

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

(Civic Centre, Port Talbot)

Members Present:

1st April, 2014

Chairman: Councillor R.G.Jones

Vice Chairman: Councillor A.P.H.Davies

Councillors: Mrs.P.Bebell, Ms.C.Clement, Mrs.R.Davies,
Mrs.J.Dudley, J.S.Evans, S.K.Hunt, A.Jenkins,
Mrs.D.Jones, E.E.Jones, D.Keogh, E.V.Latham,
A.R.Lockyer, R.Lewis, J.Miller, J.D. Morgan,
Mrs.S.M.Penry, D.M.Peters, M.Protheroe,
L.M.Purcell, C.E.Richards, A.J.Siddley,
A.L.Thomas, D.Whitelock, I.D.Williams and
Mrs.L.G.Williams

Invited Members: Councillors C.Morgan and A.N.Woolcock

Officers in Attendance: I.Davies, N.Pearce, S.Ball, D.Adlam,
N.Morgan, Mrs.J.Woodman-Ralph and
Miss G.Cirillo

1. **CHAIRMAN'S ANNOUNCEMENT**

The Chairman proposed a minute's silence in respect of Councillor M.S.Davies who had recently passed away.

2. **MEMBER'S DECLARATIONS**

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

Councillor Mrs.D.Jones - Report of the Head of Planning - Item
No.1 Planning Applications
Recommended for Approval –

Application No. P/2013/1086 – as she is the applicant for this item and also a Member of the Planning and Development Control Committee.

- Councillor C.E.Richards - Report of the Head of Planning – Item No.1 Planning Applications Recommended for Approval – Application No.P/2013/530 – as he is a Member of the East Pit Site Liaison Committee and also a member of Cwmllynfell Rugby Football Club of whom Celtic Energy are Sponsors.
- Councillor Mrs.L.G.Williams - Report of the Head of Planning – Item No.1 Planning Applications Recommended for Approval – Application No.P/2013/530 – as she is a Member of the East Pit Site Liaison Committee.
- Councillor A.N.Woolcock - Report of the Head of Planning – Item No.1 Planning Applications Recommended for Approval – Application No. P/2013/530 – as he is a Member of the East Pit Site Liaison Committee
- Councillor D.Whitelock - Report of the Head of Planning - Item No.4 Delegated Applications determined between 4th – 24th March 2014 Application No. P/2014/150 – as he is a Member of Pelenna Community Council.

3. **MINUTES OF THE LAST MEETING**

RESOLVED: that the Minutes of the Planning and Development Control Committee, held on the 11th March 2014, as circulated, be confirmed as a correct record.

4. **MINUTES OF THE PLANNING (SITE VISITS) SUB COMMITTEE OF THE 20TH MARCH, 2014**

RESOLVED: that the Minutes of the Planning and Development Control Committee, held on the 20th March 2014, 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 meeting, as detailed in Appendix A hereto).

5. **PLANNING APPLICATIONS APPROVED SUBJECT TO A SECTION 106 LEGAL AGREEMENT**

Planning Application No. P/2013/212

Proposed surface coal mining (opencast coal development) and associated reclamation of abandoned opencast coal site at Fforch Egel Farm, Gwrhyd Road, Swansea SA9 2SE.

RESOLVED: that the above mentioned application be approved, subject to the signing of a Section 106 Legal Agreement and subject to the Conditions contained in the circulated report.

Planning Application No. P/2013/530

Planning Application pursuant to s73A of The Town and Country Planning Act(1990)(as amended) for the Variation of Condition 3 of Planning Permission A-PP185-07-014 to retrospectively enable the continuation of extraction of coal for three years from 30th November 2012 at East Pit East Revised Opencast Coal Site, Gwaun cae Gurwen, SA18 1UP, at East Pit East Revised OCCS, New Road, Gwaun Cae Gurwen, SA18 1UP.

RESOLVED: that in accordance with the amended recommendation contained within the circulated amendment sheet:

That in addition to the existing Section 106 Agreement, and the existing escrow account, upon signing of a Unilateral Obligation or agreement which is acceptable to the Local Planning Authority under Section 106 of the 1990 Act to secure a contribution of £150,000, to be paid immediately upon the grant of planning permission, for community benefits, and an increase in the rate of contribution into the Restoration and Rehabilitation Escrow Account held by the Council to £4 per tonne backdated with effect from 1st December 2012, that the application be approved subject to the Conditions contained in the circulated report.

Planning Application No.P/2013/802

Proposed variation of Condition 2 of planning application reference P2002/0078 to allow continued use of the rail loading facility for the transportation of coal from the East Pit East Revised Opencast Coal Site at the former Gwaun Cae Gurwen Distribution Centre and existing GCG Railpad Facility, Nr Tairgwaith, Ammanford.

RESOLVED: that in accordance with the amended recommendation contained within the circulated amendment sheet:

That subject to the approval of further coal working at East Pit East Revised under application ref. P2013/530, and upon signing of a Unilateral Obligation or agreement which is acceptable to the Local Planning Authority under Section 106 of the 1990 Act to secure a financial guarantee for the reclamation of the site, the application be approved, subject to the Conditions contained within the circulated report.

Planning Application No.P/2013/803

Proposed variation of Condition 2 of planning application reference P2052/1406 to allow continued use of the rail loading facility for the transportation of coal from the East Pit East Revised Opencast Coal Site at the former Gwaun Cae Gurwen Distribution Centre and existing GCG Railpad Facility, Nr Tairgwaith, Ammanford.

RESOLVED: that in accordance with the amended recommendation contained within the circulated amendment sheet:

That subject to the approval of further coal working at East Pit East Revised under application ref. P2013/530, and upon signing of a Unilateral Obligation or agreement which is acceptable to the Local Planning Authority under Section 106 of the 1990 Act to secure a financial guarantee for the reclamation of the site, the application be approved, subject to the Conditions contained within the circulated report.

6. **PLANNING APPLICATIONS - APPROVED**

(Councillor Mrs.D.Jones re-affirmed her interest in Application No.P/2013/1086 and withdrew from the meeting during the discussion and voting thereon).

Application No.P2013/1086

Detached split level dwelling and associated car parking at Gwalia House, 1b New Road, Cilfrew, Neath, SA10 8LL

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

Application No. P2014/117

Garage conversion at 34 Cae Morfa, Skewen, Neath Neath Port Talbot SA10 6EH.

RESOLVED: that the above mentioned application be approved subject to the Conditions contained in the circulated report.

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

Planning Application No. P/2014/104

Residential development of 18 units comprising 8 x two-bed dwellings, 4 x three-bed dwellings and 2 blocks of three flats, plus associated engineering work, at Former Briton Ferry School, Heol Ynysmaerdy, Llansawel, Castell Nedd, SA11 2TL

RESOLVED: that the above mentioned application be deferred for a site visit by the Planning (Site Visit) Sub Committee for the reason specified hereunder:-

Reason:

To allow Members to assess the impact of the development upon highway safety and the drainage network.

8. **PLANNING APPLICATION FOR DETERMINATION
FOLLOWING A SITE VISIT BY THE PLANNING (SITE VISITS)
SUB COMMITTEE HELD ON THE 20TH MARCH , 2014**

The Development Control Manager presented the undermentioned application which required determination in conjunction with the circulated Minutes of the Planning (Site Visits) Sub Committee held on the 20th March, 2014 which were confirmed as a true record.

Planning Application No.P2014/27

Two storey side extension at 50 Trevalen Avenue, Cimla, Neath, SA11 3UR.

RESOLVED: that the above mentioned application be approved subject to the Conditions contained within the circulated report.

9. **APPEAL DETERMINED**

RESOLVED: that the following Appeal determined be noted, as detailed in the circulated report.

Appeal Ref: A2013/2207752 – Two storey detached shed/outbuilding at 60 Neath Road, Resolven, Neath.

Decision: Dismissed

(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 4TH MARCH AND 24TH MARCH 2014**

Members received a list of planning applications which had been determined between 4th March and 24th March 2014, as contained within the circulated report.

RESOLVED: that the report be noted

CHAIRMAN

APPENDIX A

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

1ST APRIL 2014

ENVIRONMENT

REPORT OF THE HEAD OF PLANNING – N.PEARCE

AMENDMENT SHEET

1.2	APP NO: P/2013/530	TYPE: Minerals	Page Nos: 73-171	Wards Affected: Gwaun-Cae- Gurwen
PROPOSAL:	Planning Application pursuant to s73A of The Town and Country Planning Act(1990)(as amended) for the Variation of Condition 3 of Planning Permission A-PP185-07-014 to retrospectively enable the continuation of extraction of coal for three years from 30th November 2012 at East Pit East Revised Opencast Coal Site, Gwaun cae Gurwen, SA18 1UP.			
LOCATION:	East Pit East Revised OCCS, New Road, Gwaun Cae Gurwen, SA18 1UP			

Cwymlllynfell Community Council expressed concern that the summarised observations within the report do not fully represent the observations that were submitted, and asked that the full text of the Council's observations is submitted to the Committee.

Members will be aware that it is not the practice of Committee reports to provide comments in full. Having reviewed the original submissions, however,

it is considered that the observations received should be amended to the following:-

Cwymlllynfell Community Council: Would offer no objection subject to there being appropriate safeguards and compliance to MTAN2, the conditions re-imposed from the 2004 consent, the deposit of a bond jointly by the applicant and owners of the site to cover the entire cost of the restoration scheme under the 2004 consent and any additional enhancing conditions required by the Local Planning Authority to improve the area and contribute to community benefits including measures to boost the economy by improving road, rail, footpath and cycleway communications over the restored site thereby attracting inward investment and employment opportunities.

Comments

Consideration has been given to these comments regarding the bond provisions put forward in the report and the recommended conditions, which for the reasons given in the report are considered to be enforceable and reasonable.

Amended Recommendation: Page 150

Having regard to advice received from the Legal Services section, the recommendation on page 150 of the report should be amended to read as follows: -

RECOMMENDATION:

That **in addition to the existing section 106 Agreement, and the existing escrow account**, upon signing of a Unilateral Obligation **or agreement which is acceptable to the Local Planning Authority** under Section 106 of the 1990 Act to secure a contribution of £150,000, to be paid immediately upon the grant of planning permission, for community benefits, and an increase in the rate of contribution into the Restoration and Rehabilitation Escrow Account held by the Council to £4 per tonne backdated with effect from 1st December 2012, that the application be **APPROVED** subject to the conditions set out in this report.

<u>ITEM 1.3</u>	
<u>APPLICATION NO:</u> P/2013/802	<u>DATE:</u> 20/08/2013
PROPOSAL: Proposed variation of condition 2 of planning application reference P2002/0078 to allow continued use of the rail loading facility for the transportation of coal from the East Pit East revised opencast coal site	

<u>ITEM 1.4</u>	
<u>APPLICATION NO:</u> P/2013/803	<u>DATE:</u> 20/08/2013
PROPOSAL: Proposed variation of condition 2 of planning application reference P2005/1406 to allow continued use of the rail loading facility for the transportation of coal from the East Pit East revised opencast coal site	

LOCATION:	Former Gwaun Cae Gurwen Distribution Centre and existing GCG Railpad Facility, Nr Tairgwaith, Ammanford
APPLICANT:	Mr Robert Thompson
TYPE:	Vary Condition
WARD:	Gwaun-Cae-Gurwen

Items 1.3 and 1.44 Amended Recommendations: Page 183 and 196

Having regard to advice received from the Legal Services section, the recommendations on page 183 and 196 of the report, in respect of both items 1.3 and 1.4, should be amended to read as follows: -

RECOMMENDATION: That subject to the approval of further coal working at East Pit East Revised under application ref. P2013/530, and upon signing of a Unilateral Obligation or agreement which is acceptable to the Local Planning Authority under Section 106 of the 1990 Act to secure a financial guarantee for the reclamation of the site, the application be approved subject to conditions.

1.6	APP NO: P/2014/104	TYPE: Full Plans	Page Nos: 214-238	Wards Affected: Briton Ferry East
PROPOSAL:	Residential development of 18 units comprising 8 x two-bed dwellings, 4 x three-bed dwellings and 2 blocks of three flats, plus associated engineering works.			
LOCATION:	Former Briton Ferry School, Heol Ynysmaerdy, Llansawel, Castell Nedd, SA11 2TL			

Additional Representations

Members should note that an additional 4 letters of objection have been received, which raise the following concerns:

- (1) Drainage and increased pressure on the drainage system from the proposed development.
- (2) Traffic and parking. Concerns with parking along Ynysmaerdy Road and Ormond Street, especially during sporting event or funerals, and restricted vision splays due to parked cars.
- (3) Residential amenity and privacy.
- (4) Concerns that application is being reported to Committee shortly after end of consultation period, with insufficient time to consider the concerns of the objectors.

In response to the above, Members should be note that these letters do not raise any new issues, and the concerns have been adequately addressed in the main report.

In respect of the timing of the report, it should be noted that the report assesses the impact in detail, having regard to the nature of representations submitted.

Affordable Housing

Following preparation of the report, the Housing Section has confirmed that, while the scheme has Housing Strategy's Strategic Support and proposes 100% affordable housing, it does not currently feature within the Social Housing Grant Programme. As such, (and given that the applicant is Hale Construction rather than Gwalia) it is recommended that the Head of Terms of the Section 106 Agreement be amended to include the following, in the interest of clarity, and to ensure the scheme is retained as 100% in perpetuity:

(2) The development, as approved under application P2014/0104, shall be for the provision of 100% Affordable Housing only, and retained in perpetuity as such thereafter.

2.1	APP NO: P/2014/27	TYPE: Householder	Page Nos: 244-249	Wards Affected: Cimla
PROPOSAL:	Two storey side extension			
LOCATION:	50 Trevallen Avenue, Cimla, Neath, SA11 3UR			

Neath Town Council has no objections to this planning application (Amended Plans)