

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
27th MAY 2014

DIRECTORATE OF ENVIRONMENT

REPORT OF THE HEAD OF PLANNING – N.PEARCE

AMENDMENT SHEET

1. Planning Applications
Recommended For Approval

1.1	APP NO: P/2013/1136	TYPE: Full Plans	Page Nos: 3-20	Wards Affected: Neath South
PROPOSAL:	Demolition of existing Public House and construction of a convenience store (Class A1) and associated access and car parking.			
LOCATION:	Cimla Hotel, 151 Cimla Road, Cimla, Neath SA11 3UG			

In order to address local concerns in respect of the impact on local amenity, and address typographical errors, it is recommended that the reason for condition 5 is amended and the following additional condition is added as follows: -

(5) Prior to the first beneficial use of the convenience store hereby approved, an operational management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall relate to deliveries to the site, and shall include the timing of deliveries to reduce the impact during peak times and impacts upon residential amenity, and ensure that adequate provision is made to allow delivery vehicles to enter and leave the site in a forward gear. The management plan as approved shall be adhered to at all times and available to all staff and on site inspection thereafter.

Reason

In the interests of highway and pedestrian safety and residential amenity.

(18) The operational management plan required by condition (5) above shall ensure that there are no deliveries to the site between the hours of 23.00 and 07.00.

Reason

In order to protect the amenities of nearby residential properties.

1.2	APP NO: P/2014/294	TYPE: Full Plans	Page Nos: 21-30	Wards Affected: Ystalyfera
PROPOSAL:	Siting of 1 No. demountable building, construction of access track and perimeter fencing for use as a classroom for a temporary period not exceeding 24 months.			
LOCATION:	Ysgol Gyfun Ystalyfera, Glan Yr Avon, Ystalyfera, SA9 2JJ			

Cllr. Alun Llewelyn has written to advise that he is unable to attend the meeting as ward member. He advises that he is a Governor at the school and has discussed the application with neighbours and Officers and requests that the following is taken into account.

“I have no objection to the application. The classrooms will be for a temporary period, and necessary to allow essential renovation works at the school campus. However, I believe that it is important that during the period of the work on site there is close liaison with the immediate neighbours who share the access road with the school, and properties near the entrance to the access road at Glantwrch, to minimise disruption.

Inevitably a certain number of heavy vehicles will need to access the site via Glantwrch to deliver the components for the temporary buildings. The estate has a number of families with young children who play in the area, therefore it should be impressed on the applicants -in this case the Local Authority- and the contractors that care is needed in travelling through this residential area.

I would be grateful also if consultation/liaison is undertaken in the same locations when the application is submitted for the next phase of temporary buildings indicated in the report”.

In response, the points made are noted and will be communicated to the applicants to ensure they are aware of the Ward members concerns. They are not, however, considered to raise matters which affect the conclusions in the report or require any additional conditions.

2. Planning Applications

Recommendation – Decline to Determine

2.1	APP NO: P/2014/0333	TYPE: Full Plans	Page Nos: 31-45	Wards Affected: Rhos
PROPOSAL:	Removal of Conditions 1 and 2 of Planning Permission P2009/0406 approved on the 21/07/09 to allow the property to be used as a residential dwelling house.			
LOCATION:	Hendre Las Farm, Pentwyn Access Road, Rhos Pontardawe			

The applicant's agent has submitted a letter of representation seeking to respond to the Officer's report, which is summarised as follows, with Officer's response (where necessary) given in italics below: -

1. Failure to properly advertise the application as required by statute. In these circumstances it is inappropriate to expect the Committee to take a view on this matter without having all relevant third party views to hand.

A consultation has not been carried out as the Local Authority is recommending not to determine the application under Section 70A of the Town and Country Planning Act. Should Members decide to go against this recommendation, the application would then be publicised in accordance with current statutory requirements.

2. Disappointment that the case officer, who is new to this matter, did not ask to view the property both inside and out before writing his report.

The case officer has previously dealt with this site, and also undertook a site visit on 16th May 2014 prior to the report being finalised. The internal layout is not considered to be relevant to the relevant issues insofar as they relate to s70A.

3. Members of the Committee will themselves need to view the property both inside and out in order to properly consider the evidence they have submitted. In this regard the report is incorrect in suggesting that there was a Member site visit to the property in 2011. Mr. Jones assures me that the only time Members came to site was in 2009 when the conversion was nowhere near completion.

A Members site visit is not considered to be necessary or appropriate, as the report refers only to a legal assessment of whether to decline to determine the application based on the analysis provided within the

report. Furthermore, to delay the application for a site visit would put the application beyond the 8 week period to determine the application which could result in the applicant appealing to the Welsh Government for non-determination

4. In commenting on the submitted evidence you make the point that the conditions had not previously been challenged. This is hardly surprising because it is only after the year-long attempts to either sell or let the property that it has become clear that the conditions cannot be complied with, other than leaving the property permanently empty.
5. In regard to occupancy rates, the figures of 56% and 96% that you quote are from Visit Wales reports produced in 2005 and 2006. The more realistic figures today were supplied by the Council's Tourism section before it was disbanded and are 26.9% in the off-season and 56.9% in the high season. In assessing Viability, therefore, Mr. Jones used an annual average of 40%.

Using average figures is not an accurate way of calculating turnover. Prices in high season are £1200 compared to £400 in low season. Each month's turnover should be calculated separately with the monthly occupancy rate and added together to give an accurate representation of turnover.

6. Your report does not mention that Messrs. Savills, an international company of some repute, refused to put the property on their portfolio as they did not consider that it was a viable letting proposition.

No information has been received from Savills. Nevertheless, the report covers matters relating to letting in detail.

7. You did not make any attempt to assess the many competitors listed by Mr. Jones, including the holiday cottages at Swansea Valley Holiday Cottages where there are 7no. purpose built holiday cottages.

Assessing competition is not relevant in this case. The Authority has made their assessment in accordance with Section 70 which is to see if there has been any significant change in material considerations since the similar application was refused / dismissed on appeal. Competition is not a material planning consideration.

8. Report does not seek to properly assess the 2no. websites used and the activity tracker. There is no comment offered on the hits/location of hits etc. which displays the full exposure of the sites. It should be noted that the websites were prepared by a professional website developer and the derogatory comments given are unreasonable.
9. The continuing attempts to sell the property over a further 13 months at reducing asking prices, and with no offers whatsoever, represents a definite change in relevant circumstances.

The property was for sale during the last appeal. Continuing to make attempts to sell the property is not considered to be a significant material change in circumstances since the date of the last appeal.

10. You have criticised the fact that Mr. Jones and his family have remained in the house during the marketing campaign. Please be assured that if there had been any interest shown by would be holiday makers, Mr. Jones was fully prepared to move his family out to stay with members of the extended family (both his father and his sister occupy houses at the farm).

Failure to actively market and prepare the property for its intended tourist use, to give best chance of sustaining the business use, has been addressed in the report.

11. Finally it seems rather insensitive for you to conclude that Mr. Jones' actions are putting pressure on the Council. It is surely Mr. Jones in all the circumstances who is under the most pressure.

This is the third application submitted by Mr Jones for a residential use, and a residential use on this site has been refused on 2 occasions and been to appeal 3 times which have been dismissed in a period of 5 years. An extant enforcement notice is also in place which has not been complied with, despite additional time having been given by an Inspector. While the pressure on the applicant is acknowledged, it is considered that the continued submission of planning applications for a residential use on this site is aimed at placing undue pressure on the Local Planning Authority to change its recommendation and decision.

In addition, the agent has submitted a **further email** which notes that details of 4 similar cases elsewhere, included in his Design and Access Statement, were not referred to in the report, and has requested that these are addresses in the amendment sheet.

In response, it is advised that the four cases in different Authorities relate to proposals where permission was granted to vary conditions or change the use of barns from holiday Accommodation to residential. While identifying that other Authorities have indeed approved such development, they are not considered to represent matters material to the consideration of this application or, more pertinently, to represent any significant change in a material consideration which affects the conclusions within the main report. Moreover, in any respect it is highly likely that research would identify many other cases throughout Wales where similar applications have been refused.