its narrowest point is located approximately 3.0m off the western boundary, and has windows serving a porch, hall, landing and utility room on the side elevation facing the site. However, it is considered that the site is sufficient in size to accommodate a modest detached dwelling and detached garage which could be sited to ensure that there will be no unacceptable overbearing or overshadowing issues to the detriment of the amenities of the occupiers of the existing neighbouring properties.

Turning to potential overlooking issues, it should be noted that the dwellings which bound the site at 102/104 Graig Road and Ty Capel have habitable room windows facing the application site. However, by means of a reserved matters application issues such as overlooking and loss of privacy, could be overcome through sensitive siting and design of

habitable room windows together with appropriate screening.

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 dwelling.

As such, it is considered that the proposal would not create any unacceptable overlooking issues.

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

As stated earlier in this report, outline planning permission was granted in 2006 (P2006/1026) at this site for a detached dwelling. While this planning permission has now lapsed it should be noted that the authority's Head of Engineering and Transport (Highways Section) recommended the imposition of the following condition:

*2.0 metres x 90 metres visibility splays shall be provided in either direction at the point of access.*

*Reason*

*In the interests of highway and pedestrian safety*

Therefore, on the recommendation of the highways section, the above condition was imposed on the 2006 planning permission.

It is understood that the current owner of the application site, bought the land prior to the expiry of the 2006 planning permission. Nevertheless, they allowed the permission to expire prior to submission of this application. Following receipt of the current application, the Head of Engineering and Transport confirmed that the required visibility splays can not in fact be achieved.

The Highways officer states that the previously required 2 x 90m visibility splays can be achieved to the east of any proposed access but not to the west without purchasing additional land, which the applicant appears to be unable to do. Whilst the imposition of such conditions on planning permissions are allowed under the planning legislation and are known as Grampian conditions the imposition of such a condition on this site will not allow the owners to develop the land without purchasing additional land which they have confirmed that they are unable to do. The imposition of such a condition would not therefore achieve their desired outcome. In view of this problem, officers have worked with the agent to

identify ways forward.

As a consequence of this, a speed survey was carried out on Graig Road near to the site between the 14<sup>th</sup> and 19<sup>th</sup> of June 2011. If the speed survey showed that the traffic was slow moving, smaller visibility splays could potentially be secured. The surveys indicated that 85 percentile vehicular speeds are 40mph eastbound and 39.7mph westbound. On that basis and using the criteria described in Manual for Streets 2, visibility splays of around 90 to 100m are required in both directions. Unfortunately, to the west, visibility splays measuring only 51 metres (from east boundary) or 31 metres (from west boundary) can be achieved. This falls short of the splays required having regard to the speed tests and is also below the standard required by Technical Advice Note (TAN) 18 Transport which require visibility splays 120m for the recorded speeds.

In addition to the above, the case officer has worked extensively with the applicant in an attempt to develop an acceptable access and egress arrangement to serve the development and reduce its impact in respect of highway safety. Schemes considered to date have included the management of access and egress arrangements by controlling the direction of traffic when entering and leaving the site, signage and works in the highway. However, the Head of Engineering and Transport (Highways Section) has indicated that none of the proposals put forward to date would reduce the impact of the proposal to an extent that would make it acceptable.

The Authority's Road safety Manager also assessed the site from a road safety point of view and concluded that it would be unsafe to introduce a new access / egress at this point off Graig Road.

Given the above, The Head of Engineering and Transport continues to maintain an objection to the proposals on the grounds that the applicant does not own or control sufficient land to the west to provide adequate visibility for vehicles exiting the property and this lack of visibility will lead to the creation of an unsafe access out onto the busy A474 Graig Road to the detriment of the safety and free flow of traffic along Graig Road.

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

As previously stated, landscaping of the site is reserved for subsequent approval.



The Biodiversity Unit raises no overriding objection to the proposed development, subject to conditions. One of the recommended conditions requires that a 7m vegetated buffer zone be maintained between the watercourse that runs along the western boundary of the site with Ty Capel. In this case it is considered that this requirement is unreasonable as it would overly constrain the site rendering it undevelopable. A more reasonable way forward is to secure a 4.0m buffer zone which would be adequate enough to ensure the existing stream habitat and any wildlife using it will be protected.

It is therefore considered that the principle of residential development would be acceptable in terms of landscaping and ecology.

### **The Coal Authority:**

The application site falls within the defined Coal Mining Development Referral Area and as such there are coal mining features and hazards within the application site and surrounding area which need to be considered in relation to the determination of this planning application.

Having reviewed the proposals the Coal Authority has raised substantive concerns and note that the applicant has only submitted a Coal Mining Report and not a Coal Mining Risk Assessment. The Coal Mining Report provides the basic coal mining information in relation to the application site and it does not provide an assessment of the risks to any proposed new development on the site. As such, the Coal Authority does not consider that the Coal Mining Report adequately addresses the impact of any coal mining legacy on the proposed development.

The Coal Authority therefore objects to the proposed development, and recommends that the applicant submits a Coal Mining Risk Assessment Report to the Local Planning Authority (LPA).

Members should note that it is a requirement of Planning Policy Wales, paragraph 13.9 that Planning decisions need to take into account ‘the potential hazard that instability could create to the development itself, to its occupants and to the local environment’. The applicant has been made aware of the requirement to submit a Coal Mining Risk Assessment but has chosen not to provide this information.

### **Flooding:**

Not Applicable.
<b>Pollution (air and ground):</b>  Not Applicable.
<b>Others (including objections):</b>  Not Applicable
<b>Conclusion:</b>  <p>It is considered that the principle of a residential development at this site would not have a detrimental impact upon residential amenity, or upon the character and appearance of the surrounding area. However, given that adequate visibility for vehicles exiting the site can not be achieved, it is considered that the proposed development will lead to the creation of an unsafe access out onto the busy A474 Graig Road to the detriment of the safety and free flow of traffic along Graig Road. Furthermore, the applicant has failed to submit sufficient information relating to the impact of coal mining legacy on the proposed development. Hence, the proposed development would be contrary to policies GC1, T10 and ENV14 of the Neath Port Talbot Unitary Development Plan together with Technical Advice Note 18 and Planning Policy Wales, paragraph 13.9</p>
<b>Recommendation:</b> Refusal

### **REASONS FOR REFUSAL;**

(1) The proposed development, by virtue of the inadequate visibility for vehicles exiting the site will lead to the creation of an unsafe access out onto the busy A474 Graig Road to the detriment of the safety and free flow of traffic along Graig Road. As such, the proposed development would be contrary to policies GC1 and T10 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note 18: Transport.

(2) The applicant has failed to submit sufficient information in relation to the potential impact of any coal mining legacy on the proposed development and as such it is not possible to assess whether potential hazards from legacy coal mining issues would pose a risk to any new development on the site. As such, the proposed development would be contrary to policy ENV14 of the Neath Port Talbot Unitary Development Plan and the objectives of Planning Policy Wales as currently defined in paragraph 13.9.

## **SECTION B – MATTERS FOR INFORMATION**

### **3. APPEALS RECEIVED**

**Appeal Ref:** A2013/0009

**Planning Ref:** P2013/0120

**PINS Ref:** APP/Y6930/A/13/2200438

**Applicant:** Mr John Arnott

**Proposal:** Detached dwellinghouse.

**Site Address:** Land rear of  
93 Bwlch Road  
Cimla  
NEATH  
SA11 3RR

**Start Date:** 25/06/2013

**Appeal Ref:** A2013/0010

**Planning Ref:** P2013/0286

**PINS Ref:** APP/Y6930/A/13/2201157

**Applicant:** Portacover  
Machinery Movements

**Proposal:** Change of use of land to self-storage container and caravan storage depot (B8 Use) with associated office and access works.

**Site Address:** Portacover Machinery Movements  
Llandarcy  
NEATH  
SA10 6JY

**Start Date:** 16/07/2013

**Appeal Ref:** A2013/0011

**Planning Ref:** P2013/0241

**PINS Ref:** APP/Y6930/A/13/2201685 **Applicant:** Dr Wendy Hurst

**Proposal:** Single storey front extension

**Site Address:** Lidl Supermarket  
Ffordd Parc Ynyderw  
Pontardawe  
SWANSEA  
SA8 4EG

**Start Date:** 24/07/2013

**Appeal Ref:** A2013/0013

**Planning Ref:** P2012/0901

**PINS Ref:** APP/Y6930/A/13/2203700 **Applicant:** Mr Mark Davies

**Proposal:** Two storey side extension and single storey side extension with balcony above

**Site Address:** Llety'r Goff Farm  
Cwm Nant Llwyd Road  
Gellinudd  
Pontardawe  
SWANSEA  
SA8 3DT

**Start Date:** 27/08/2013

#### **4. APPEALS DETERMINED**

**Appeal Ref:** A2013/0007

**Planning Ref:** P/2012/0484

**PINS Ref:** APP/Y6930/A/13/2199159

**Applicant:** Mr N Long

**Proposal:** Single storey front and side extension

**Site Address:** 81 Graig Road, Gellinudd

**Start Date:** 6<sup>th</sup> June 2013

**Decision Date:** 24<sup>th</sup> July 2013

**Decision Code:** Dismissed

The Inspector considered that the main issue for consideration was the impact of the proposed conservatory upon the character and appearance of both the existing dwelling and its setting.

The Inspector considered that the proposal would be contrary to policies GC1 and ENV17 as the design and siting of the conservatory wrapping around the front elevation would overwhelm and detract from the design architectural integrity and proportions of the front elevation which would in turn have a harmful effect on the character of the overall building. The Inspector noted the scale and design of the building in association with other attached properties but nevertheless considered the proposal to be unsympathetic.

**Appeal Ref:** A2013/0003

**Planning Ref:** P/2012/0867

**PINS Ref:** APP/Y6930/A/13/2195787

**Applicant:** Mr & Mrs C Booth

**Proposal:** One detached dwelling (outline)

**Site Address:** Land rear of 2 Twynyrefail Place, Gwaun Cae Gurwen

**Start Date:** 15th April 2013

**Decision Date:** 5th August 2013

**Decision Code:** Dismissed

The Inspector identified that the main issue for consideration was the effect of the proposal on its surroundings and having particular regard to noise, disturbance and privacy.

The Inspector considered that the site was technically of adequate size to accommodate a dwelling however, a dwelling on this site would contrast with the linear grain of the development in the vicinity that has a frontage onto Twynyrefail Place of Heol Cae Gurwen. He concluded that development of the site could therefore result in an incongruous building poorly related to its surroundings.

The Inspector noted the location of the proposed access in relation to the side of the host property and considered that a dwelling would have significant detrimental effect on the amenities of the existing residents in the area by virtue of the fact that vehicles would have to pass within close proximity to the flank wall and side of the host property. This would result in an unacceptable increase in noise and disturbance to the occupiers of the host property.

**5. DELEGATED APPLICATIONS  
DETERMINED BETWEEN 13<sup>TH</sup> AUGUST AND 2<sup>ND</sup>  
SEPTEMBER 2013**

1	App No. P/2012/682	Type App under TPO
Proposal	Removal of trees/saplings along northern boundary of 7 Min Y Coed covered by Emergency Tree Preservation Order (T314/W3)	
Location	Land adjacent to, 72 Min Y Coed, Coed Hirwaun, Port Talbot, SA13 2TE	
Decision	Approval with Conditions	
Ward	Margam	

2	App No. P/2012/753	Type Listed Building Cons
Proposal	Refurbishment work including dismantling and rebuilding of chimney, replacement flat roof to rear extension, lift stone floor slabs and re-lay over new concrete floor, repointing of external walls, replacement ceiling and plastering of internal walls, replacement front windows and associated works (application for Listed Building Consent) (Amended description 08.04.13)	
Location	39 Swansea Road, Pontardawe, Swansea, SA8 4AL	
Decision	Approval with Conditions	
Ward	Pontardawe	

3	App No. P/2012/807	Type Full Plans
Proposal	Change of use of chapel (Use Class D1) to dwellinghouse (Use Class C3) including replacement roof with increase in eaves and ridge height, side and rear dormers and side extension together with the construction of a detached garage.	
Location	The Old Chapel, Pentwyn Road, Cynonville, Port Talbot, SA13 3HH	
Decision	Approval with Conditions	
Ward	Cymmer	

4	App No. P/2013/46	Type Full Plans
Proposal	Installation of above ground sewer connecting to pipe bridge across river	
Location	River Tawe Rear Of Tesco Supermarket, A4067 From Glais To Pontardawe, Alltwn Pontardawe, Swansea, SA8 3AZ	
Decision	Approval with Conditions	
Ward	Alltwn	





5	App No. P/2013/113	Type Full Plans
Proposal	Retention of detached garage.	
Location	Land Near, 1 Macpelah, Pontrhydyfen, Port Talbot, SA12 9TU	
Decision	Approval with Conditions	
Ward	Pelenna	

6	App No. P/2013/134	Type Discharge of Cond.
Proposal	Submission of details pursuant to Conditions 7 and 11 of Planning Permission ref. P2011/0054 (granted on 31/1/13) in respect of land contamination and the methodology for the storage, treatment and transfer of any waste arising from construction.	
Location	Former Bp Chemicals Ltd, Seaway Parade, Sandfields, Port Talbot	
Decision	Approval with no Conditions	
Ward	Baglan	

7	App No. P/2013/157	Type App under TPO
Proposal	Fell 2 no. beech trees and works including crown reduction and crown clean, branch removal and branch reduction to 4 no. beech, 1 no. red oak, 2 no. copper beech covered by TPOs ref. T208/A4, T208/A5 and T208/G1	
Location	93 Gwyn Street, Alltwn Pontardawe, Swansea, SA8 3AN	
Decision	Approval with Conditions	
Ward	Alltwn	

8	App No. P/2013/242	Type Listed Building Cons
Proposal	Replacement of one internally illuminated fascia sign, one internally illuminated projecting sign, two non-illuminated name plates and one internally illuminated ATM sign.- Listed Building Consent.	
Location	5 Windsor Road, Neath, SA11 1LP	
Decision	Approval with Conditions	
Ward	Neath North	

9	App No. P/2013/306	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 11 of P2010/0918 and Condition 1 of P2012/0592 to allow for the removal of 1no. Oak tree (amended plans showing replanting scheme).	
Location	Land At Plot 8, Nant Y Clais Court, Cwmavon, Port Talbot, SA12 9LQ	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

10	App No. P/2013/312	Type Reserved Matters
Proposal	One detached dwelling and garage (Reserved Matters pursuant to Outline Planning Permission P2011/1019 granted on 4/12/12) (Foul and surface water schemes Rec 9/7/13)Amended Drainage Plan Rec 7/8/13	
Location	The Bungalow, Baran Road, Pontardawe, Swansea, SA8 4RR	
Decision	Approval with Conditions	
Ward	Pontardawe	

11	App No. P/2013/378	Type App under TPO
Proposal	Works to 12 trees covered by Tree Preservation Order (T169/A2) to include felling of trees (T1, T2, T4 - T12) and reductionl of two lowest limbs of Oak over house (T3)	
Location	1 Ffawyddden, Cwmavon, Port Talbot, SA12 9BJ	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

12	App No. P/2013/387	Type Full Plans
Proposal	Conversion of outbuildings into two holiday accommodation units.	
Location	Pant Glas, Tre Nache Access Lane, Bryncoch, Neath, SA10 7YW	
Decision	Approval with Conditions	
Ward	Bryncoch North	

13	App No. P/2013/418	Type Full Plans
Proposal	Single storey community building and associated works	
Location	Fairyland Allotments, Fairyland, Neath SA11 3ED	
Decision	Approval with Conditions	
Ward	Neath North	

14	App No. P/2013/421	Type Householder
Proposal	Single storey rear extension	
Location	2 Glyn Meirch Road, Trebanos Pontardawe, Swansea, SA8 4AP	
Decision	Approval with Conditions	
Ward	Trebanos	

15	App No. P/2013/429	Type Full Plans
Proposal	Construction of a detached workshop	
Location	Tata Steel Strip Products Ltd, Port Talbot Works, Port Talbot SA13 2NG	
Decision	Approval with Conditions	
Ward	Margam	

16	App No. P/2013/436	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 59 (shadow flicker) of planning permission ref: P2009/1053 (DECC Ref: 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncoirwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glyncoirwg	

17	App No. P/2013/442	Type Vary Condition
Proposal	Removal of Conditions 3 (Development Phasing) of Planning Permission P2012/1048 (Approved on the 29/01/13)	
Location	Land Adjacent To The Trade Centre Wales Limited, Neath Abbey Business Park Road, Neath Abbey, Neath, SA10 7DR	
Decision	Refusal	
Ward	Dyffryn	

18	App No. P/2013/462	Type Vary Condition
Proposal	Variation of Condition 3 of P2009/1112 to extend the period for the submission of reserved matters to the 10th June 2015.	
Location	Land Adjacent To, 1 Llwyn Nant, Cwmgors, Ammanford, SA18 1RP	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

19	App No. P/2013/468	Type Full Plans
Proposal	Demolition of front conservatory and construction of a replacement single storey front extension.	
Location	Blancos Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot, SA12 6NT	
Decision	Approval with Conditions	
Ward	Aberavon	

20	App No. P/2013/479	Type Discharge of Cond.
Proposal	Scheme to agree final contours, permanent drainage and landscaping of the site including restoration & aftercare proposals under condition 11 of planning permission N1992/0025	
Location	Giants Grave Landfill Site, Briton Ferry, Neath	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

21	App No. P/2013/515	Type Discharge of Cond.
Proposal	Submission of details pursuant to Condition 10 of Planning Permission ref. P2012/1149 (granted on 13/5/13) in respect of means of enclosure	
Location	Foresters Lodge, Brombil Access Road, Margam, Port Talbot, SA13 2SR	
Decision	Approval with no Conditions	
Ward	Margam	

22	App No. P/2013/519	Type Outline
Proposal	Demolition of existing agricultural outbuildings to facilitate construction of new Dwelling (Outline).	
Location	Wishing Well Farm, Drummau Road, Skewen, Neath, SA10 6NR	
Decision	Refusal	
Ward	Coedffranc North	

23	App No. P/2013/535	Type Householder
Proposal	Part two storey, part single storey rear extensions	
Location	25 Colbren Square, Gwaun Cae Gurwen, Ammanford, SA18 1HS	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

24	App No. P/2013/538	Type App under TPO
Proposal	Felling of 1No.Ash Tree covered by T68/T3	
Location	Boundary, 41a Rowantree Close And 10 Llys Nedd, Caewern, Neath, SA10 7PH	
Decision	Approval with Conditions	
Ward	Bryncoch South	

25	App No. P/2013/546	Type LawfulDev.Cert-Exist
Proposal	Lawful development certificate (existing) for use of building as a dwelling house (C3 use)	
Location	Laundry Cottage, The Mill, Lane From Plas Road To Pen Y Bontbren Farm, Rhos Pontardawe, Swansea, SA8 3JT	
Decision	Issue Lawful Dev.Cert.	
Ward	Rhos	

26	App No. P/2013/547	Type Householder
Proposal	Rear conservatory	
Location	15 Waun Gron, Rhydyfro Pontardawe, Swansea, SA8 4LW	
Decision	Approval with Conditions	
Ward	Pontardawe	

27	App No. P/2013/550	Type Householder
Proposal	Single-storey side extension plus 2.5m high wall with fence.	
Location	2 Heol Y Wern, Caewern, Neath, SA10 7SB	
Decision	Approval with Conditions	
Ward	Bryncoch South	

28	App No. P/2013/553	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 58 (Broadcast Reception Impact Assessments) of planning permission ref: P2009/1053 (DECC Ref: 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncoirwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glyncoirwg	

29	App No. P/2013/560	Type Advertisement
Proposal	ATM Advert	
Location	Baglan Post Office, 121-123 Pentwyn Baglan Road, Baglan, Port Talbot, SA12 8EB	
Decision	Advert Approved with Std Cond	
Ward	Baglan	

30	App No. P/2013/598	Type Advertisement
Proposal	Retention of illuminated ATM surround	
Location	Spar, 85 Dalton Road, Sandfields, Port Talbot, SA12 6TT	
Decision	Approval with Conditions	
Ward	Sandfields East	

31	App No. P/2013/600	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 40 (archaeological scheme of investigation) of planning permission ref: P2009/1053 (DECC Ref: 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncorrwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with Conditions	
Ward	Cymmer	

32	App No. P/2013/612	Type Full Plans
Proposal	Conversion of existing dwelling into two no. one bedroom flats and alteration to fenestration on rear elevation	
Location	12 Golwg Y Bryn, Seven Sisters, Neath, SA10 9BR	
Decision	Approval with Conditions	
Ward	Onllwyn	

33	App No. P/2013/624	Type Neigh.Auth/Nat.Park
Proposal	Proposed tidal power generating station in Swansea Bay (Pre application consultation under Sections 42 and 43 of the Planning Act 2008 and the Infrastructure Planning Regulations 2009)	
Location	Swansea Bay,	
Decision	No Objections with Conditions	
Ward	Coedffranc West	

34	App No. P/2013/636	Type Section 37 Elec Act
Proposal	Consent under Section 37 of the Electricity Act 1989 for proposed overground electrictricity line less than 132 KV	
Location	Land At Former Red Jacket Quarry, Jersey Marine, Neath	
Decision	No Objections	
Ward	Coedffranc West	

35	App No. P/2013/637	Type Full Plans
Proposal	Single storey side extension and overspill car parking area	
Location	Cornelius Electronics Ltd, Purcell Avenue, Sandfields, Port Talbot, SA12 7TZ	
Decision	Approval with Conditions	
Ward	Sandfields West	

36	App No. P/2013/640	Type Advertisement
Proposal	Installation of 1no.free standing internally illuminated totem sign, 2no. internally illuminated banner signs, 4no. free standing internally illuminated rotating signs, 1no. free standing internally illuminated height restrictor sign and 2no. free standing internally illuminated customer order points.	
Location	Mcdonalds Restaurant, Water Street, Aberavon, Port Talbot, SA12 6LL	
Decision	Advert Approved with Std Cond	
Ward	Aberavon	

37	App No. P/2013/642	Type Full Plans
Proposal	New section of ridged roof to replace existing flat roof plus blocking up fire door in the eastern elevation.	
Location	Lonlas Gospel Mission, Lonlas Avenue, Lonlas, Neath	
Decision	Approval with Conditions	
Ward	Coedffranc North	

38	App No. P/2013/652	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 4 (means of enclosure) of P2012/0806 granted on 15/7/13	
Location	Land at, Graig Newydd, Godre'r Graig, Swansea	
Decision	Approval with no Conditions	
Ward	Godre'rgrraig	

39	App No. P/2013/654	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 16 (nesting box) of P2012/0806 granted on 15/7/13	
Location	Land at, Graig Newydd, Godre'r Graig, Swansea	
Decision	Approval with no Conditions	
Ward	Godre'rgrraig	

40	App No. P/2013/655	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 20 (Code Assessment) of P2012/0806 granted on 15/7/13	
Location	Land at, Graig Newydd, Godre'r Graig, Swansea	
Decision	Approval with no Conditions	
Ward	Godre'rgrraig	

41	App No. P/2013/656	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 27(Highway details) of P2012/0806 granted on 15/7/13 (AMENDED PLANS REC 22-8-13)	
Location	Land at, Graig Newydd, Godre'r Graig, Swansea	
Decision	Approval with no Conditions	
Ward	Ystalyfera	

42	App No. P/2013/661	Type Householder
Proposal	Single storey side extensions.	
Location	54 Tregelles Road, Longford, Neath, SA10 7HT	
Decision	Approved with 5yr expiry only	
Ward	Dyffryn	

43	App No. P/2013/662	Type Full Plans
Proposal	Single storey side extension	
Location	Café Remo's, The Princess Margaret Way, Aberavon, Port Talbot, SA12 6QW	
Decision	Approval with Conditions	
Ward	Sandfields West	



44	App No. P/2013/666	Type Householder
Proposal	Single storey side extension	
Location	137 Heol Heddwch, Seven Sisters, Neath, SA10 9AE	
Decision	Approval with Conditions	
Ward	Seven Sisters	

45	App No. P/2013/668	Type Householder
Proposal	Single storey side extension.	
Location	1 Thorburn Close, Neath, SA11 1RH	
Decision	Approval with Conditions	
Ward	Neath North	

46	App No. P/2013/669	Type Householder
Proposal	Demolition of existing conservatory and construction of rear conservatory	
Location	116 Tyn Y Cae, Alltwen Pontardawe, Swansea, SA8 3DN	
Decision	Approval with Conditions	
Ward	Alltwen	

47	App No. P/2013/670	Type Householder
Proposal	Rear Conservatory	
Location	13 Llwyn Helyg, Waunceirch, Neath	
Decision	Approval with Conditions	
Ward	Bryncoch South	

48	App No. P/2013/671	Type Advertisement
Proposal	Installation of 1no. internally illuminated fascia sign, 1no. internally illuminated projecting sign and internally illuminated ATM surround.	
Location	58 Station Road, Port Talbot, SA13 1RD	
Decision	Advert Approved with Std Cond	
Ward	Port Talbot	

49	App No. P/2013/674	Type Householder
Proposal	Porch to front elevation	
Location	8 West Crossways, Pontardawe, Swansea, SA8 4NE	
Decision	Approval with Conditions	
Ward	Pontardawe	

50	App No. P/2013/677	Type Neigh.Auth/Nat.Park
Proposal	Consultation from Rhondda Cynon Taff CBC in respect of 3 no. wind turbines with a max tip height of 146.5m and associated infrastructure and access tracks.	
Location	Craig Yr Aber, Land NE of Forch-Orky, Treorchy CF42 6TF	
Decision	No Objections	
Ward	Outside Borough	

51	App No. P/2013/686	Type Householder
Proposal	Two-storey side extension incorporating front canopy, plus rear conservatory.	
Location	86 Alexander Road, Rhyddings, Neath, SA10 8EG	
Decision	Approval with Conditions	
Ward	Bryncoch North	

52	App No. P/2013/687	Type Householder
Proposal	Part single-storey part two storey rear extension and garage to the rear.	
Location	46 Victoria Street, Briton Ferry, Neath, SA11 2RB	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

53	App No. P/2013/688	Type Householder
Proposal	Single storey rear extension	
Location	76 Brynau Wood, Cimla, Neath, SA11 3YQ	
Decision	Approval with Conditions	
Ward	Cimla	

54	App No. P/2013/691	Type Householder
Proposal	Detached garage	
Location	74 Dulais Road, Seven Sisters, Neath, SA10 9ES	
Decision	Approval with Conditions	
Ward	Seven Sisters	

55	App No. P/2013/734	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 17 (Construction method statement ) of planning permission ref: P2012/1150 granted on 23/07/13	
Location	Land adjacent to, 182 Heol Y Gors, Cwmgors, Ammanford	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

56	App No. P/2013/739	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear conservatory (application for certificate of proposed lawful development)	
Location	86 Groeswen Park, Taibach, Port Talbot	
Decision	Issue Lawful Dev.Cert.	
Ward	Taibach	

57	App No. P/2013/745	Type Prior Notif.Demol.
Proposal	Prior notification for the demolition of the former tennis pavillion.	
Location	Tennis Pavilion, Dyfed Road, Neath	
Decision	Prior Approval Not Required	
Ward	Neath North	

58	App No. P/2013/746	Type Householder
Proposal	Replacement monopitched roof to existing rear extension, plus erection of a single storey rear extension.	
Location	38 Chestnut Road, Cimla, Neath, SA11 3PB	
Decision	Approval with Conditions	
Ward	Neath South	

59	App No. P/2013/792	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 6 (Code Design Stage Assessment) 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	