

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE
12TH NOVEMBER 2013**

ENVIRONMENT SERVICES

REPORT OF THE HEAD OF PLANNING – N.PEARCE

AMENDMENT SHEET

Doc Code: PLANDEV-121113-REP-EN-NP-UA

1.1	APP NO: P/2013/863	TYPE: Full Plans	Page Nos: 4-60	Wards Affected: Neath North
PROPOSAL:	<p>Full Planning Application for the demolition of the Magistrates Court and adjacent demountable buildings, and the development of a 4 deck, 604 space multi-storey car park, 1 No. Retail unit (Class A1), and Shopmobility unit; together with associated permanent and temporary public realm improvements.</p> <p>Outline Planning Application for the demolition of existing multi-storey car park (incorporating Wilkinson and Tesco) and the Greyhound PH, and the development of 9 No. Retail units (Class A1); 7 No. Retail/Food and Drink units (Classes A1/A3); 2 No. Retail/office units (Classes A1/A2); 1 No. Office/Community facility unit (Class B1/A2/D1), and up to 31 No. Residential Units, together with associated public realm improvements, reconfigured service yard and car parking.</p>			
LOCATION:	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath, SA11 3EP			

A further letter of objection has been received. The objection relates to the following matters:

1. The impact of Phases 2b and 2C and the proposed changes to the service yard upon the operational arrangements for the existing Argos

store. In the view of the objector they consider that the service yard is of insufficient size to allow for HGV vehicles to enter and leave in a forward gear, that there would be potential conflict with pedestrians, and that the application has not provided sufficient information to enable the Highway Authority to assess these issues, whilst potentially permitting a set amount of development floor space.

2. The provision of residential development within Blocks 2b and 2C would in their view result in conflict between the operations of the service yard and the amenity of residents, due to noise, lighting, disturbance etc.

In relation to the matters raised regarding servicing and access, The Head of Engineering and Transport, Highways Section, offers no objection to the development, subject to conditions. The phases of development that the objector refers to are submitted in outline only, and the Highway Section has requested that conditions be imposed upon any permission issued requiring the submission of details of all service yard provision for each phase, appropriate to the standards required for the scale of development proposed.

In addition the proposed highway works, shown indicative within this submission, would be required to be submitted in detail to ensure that the proposals would allow for the servicing arrangements to be retained for existing uses, and that the management of the servicing for the new development can be appropriately accommodated. Through the management of these areas, it is considered by the Head of Engineering and Transport, that the development proposals can be accommodated without resulting in any highway and pedestrian safety issues.

In order to provide clarity to the level of information provided, it is recommended that condition 32 is amended as follows (changes underlined), to emphasise the need for plans to include swept path analysis to demonstrate that delivery vehicles can enter and exit the yard in a forward gear : -

(32) Unless otherwise agreed in writing by the Local Planning Authority, as part of the first reserved matters for each phase of development, full details of the service yard provision for that phase, to include 1:500 scale drawings identifying the servicing areas for individual units and manoeuvring areas (including swept path analysis to demonstrate that

delivery vehicles can enter and exit the yard in a forward gear) shall be submitted to and agreed in writing with the Local Planning Authority, which shall include full details of its scale, layout, screening and landscaping. The size of the service yards shall be determined by the following criteria for each individual unit:

- i) Shops (< 200m²) one commercial vehicle space
- ii) Shops and small supermarkets (201m² to 1000m²) two commercial vehicle spaces.
- iii) Shops and small supermarkets (1001m² to 2000m²) three commercial vehicle spaces.
- iv) Super stores and supermarkets (predominately food) (> 2000m²) three commercial vehicle spaces.

The service areas for each phase of development shall be fully implemented in accordance with these approved details shall be designed to ensure no surface water shall flow from these areas onto the adopted public highway and shall be maintained as such thereafter.

Reason

In the interests of highway and pedestrian safety.

Turning to the issue of the residential development, while acknowledging the objector's concerns in respect of the potential impact on existing retail operations, it is considered that residential uses in town centres should be encouraged. In this respect, while residents in town centres should expect some impact on amenity due to the relationship with existing town centres uses and activities, appropriate controls can also be incorporated through detailed design of the internal arrangement of these properties, to ensure that habitable room windows are proposed on the front elevation of the development block and that any openings to the rear, overlooking the service yard are minimised. The detailed design of these blocks would therefore require consideration of the use of the service yard, which could lead to these properties being single aspect. The need for a considered design response to these blocks has been referred to in the main report.

1.2	APP NO: P/2013/904	TYPE: Full Plans	Page Nos: 61-81	Wards Affected: Sandfields East
PROPOSAL:	Two storey leisure facility incorporating swimming pool, sports halls, changing rooms, café, ancillary club facilities, plant rooms, car parking, access road, landscaping including raising the roof of the existing bowling alley shell			
LOCATION:	Land adjacent to Reel Cinema (including Bowling Alley Shell), The Princess Margaret Way, Aberafan Seafront, Port Talbot, SA12 6QP			

There is a typing error on page 64 of the report under the heading ‘The Existing Building’. The gross internal area of 3801 as specified in the report should be replaced with 2030 square metres at ground floor level.

Three further objections have also been received which are summarised and addressed as follows:

Has consideration been given to the external materials in this exposed location particularly with respect to the white painted render and polycarbonate roof which will deteriorate and reduce the amount of daylight to the pool?

In response it should be noted that the architectural specification has taken into account the seafront environment, however as with any building regular maintenance will be required. Any permission will include a condition requiring the submission of materials for approval by the Local Planning Authority prior to commencement of development.

There is no mention of acoustic treatment within the pool hall.

The issue of noise emissions has been considered in relation to the whole of the building and not just the pool area. Extensive studies have been undertaken and noise control officer has offered no objections to the proposal.

The orientation of the building is dictated by the site. The building would be better located on the original Lido site. The Local Planning Authority are

required to consider the acceptability of the proposed development at the site as proposed under this application. Notwithstanding this, extensive discussions took place involving various stakeholders via a Task and Finish Group, which identified this site as the preferred location for this leisure facility.

There are reservations about the location of the main entrance facing directly into the prevailing wind direction, the main access should be at the side of the building to protect users, the life expectancy of the entry structures would be enhanced if the building were rotated and with the café located on the first floor the view would be of Swansea Bay.

In response it is considered that the orientation of the building represents the best use of the site and conforms to the orientation of the majority of buildings fronting Princess Margaret Way. The entrance has been designed taking the orientation of the building into consideration and is set back from the main elevation. It also includes a revolving door to the main entrance which will significantly reduce any effects which the prevailing winds may have on the entrance area.

Furthermore a separate entrance is proposed to the side of the building providing access specifically for schools and the youth facility. With regard to providing a better view for users of the cafe this is not considered to be a material planning matter and as such would not be a reasonable grounds for refusing the application.

Whilst parking issues have been addressed within the committee report, further concerns have been raised that there is insufficient parking to comply with the requirements of the Wales parking standards.

In response to the points raised, the current parking standards of the Authority are not based on floor area or zones, but on the number of users including staff. Based on this information, the level of parking proposed for the development indicates an acceptable ratio. Nevertheless it is considered that there is sufficient on street parking and public car parks within the immediate vicinity to cope with any overspill requirements. Furthermore informal agreements are in place to allow for the dual use of both the existing cinema car park and that associated with the proposed leisure facility for both uses.

In terms of deliveries an area has been provided within the site however this will be a management issue to ensure that this area is utilised for all deliveries. There is also a bus pull in available on the public highway adjacent to the pedestrian access.

With regard to distances shown between the bus drop off points and the main entrances, these distances conform to nationally recognised and accepted walking distances. Concerns have also been raised regarding congestion associated with the development. This issue is addressed within the Transport Assessment which considers the trip movements associated with the facility and the capacity of the network to accommodate those movements. This Assessment indicates that there is sufficient capacity and as such the Head of Transport and Engineering raises no objection.

The encouragement of the use of taxis as a form of transport together with no revised bus service has been raised as a concern which may impede the use of the proposed leisure centre. Taxi's are one form of transport referred to in the travel plan, a wide range of transport modes to the facility are included within the travel plan including frequent public bus services, walking and cycling. It is not considered that the use of taxis and the continuation with the existing bus service will deter or limit the public from using the facilities.

Concerns have been raised with regard to sustainability. There are no PV panels on the south facing roof and no BREEAM appointed person to oversee the work on site. In response to these concerns the applicant has undertaken a pre-assessment appraisal for the proposed building under BREEAM (Building Research Establishment Environmental Assessment Method). This states that the development will achieve an "excellent" BREEAM rating without the installation of PV panels. The applicant has also confirmed that a BREEAM consultant has been appointed.

Concerns have been raised by Neath Port Talbot Disability Network Action Group in relation to the need for rest seats between Channel View and the proposed leisure facility, the lack of internal parking for mobility scooters, and issues regarding dropped kerbs and bollards.

In response to the request for additional seating it should be noted that there is a drop off point together with disabled parking spaces located close to the main entrance. Furthermore the public bus stop is located approximately 48

metres from the main entrance. As a result there is no requirement for additional seating. Turning to the parking for mobility scooters, there are no internal parking spaces provide for mobility scooters within the building. However it is considered that a covered area outside the building could be provided as part of the parking scheme, and can be secured by the imposition of an additional condition to read as follows:

(20) Unless otherwise agreed in writing prior to first beneficial use of the leisure centre a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a covered parking area for use by disability scooters. The scheme shall be implemented as approved prior to first beneficial use of the leisure centre.

Reason

To reflect the requirements of the Equalities Act.

Finally, it should be noted that dropped kerbs and tactile paving have been added to the access road junction. Furthermore an additional condition will be imposed requiring bollards to be installed with high visibility strips. The condition will read as follows:

(21) Notwithstanding the submitted plans, prior to details of the design and finishes of the proposed bollards shall be submitted to and agreed in writing with the Local planning Authority. The design details shall take account of the need to ensure that they are visible to persons with impaired vision in addition to respecting the character and appearance of the surrounding area. The bollards shall be implemented in accordance with the agreed details prior to first beneficial use of the proposed development.

Reason

To reflect the requirements of the Equalities Act and in the interests of visual amenity.

2.1	APP NO: P/2008/24	TYPE: Full Plans	Page Nos: 82-171	Wards Affected: Seven Sisters
PROPOSAL:	<p>Revised Scheme For Wind Energy Development Comprising 9 (Previously 14) Turbines With A Maximum Height To Blade Tip Of 125m, Access Tracks, Cable Trenches, Substation, Anemometer Mast, Crane Hardstanding.</p> <p>Temporary Construction Compound And Associated Infrastructure - Additional Ecological Survey Work And Report Addressing Cumulative Visual Impacts Received 28/11/08 -Mining Subsidence And Risk And Mitigation Assessment Report Received 22-3-13- Technical Review Of Mining Subsidence Risk Assessment Report July 2013.</p>			
LOCATION:	Farmland Adjoining Forestry, East Of Crynant And South Of Seven Sisters, Neath			

Factual Update

In order that Members are fully aware of the planning history surrounding the site, attention is drawn to the following planning applications which have recently been validated in respect of mining activities at Aberpergwm Colliery, Glynneath: -

P2013/0875	S.73 for Condition 1 (Time Limits) of P2003/1498 granted on 24/02/04 to allow the extension of time until 30/09/2018.
P2013/0876	S.73 for Condition 1 (Time Limits) of P2003/1500 granted on 24/02/04 to allow the extension of time until 30/09/2018.
P2013/0877	S.73 for Condition 1 (Time Limits) of P2007/1422 granted on 08/07/08 to allow the extension of time until 30/09/2018.
P2013/0878	S.73 for Condition 1 (Time Limits) of P2008/0494 granted on 08/07/08 to allow the extension of time until 30/09/2018.
P2013/0879	S.73 for Condition 1 (Time Limits) of P2009/0429 granted on 23/11/10 to allow the extension of time until 30/09/2018.

- P2013/0880 S.73 for Condition 1 (Time Limits) of P2011/0708 granted on 30/05/12 to allow the extension of time until 30/09/2018.
- P2013/0881 S.73 for Condition 1 (Time Limits) of P2012/0995 granted on 26/07/13 to allow the extension of time until 30/09/2018.

In addition to the above a letter of objection to the development has been received from Cllr S. Hunt which is summarised as follows:

Being the Local Member may I first apologise for not being able to attend the meeting but it was unavoidable. The report is very comprehensive and addresses all the issues which are in conflict. It is quite clear from the report that there is a real concern regarding subsidence and the safety issues associated with that.

Walter Energy Group and Energybuild hold planning permission to mine the 9ft and 18ft seams directly beneath the proposal, although it is acknowledged that these consents have now expired with a resubmission expected soon. This proposal will impinge upon the viability of these consents and the commercial viability of the mine. They have already invested millions of pounds into the Aberpergwm mine to try and create and safeguard jobs in addition to providing community benefits, and whilst the industry has been going through challenging times they have remained committed to Neath and Port Talbot as a place to invest.

Whilst I acknowledge the Welsh Government's policies on clean renewable energy, the report outlines the reasons why turbines are not acceptable in certain circumstances and this is one of them. I therefore request that Members support the Officer's recommendation and refuse the application on the grounds that for reasons of subsidence the wind farm development is likely to impact upon future operations planned at Aberpergwm; whilst the development is within SSA E the short term benefits of meeting the energy targets in Area E do not outweigh the potential impact the development would have upon the ability to recover coal and the associated economic benefits to the national and Local economy and lastly; the proposal is contrary to National and local policies and guidance as outlined in the Officers report.

Cllr K. Pearson has also written in to express concerns, which are summarised as follows: -

That, although the application has been recommended for refusal, should the applicant take the case to appeal there is nothing in the report regarding the impact the extra traffic and weight of transport could have on the already fragile road structure between Aberdulais and Crynant. She has therefore asked if we could put a note requesting any damage to infrastructure be covered by the applicant.

In addition, it is considered the abnormal loads will impact and have a significant adverse impact on highway safety. In particular, abnormal loads (e.g. the head of a wind turbine) could lead to damage to private vehicles, while should they need cars to pull over on the grass verge on the road from Ynysygerwyn to Crynant, this could cause many problems as the verges are mostly sodden with water and there are deep ditches/ gullies which are dug by the council beyond the verge. I have seen 4x4s stuck in these ditches and tractors have to pull them out- should this happen during abnormal load movements who pays the bill?

Lastly, I would question the impact these manoeuvres will have on emergency, commercial and residential traffic in terms of time as the vehicles with abnormal loads move slowly and all traffic is held up for several minutes.

In response, it is noted that the application is recommended for refusal and therefore there is no opportunity to place a note on a refusal. In the event of an appeal, Officers would put forward suggested conditions, which could include a requirement for the applicant to undertake a highway conditions survey pre- and post-construction, and to remedy any damage to highway infrastructure resulting from the development. Should Members be minded to grant planning permission contrary to the Officer recommendation, such a condition could be imposed.

In terms of payment to rectify damage to vehicles, this would be a private matter between the transport company and the car owner.