

## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**(Civic Centre, Port Talbot)**

**Members Present:**

**3<sup>rd</sup> December, 2013**

**Chairman:** Councillor R.G.Jones

**Vice Chairman:** Councillor A.P.H.Davies

**Councillors:** Mrs.P.Bebell, Mrs.A.Chaves, Mrs.C.Clement,  
D.W.Davies, M.S.Davies, Mrs.R.Davies, J.S.Evans,  
P.Greenaway, S.K.Hunt, A.Jenkins, Mrs.D.Jones,  
E.E.Jones, D.Keogh, E.V.Latham, A.R.Lockyer,  
J.Miller, J.D.Morgan, Mrs.S.Paddison,  
Mrs.K.Pearson, Mrs.S.M.Penry, L.M.Purcell,  
S.Rahaman, H.G.Rawlings, C.E.Richards,  
A.J.Siddley, A.Taylor, D.Whitelock,  
Mrs.L.G.Williams and Mrs.A.Wingrave

**Observers:** Councillors A.Carter, H.N.James and M.L.James

**Officers in Attendance:** Mrs.N.Pearce, D.Adlam, K.Davies, S.Ball, N.Morgan  
and Mrs.T.Davies

---

1. **MEMBERS' DECLARATIONS**

The following Members made declarations at the commencement of the meeting:

Councillor D.Keogh -	Report of the Head of Planning – Item: No. 5, Delegated Application No. P/2013/979 – as he is an employee of Tata Steel UK.
----------------------	--------------------------------------------------------------------------------------------------------------------------------------

Councillor A.Taylor -	Report of the Head of Planning – Item: No. 5, Delegated Application No. P/2013/979 – as he is an employee of Tata Steel UK.
-----------------------	--------------------------------------------------------------------------------------------------------------------------------------

- Councillor A.J.Siddley - Report of the Head of Planning – Item: No. 1.3, Proposed Extension to Selar Surface Mine – as he is a Member of the Selar Liaison Committee.
- Councillor L.M.Purcell - Report of the Head of Planning – Item: No. 1.3, Application for One Detached Dwelling at Plot Adjacent to 35 New Road, Ynysmeudwy, Pontardawe, SA8 4PJ – as the Application affects the right of way to her property.
- Councillor A.P.H.Davies - Report of the Head of Planning – Item: No. 1.4, Application for One Detached Dwelling House at Land Adjacent to Glas Y Dorlan, 65 Cardonell Road, Skewen, Neath, SA10 6BS – as he is the Applicant.
- Councillor Mrs.A.Wingrave - Report of the Head of Planning – Item: No. 1.4, Application for One Detached Dwelling House at Land Adjacent to Glas Y Dorlan, 65 Cardonell Road, Skewen, Neath, SA10 6BS – as she took the chair when the Community Council was consulted on the application and had pre-determined the application.

## 2. **MINUTES OF THE LAST MEETING**

**RESOLVED:** that the Minutes of the Planning and Development Control Committee, held on the 12<sup>th</sup> November 2013, as circulated, be confirmed as a correct record.

### **Report of the Head of Planning**

(Note: An amendment sheet – attached and agreed – was circulated at the commencement of the meeting, as detailed in Appendix A hereto)

3. **PLANNING APPLICATION APPROVED SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Planning Application P/2013/720

Extension to Selar Surface Mine (Selar Central Extension) for the phased extraction of some 800,000 tonnes of coal integrated into the existing and permitted operations at Selar North with associated relocation of workshop, internal access road, offices and site infrastructure (Amended plans in relation to restoration contours) at Selar Opencast Coal Site, Nr Glynneath, Neath Port Talbot.

**RESOLVED:** that the above mentioned application be approved, subject to conditions contained within the circulated report, and subject to points (c) and (e) of the recommendation as it applies to the Heads of Terms of the Section 106 agreement being amended (the details of which were contained within the circulated report and amendment sheet)

4. **PLANNING APPLICATIONS – APPROVED**

(Councillors A.P.H.Davies and Mrs.A.Wingrave reaffirmed their interests in the second item (Application No. P/2013/1010) and withdrew from the room for the discussion and voting thereon.)

Application No. P/2013/525

Construction of Baglan Energy Park link road and bridge and construction of highway between roads 3 and 4 Baglan Energy Park at Baglan Energy Park, Brunel Way, Baglan, Neath, SA11 2GG.

**RESOLVED:** that the above mentioned application be approved, subject to the conditions contained in the circulated report, and subject to an additional condition 9 (as detailed within the amendment sheet attached hereto).

Application No. P/2013/1010

One detached dwelling house at Land Adjacent to Glas Y Dorlan, 65 Cardonnel Road, Skewen, Neath, SA20 6BS.

**RESOLVED:** that the above mentioned application be approved, subject to the conditions contained in the circulated report

5. **PLANNING APPLICATION – APPROVED WITH CONDITIONS**

Application No. P/2013/741

Change of Use from Retail (Class A1) to part Retail (Class A1) part Hot Food Take-Away (Class A3) at 49a Castle Drive, Cimla, Neath, SA11 3YF.

**RESOLVED:** that notwithstanding the Planning Officer's recommendation for refusal, the above mentioned application be approved, on the grounds that the proposal would not unacceptably increase the number of visitors and associated vehicular movements to the unit, or result in an unacceptable increase in noise and disturbance, and subject to the following conditions which were agreed at the meeting:

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 Class A3 use hereby permitted shall relate only to the unit known as 49a Castle Drive, Cimla, with unit 49 remaining as a Class A1 retail use.

Reason:

In the interests of clarity.

3. The use hereby permitted shall not be open to customers outside the following times Monday to Saturday 07.00 to 23.00 hours and Sundays 07.00 - 22.00 hours.

Reason:

To safeguard the amenities of adjoining occupiers.

4. Notwithstanding the fume extraction details, as illustrated by way of a slide show presentation within the Planning and Development Control Committee, the use of no. 49a as a takeaway within Use Class A3 shall not begin until an amended scheme for the installation of equipment to control the emission of fumes and odours from the premises in a visually acceptable manner, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of any flues, vents, chimneys or means of external extraction, and the scheme shall be fully implemented as approved prior to the development hereby permitted being brought into beneficial use and shall thereafter be operated and maintained at all times in accordance with the manufacturer's instructions.

Reason:

In order to protect residential and visual amenity.

6. **PLANNING APPLICATIONS – REFUSED**

**RESOLVED:** that the undermentioned application be refused, for the reasons contained within the circulated report:-

Application No. P/2013/962

Change of use of chapel (Class D1) to dwelling (Class C3), construction of a single storey front extension, partial demolition of rear extension, installation of two velux windows on front roof plane, two windows on side elevation at Former Church (Seion Chapel), Land Between 28 & 30 Heol Y Gors, Cwmgors, Ammanford, SA18 1PT.

7. **PLANNING APPLICATION DEFERRED TO A SITE VISIT BY THE PLANNING (SITE VISITS) SUB COMMITTEE**

(Councillor L.M.Purcell reaffirmed her interest in this item, and withdrew from the room for the discussion and voting thereon.)

Planning Application No. P/2013/673

One detached dwelling (Additional tree survey received 05.11.13) at Plot Adjacent To, 35 New Road, Ynysmeudwy, Pontardawe, SA8 4PJ.

**RESOLVED:** that the abovementioned application be deferred for a site visit by the Planning (Site Visit) Sub Committee for the reasons specified hereunder:-

Reason:

To assess the impact of additional vehicular movements associated with the development over and above those currently using the existing Highway Network.

8. **APPEALS RECEIVED**

**RESOLVED:** that the following Appeals received be noted as detailed in the circulated report:-

- (a) Appeal Ref: A2013/0020 – Single storey side extension (amended plans received 23.09.13) at LIDL Vale of Neath Retail Park, Neath, SA10 7AY;
- (b) Appeal Ref: A2013/00023 – Retention of single storey rear extension for use as a residential flat at 68 New Road, Skewen, Neath, SA10 6HA;
- (c) Appeal Ref: A2013/0024 – Variation of Condition 8 (Opening Hours) of Planning Permission N1986/0313 granted on 07/07/86 and Condition 1 (Opening Hours) of Planning Permission N1988/0477 granted on 17/09/88 to permit revised opening hours of 08.00am - 08.00pm Monday to Saturday and 10.00am - 06.00pm Sundays at Old Road Garage, Old Road, Skewen, Neath, SA10 7NF.

9. **APPEALS DETERMINED**

**RESOLVED:** that the following Appeals determined be noted as detailed in the circulated report:-

- (a) Appeal Ref: A2013/0009 - Construction of a single dwellinghouse at Plot 14, The Oaks, Cimla, Neath, SA11 3RJ.

Decision: Dismissed.

- (b) Appeal Ref: A2013/0010 – Change of use of land to self-storage container and caravan storage depot (B8 Use) with associated office and access works at Portacover Machinery Movements, Edwards Works, Llandarcy.

Decision: Allowed in part.

- (c) Appeal Ref: A2013/0011 – Proposed extension incorporating ancillary retail area at Lidl Supermarket, Ffordd Parc, Ynysderw, Pontardawe SA8 4EG.

Decision: Dismissed.

- (d) Appeal Ref: A2013/0012 – Change of use and alterations to 2 No barns into tourist accommodation at Plas Farm, Lane From Church Road To Plas Farm, Rhos Pontardawe SA8 3JQ.

Decision: Allowed with conditions.

(Note: with regard to the amendment sheet referred to above and attached as an Appendix, on which the Chair had allowed sufficient time for Members to read, in respect of application items on the published agenda, the Chairman had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and the circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

10. **DELEGATED APPLICATIONS DETERMINED BETWEEN 4<sup>TH</sup> NOVEMBER AND 22<sup>ND</sup> NOVEMBER, 2013**

Members received a list of Planning Applications which had been determined between 4<sup>th</sup> November and 22<sup>nd</sup> November 2013, as contained in the circulated report.

**RESOLVED:** that the report be noted.

**CHAIRMAN**

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE  
3<sup>rd</sup> DECEMBER 2013**

**ENVIRONMENT**

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

**AMENDMENT SHEET**

**Doc Code: PLANDEV-031213-REP-EN-NP-UA**

**1. PLANNING APPLICATIONS  
RECOMMENDED FOR APPROVAL**

1.1	APP NO: P/2013/525	TYPE: Full Plans	Page Nos: 4-16	Wards Affected: Briton Ferry West
PROPOSAL:	Construction of Baglan Energy Park link road and bridge and construction of highway between roads 3 and 4 Baglan Energy Park			
LOCATION:	Baglan Energy Park, Brunel Way, Baglan, Neath, SA11 2GG			

As stated in the committee report the applicant submitted additional modelling requirements (FCA ref: WB03078-R001 Revision V3) to Natural Resources Wales (NRW) on 18<sup>th</sup> November 2013. The response from NRW was received on 28/11/2013. The response concluded that the Flood Consequences Assessment (FCA) demonstrated that, as a result of the development there would be displacement of flood water which would result in an increase in flood consequences to third party land in the area. Whilst NRW would recommend deferring the determination of the application in order to allow the necessary details to be secured to safeguard third party land they acknowledge the flood risk could be managed by the installation of additional drainage infrastructure. As a result they indicate that if planning permission is to be granted a suitable drainage scheme should be installed for the lifetime of the development.

In response to the above it is recommended that a condition be imposed to ensure that a suitable drainage and flood mitigation scheme is designed and

installed in accordance with the recommendations of NRW and Technical Advice Note (TAN) 15.

The condition will read as follows:

(9) Prior to the closure of Road 4, a surface water drainage and flood mitigation scheme, including a programme of works, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall remediate the displaced flood waters as identified within the document entitled FCA ref: WB03078-R001 Revision V3, and shall include details which demonstrate how any water displaced from the application site as a consequence of the development can be discharged into an appropriate flood storage facility, thus ensuring that displaced water does not adversely affect third party land. The approved scheme shall be installed prior to the construction of the southern embankment and shall be maintained as such for the lifetime of the development.

Reason:

In order to ensure that any risks of flooding can be acceptably managed in accordance with the requirements of Technical Advice Note (TAN) 15 – Development and Flood Risk (2004)

1.2	APP NO: P/2013/673	TYPE: Full Plans	Page Nos: 17-33	Wards Affected: Pontardawe
PROPOSAL:	One detached dwelling (Additional tree survey received 05.11.13)			
LOCATION:	Plot Adjacent To, 35 New Road, Ynysmeudwy, Pontardawe, SA8 4PJ			

The applicant's agent has provided the following additional comments:

- In highway terms the development will generate less traffic movements than the existing unauthorised use.
- The development has been carefully designed to provide adequate off street car parking and turning space.
- Visibility at the access way is good and complies with your adopted standards.
- The loss of the existing unauthorised car parking is not a material planning consideration as it is on private land and can be stopped at any time by the land owner
- There are therefore no highways reasons to refuse the application

In response, the committee report adequately covers and responds to the above-mentioned issues which relate to highways and pedestrian safety. It should be noted that the Head of Engineering and Transport (Highways section) has no objection to the proposed development.

1.3	APP NO: P/2013/720	TYPE: Minerals	Page Nos: 34-127	Wards Affected: Blaengwrach
PROPOSAL:	Proposed extension to Selar Surface Mine (Selar Central Extension) for the phased extraction of some 800,000 tonnes of coal integrated into the existing and permitted operations at Selar North with associated relocation of workshop, internal access road, offices and site infrastructure (Amended plans in relation to restoration contours)			
LOCATION:	Selar Opencast Coal Site, Nr Glynneath, Neath			

The following matters correct typographical errors in the original report and recommendation, and provide additional clarification in respect of community benefits: -

Page 44 - delete "... ????" from line 6 of paragraph 4

Paragraph 3 on page 93 is amended to read as follows: -

"Community Benefits have historically been made to the local communities. Under the existing Agreement for Selar North an initial payment of £200,000 was required to be paid on an annual basis of £50,000 from July 2010. The last payment of £50,000 is due in July 2014. In addition a contribution of 50p per tonne over and above the first 400,000 tonnes of coal was to be made. All such payments are up to date and are split equally into trust funds set up for the communities of Blaengwrach and Glynneath. Celtic Energy has agreed to make the contribution of £50,000 in July 2014 and continue to contribute 50p per tonne of coal for the remaining coaling at the site."

Points (c) and e) of the Recommendation as it applies to the Heads of terms is amended as follows :

- (c) the continuation of the Steering Committee for the monitoring and management of the Nature Reserve and Nature Conservation Areas in accordance with the scheme approved on 11 August 2010 **under application ref. P2010/0749**

- (e) The continued contribution of community benefits to a fund at rate of 50p per tonne of coal produced at the site and a final payment of the lump sum of £50,000 in July 2014, such provisions to be split equally between the communities of Blaengwrach and Glynneath.

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

**Appeal Ref:** A2013/0012                      **Planning Ref:** P2012/0860

**Proposal:** Change of use and alterations to 2 No barns into tourist accommodation

**Site Address:** Plas Farm, Lane From Church Road To Plas Farm, Rhos Pontardawe SA8 3JQ

The Officer's report advises (at page 157) that Officers were currently awaiting legal advice in respect of the above decision, on the basis that the Inspector failed to impose a restrictive 'holiday occupancy' condition.

Counsel's advice has since been received which advises that there is a balanced but arguable case in respect of the decision, but that success is by no means guaranteed. However, while the omission of the condition by the Inspector could put the Council in a weaker position should there be any use of the building as a permanent dwelling in the future, nevertheless the advice provides detailed submissions indicating how the Council could still maintain an ability to take enforcement action should the buildings be put to permanent residential use.

On this basis, and having regard to the potential costs involved in such a challenge, the Head of Planning in consultation with the Legal and Democratic Services section, has decided not to make a challenge to the decision. A letter has, however, been written to the Chief Inspector at the Planning Inspectorate expressing the Council's disappointment that a condition was not imposed, especially in light of the clear requirement set out in Planning Policy Wales, and asking for his comments.