

PLANNING AND DEVELOPMENT CONTROL COMMITTEE
27/05/2014

ENVIRONMENT

REPORT OF THE HEAD OF PLANNING – N. PEARCE

INDEX OF REPORT ITEMS

PART 1 – Doc.Code: PLANDEV-270514 -REP-EN-NP

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Recommended For Approval**

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LOCATION:	Cimla Hotel, 151 Cimla Road, Cimla, Neath SA11 3UG			

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Human Rights Act

The Human Rights Act 1998 came into force on 2nd 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

<u>ITEM 1.1</u>	
<u>APPLICATION NO:</u> P/2013/1136	<u>DATE:</u> 20/12/2013
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	
APPLICANT: Punch Partnerships PTL Limited	
TYPE: Full Plans	
WARD: Neath South	

Background Information

Members are made aware that this planning application has been called to committee by Cllr. Peter Rees for the reason of highway and pedestrian safety, and in respect of the number of concerns raised via the consultation process on this specific issue.

Planning History:

76/163- Betting Office- Approved- 25/5/76
80/574- Renewal of consent for betting office- Approved- 28/10/80
82/619- Alterations to public house- Approved- 2/2/83
83/58- signage for public house- Approved- 7/3/83
07/336- Smoking shelter- Approved- 26/4/07

Publicity and Responses if applicable:

Head of Engineering and Transport, Highway Section- No Objection, subject to conditions.

Head of Engineering and Transport, Drainage Section- No Objection, subject to conditions.

Neath Town Council- Objection, due to the loss of the public house.

The application was advertised on site, and three individual properties

were consulted by letter.

To date 42 Individual objection letters have been submitted, the objections can be summarised as follows;

1. Increased traffic generation, customers and deliveries, parking provision and highway and pedestrian safety.
2. loss of public house.
3. The principle of need for another retail store at this location, and the impacts of this on the existing retail units.
4. Lack of public consultation.
5. Design.

In addition petitions with 3245 Signatures have been submitted:
“Against the building of a supermarket on site of Cimla Hotel”

A petition of 956 signatures, “Against the building of a supermarket on site of Cimla Hotel and because amendments to traffic and car parking access”

Description of Site and its Surroundings:

The application site is located on Cimla Road, and is presently occupied by a two storey Public House, “The Cimla Hotel”, with associated car parking, and to the rear, a single storey betting office. Access to the existing Public House is provided off Cimla Road for pedestrian and vehicular access. To the rear of the site the single storey betting office building is accessed off the adjoining lane. Cimla Road is one of the main arterial commuter routes running to and from Neath Town Centre, and the area is predominantly characterised by traditional residential development. However, western of Cimla Road within the vicinity of the site includes the existing public house, 2 No. convenience stores, a church and fire station.

The site includes a rectangular parcel of land measuring approximately 28m in depth, with a frontage of 40m onto Cimla Road. It also encompasses a further area of land measuring approximately 35m in length by an average of 10m wide, that extends along the adjacent access lane, towards Moorland Road at the rear.

The site is bounded to the southeast by an existing convenience store, CK Supermarket, and to the northwest by an existing access lane that runs from Cimla Road through to Moorland Road in the west. To the opposite side of this access lane another convenience store is located as an end of

terrace unit, to a terrace of two storey residential properties, all fronting Cimla Road. The Southwest boundary of the site adjoins the existing rugby club building which has a car park fronting Moorland Road.

To the site frontage is an existing bus stop and a pedestrian crossing facility, with associated signing and white lining.

Brief description of proposal:

The application seeks to demolish the public house and the betting office building on the site. The site is then to be redeveloped for an A1 retail unit to operate as a local needs Convenience Store (3000sqft) with associated storage (1000sqft), together with the provision of an associated hard surface car park to provide 15 off street car parking spaces.

The new store is to be located on a similar location and footprint as the existing public house. Located towards the north western side of the site, adjoining the existing access lane. It has a frontage onto Cimla Road of 19m, with a depth of 16m. It has a gable ended ridged roof running parallel to the site frontage, to a height of 8m. Aluminium glazed shop fronts are provided to the southern elevation, wrapping around the eastern corner of the building to provide active frontage along the prominent elevations of the building. The main access is provided within the southern elevation, off the proposed car park area. Within this frontage an ATM is also to be incorporated.

A rear wing, to provide the goods storage area for the unit, projects off the western elevation, and again runs parallel to the existing access lane. It measures 13m in length by 7.7m wide, and has a gable ended ridged roof to a height of 5.7m. There is a single window to the side elevation facing the lane, and a pedestrian access facing into the proposed external delivery and bin storage area, that will be screened by a proposed close boarded fence.

Externally the building will be finished in facing brick with flat panel composite panelling, aluminium shop fronts, artificial roof slates, and will incorporate internally illuminated signage (a separate advertisement consent application would be required for the details of these signs)

The access to the car park will be amended from the existing location, and this will require the re-siting of the existing bus stop to the south of the access. A hard surfaced car park will then provide 10 car parking spaces along the southern side, with an additional 5 spaces (one of which is for disabled customers) fronting the store. The area fronting the

delivery intake for the store will be screened by a close boarded fence, to screen this from the public car park. The rear section of the site, running in a westerly direction to Moorland Road is to be landscaped and will retain its screen boundary treatments, within this area external plant will be located.

Off site works to the public highway to facilitate the revised access arrangements and to address pedestrian and Highway Safety issues will include, the re-siting of the bus stop, and the extension of the white lining for the pedestrian crossing (zig-zags) in a southerly direction to beyond the proposed access to the car park on both sides of the highway.

In support of the application the applicant has provided a bat survey, that clarifies that there are no bats present within the existing buildings to be demolished, a traffic statement and a retail and planning statement and a design and access statement.

Material Considerations:

The materials considerations relating to this development are land use and development plan policy including impacts upon the vitality, viability and attractiveness of existing retail centres, visual amenity, and the character of the area as a whole, ecology, design, amenity of residents within adjoining properties and highway and pedestrian safety.

Policy Context:

Planning Policy Wales (Edition 6 Feb. 2014)

TAN 4: Retailing and Town Centres. 1996

TAN 12: Design. 2009.

Neath Port Talbot Unitary Development Plan.

GC1- New Buildings/Structures and Changes of Use.

ENV17- Design.

EC3- Creation or expansion of businesses within settlement limits.

T1- Location, layout and accessibility of new proposals.

TRL4- Out of centre proposals

TRL6- Local retail centres.

The application site is located within settlement limits, as defined within the adopted Neath Port Talbot Unitary Development Plan. Policy EC3 allows for the creation and expansion of businesses within settlement limits. The Policy states that;

“Within Settlement Limits (as defined on the Proposals Map) the creation or expansion of business, industrial, storage or office premises will be encouraged subject to the following criteria:

- a) there would be no unacceptable loss of open or green space that is important for its recreational, amenity or conservation value;*
- b) proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing or programmed infrastructure;*
- c) there would not be a significant detrimental effect on the amenity of the existing residents of the area; and*
- d) there would be no unacceptable highway impacts.”*

It reference to this policy, the overarching presumption in favour of businesses within settlement limits would appear to support the development of this site for a commercial use, especially as the existing site uses are also within the same A Class of the Use Class Order. It should be noted that the existing Class A3 Public House could be converted to an A1 Class Retail Unit without the benefit of planning permission. The specific criteria referred to in this policy are assessed in more detail later within this report.

Policies TRL4 and TRL6 relate specifically to retail development. Policy TRL4 relates to the consideration of out of centre proposals, and states that;

“A proposal for retail, leisure, or a use best located in a town centre, but located outside the Neath, Port Talbot or Pontardawe Shopping Centres will only be permitted provided: -

- a) there is a need for the development;*
- b) the proposal complies with the sequential approach to site selection;*
- c) it would not (either individually or cumulatively with recently completed developments and outstanding planning permissions) create an unacceptable impact on the vitality, attractiveness or viability of an existing centre, or put a town centre regeneration strategy at risk;*
- d) it would not create unacceptable impacts in terms of the amenities or environmental quality of the area*
- e) it would be accessible by a variety of means of travel;*
- f) it would not lead to a significant increase in traffic generation, flows or congestion; and*
- g) it would not result in the loss of land”*

It is noted that the majority of the application site is occupied by an A3 use, that could convert to an A1 retail use without the benefit of planning permission. In addition it can be considered that the wider site, including the uses on this site, and the adjoining retail/community uses provide a form of local centre. These are not specifically defined on the UDP maps, but are provided with a specific policy.

Policy TRL5 relates to proposals within other centres, including local centres. These are not specifically defined within the plans supporting the UDP. however, the site is considered not to currently support sufficient uses and a mix of uses to constitute a local centre. This view is supported by the emerging LDP documents. The LDP Retail Hierarchy paper, dated August 2013, assesses this area, and concludes that the area lack the diversity and number of uses to be included as an local centre. As such it can be concluded that Policy TRL6 of the UDP is relevant.

Policy TRL6 relates to Local retail Units. The policy states;

A proposal for a local shop outside the existing centres and shops associated with petrol stations and other uses will be allowed provided: -

- a) it would serve an identified local need;*
- b) it would not harm an existing local centre and normally should not be within 300 metres of any shop within such a centre; and*
- c) it would not create any unacceptable impacts on local amenities, highway safety or in terms of parking and servicing.*

It is reasonable to consider, due to the existing uses in proximity to the application site, that the area functions as a local centre, serving the local needs of the surrounding residential suburb of Cimla, and benefiting from passing trade, due to its location, on a main route to and from Neath. As such there is clearly an identified catchment of residential properties within walking distance of this site, and the existing facilities.

The explanation of this policy goes on further to state that; “*Generally proposals should relate to small premises of less than 1000 square metres in total which would serve the locality in which they are situated.*” In this case the store measures 3000 sq ft (278.7 square metres), with 1000 sq ft (92.9 square metres) of storage only. This is a total of 371.6 square metres gross floor space (279 square metres net). In comparison “CK” supermarket adjacent to this site is approximately 292 square metres (net) This proposal is therefore well below the threshold referred to in Policy TRL6, and therefore can be considered a store that will provide for local needs. However, detailed assessment of the potential retail impact is assessed later in this report, as is highway and pedestrian safety, another

factor that is relevant to the acceptability of proposals under this policy.

It is considered that in general overarching land use policy terms, that the proposal would comply with the aforementioned policies TRL4 and TRL6, subject to the aforementioned criteria.

Visual Amenity:

The application site lies within an area of mixed commercial and community uses within a wider residential area. This provides a mix of modern and traditional architecture of differing styles and finishes, and appears more open and varied than the adjacent traditional residential style and pattern.

The development will result in the loss of the Pubic House, and whilst this has a distinct style and offers some value within the wider context and street scene, in terms of visual amenity, it is not considered significant in this regard to warrant its retention. Conversion could take place, but clearly the retention and use of the building cannot be enforced upon the applicant, where applications for its change or use, or demolition can be applied for.

The proposed site layout reflects a similar form and layout as the existing, with the buildings being located to the northern end of the site, and the open car park to the south. The building itself is single storey, and provided with a ridged roof to run in a similar orientation as the adjoining terraced properties, and will be set in a similar building line, set behind the back of footway. The provision of active frontages to Cimla Road, and to the gable end facing into the car park provides a scheme that interacts with the surrounding area, and ensures that the scheme integrates with the wider area. The use of traditional external materials such as facing brick, and artificial slate provides linkages to materials used in the wider area.

The height of the building is not dissimilar, if lower, than the adjoining terrace, and will therefore provide a continuation of this linear form of development. The storage area is located in a rear wing, that is lower than the main shop unit. This runs parallel to the lane adjoining the site to the North. This again provides a ridged roof, and overall improves the visual appearance from the existing situation. The inclusion of appropriate screening to the rear landscaped area, will physically screen the plant equipment, and the screening to the bin and storage area will ensure that outside storage is hidden from view. Appropriate conditions would be imposed upon any permission issued ensuring that the outside storage,

screening, and external materials are controlled.

As such it is considered that the improvements to the public realm and car park, would be an improvement to the character and appearance of the area, and that the design of the building itself, would not detract from the street scene. Policy ENV17 of the Neath Port Talbot Unitary Development Plan refers to design. It is considered that the proposals would accord with the principles set out within this policy, and would comply with Technical advice Note 12: Design.

Residential Amenity:

The nearest residential properties lie to the north and east of the application site, located on the other side of an existing convenience store or on the opposite side of Cimla Road. It is not considered that the physical development on the site will have any detrimental impact upon the amenity of residents within these nearby properties through overlooking, overbearance, overshadowing or loss of outlook or privacy due to the location and scale of the proposals.

In relation to the day to day operations of the site, the applicant has requested opening hours of 7am to 11pm. Having particular regard to the existing public house use, it is considered that there are no extenuating circumstances, or constraints that would prevent any permission allowing these hours, subject to the imposition of a suitably worded condition.

In addition, servicing should be undertaken in accordance with a management scheme to be submitted to and approved in writing by the Local Planning Authority to ensure that these do not unduly detract from residential amenity. This will include the hours deliveries can be undertaken, to ensure that those undertaken in anti-social hours are minimised.

As such it is considered that the proposals would not result in any detrimental impacts upon the amenity of adjoining residents and property, and therefore would accord with Policy GC1 and ENV17 of the Neath Port Talbot unitary Development Plan.

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

The applicant has submitted a transport statement in support of the planning application, and this together with a road Safety Audit undertaken at the request of the Head of Engineering and Transport, Highway Section, has been considered, together with the proposed off site mitigation works. These works include the re-siting of the bus stop, and the extension of the traffic regulation orders (zig zags) serving the pedestrian crossing.

The Head of Engineering and Transport, Highway Section, consider that subject to conditions, the proposed development would not result in any unacceptable impacts upon highway and pedestrian safety. These conditions include the need to fully implement the mitigation works set out previously, the retention of the car parking to serve the development, and the provision of an operational management plan for deliveries. This should ensure that the development would not result in a detrimental impact upon highway and pedestrian safety at this location.

In relation to the objections received on highway and pedestrian issues, including the traffic generation resultant from customers and deliveries, parking provision and highway and pedestrian safety. These have been addressed in consultation with the Head of Engineering and Transport, Highway Section, above. They offer no objection, subject to the conditions referred to.

Retail impacts

Planning Policy Wales sets out its objectives for retailing and town centres, stating that;

“10.1.1 The Welsh Government’s objectives for retailing and town centres are to:

- secure accessible, efficient, competitive and innovative retail provision for all the communities of Wales, in both urban and rural areas;*
- promote established town, district, local and village centres as the most appropriate locations for retailing, leisure and other complementary functions;*
- enhance the vitality, attractiveness and viability of town, district, local and village centres; and to*
- promote access to these centres by public transport, walking and cycling.*

10.1.2 Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities

and employment. Town, district, local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand.”

This is further reinforced within TAN 4: Retailing and town Centres, however, this primarily relates to the need to ensure that protection is afforded to the vitality, viability and attractiveness of existing centres, and that larger (2500 square metres and over) retail development sequentially consider site selection on a centre first priority.

In this case it can be considered that this application lies within a local centre, or at least within an area that operates as a form of local centre, as it provides a distinct grouping of commercial uses within a wider residential area.

Policies TRL4 and TRL6 of the Neath Port Talbot Unitary development plan have been set out previously within this report, and again offer overarching support for the proposals in land use terms. In addition the scale of the development falls well below the level considered appropriate to serve local needs within a local centre, and well below the level that would require a Retail Impact Assessment to be undertaken in line with the requirements of Planning Policy Wales, and TAN 4: Retailing and Town Centres.

Whilst not a statutory requirement for a retail unit of this scale the applicant has submitted a ‘Retail and Planning Statement’ in support of the application. This assesses the development proposals against the existing development on the site, and the relevant national and local planning policies together with the need for the additional floor space based upon the GVA Neath Port Talbot Retail study (July 2013)

The applicant clarifies, as stated previously within this report, that the existing public house is an A3 use, that can change to an A1 retail use without the need for planning permission. However, they consider that the redevelopment would create a more appropriate built form.

The applicant states that the existing public house has a Net floor space of 242 square metres, compared to the 279 square metres proposed, and goes further to assess both the qualitative and quantitative impacts of the development, as well as an overall assessment on need.

Qualitative need is a more subjective assessment, and the applicant provides factual assessment of the existing stores within the area, and considers that the proposed development will improve quality and choice for residents within the local catchment.

The quantitative assessment is more technical in nature and makes an assessment of the overall need for the floor space proposed for convenience goods within the catchment. The applicant identifies this catchment as extending 650m to the west and to the edge of the settlement in the east. This proposal, in the applicants view, would reduce the traffic generation into and out of the area for local needs shopping requirements, and would provide a facility that is within walking and cycling proximity to a considerable number of residential properties. The estimated turnover for the store is given as approximately £2.09m at 2013, of which approximately 70% of the turnover would be drawn from within the catchment area, or £1.49m. the remainder therefore being claw back trade from outside the borough and gained from passing trade. The applicant compares the potential change of use of the existing public house to these turnover rates and states that the turnover of that proposal would be £1.82m.

The total convenience expenditure the applicant identifies within the catchment amounts to £14.99m by 2016. This shows capacity to support additional floor space amounting to around £13.36m. As such the proposed turnover would be well within that, which could be supported within this area.

The applicant also assesses available capacity in relation to day to day top up shopping in the local area. In this context total available expenditure in the defined catchment area (£14.99m) accounts for both main food and top up spending. Conventionally it is assumed that 30% of available spend is devoted to top-up spend in an area. The GVA Neath Port Talbot Retail study (July 2013) calculated that in the Neath area the proportion of top-up spend was around 25%.

On this basis there is between £3.75-£4.5m of top-up spend in the catchment area. Taking into account the turnover of existing facilities, drawn from the catchment area (£1.63m) would leave between £2.12-£2.87m to support further provision. The convenience turnover of the proposal is £1.46m. This shows that there is sufficient spend to support the proposal whilst still allowing for some top up expenditure to be spent outside the catchment area in other destinations such as Neath Town centre.

Ecology.

Due to the demolition works proposed the applicant has submitted a Bat Assessment Report. The report concludes that no evidence was found of bats using the property, however, they recommend that the roof is soft stripped, and that a licensed bat worker be present on site during this work in case bats are discovered. A suitably worded condition would be imposed on any permission issued securing this requirement.

Areas of landscaping are proposed, a scheme would be required providing wildlife friendly and native planting species within these areas, again this would be secured through a suitably worded condition.

Developer Contributions.

The applicant has taken note of the objections received on the application, specifically in relation to the impacts upon the local community from the loss of the public house that have been raised through consultation. These issues have been addressed within the forgoing report. However, the applicant has offered a contribution of £10,000 to be used for the provision or improvement of community facilities within the Neath South or Cimla Wards.

Objections.

In relation to the objections received that have not been addressed in the forgoing report.

The loss of public house as a local facility is a by-product of the proposed re-development. The forgoing report clarifies that the property could be converted to an A1 retail use without the benefit of planning permission. If the public house was profitable and well used it would be a market decision to continue to operate, or to sell it on as a going concern. Whilst this is clearly an emotive subject, it is not one that planning can remedy. The proposals accord with planning policy, and are considered acceptable in all other regards.

The principle of need for another retail store at this location, and the impacts of this on the existing retail units has been assessed by the applicant within their submission. The applicant identifies a need for further local needs top-up shopping. In addition they consider that the development will improve qualitative choice. Competition is not a planning issue, but it is considered that there are no planning policy

issues that would preclude the development of the site, noting the ability to convert the existing building as a material factor in this case. The scale of development proposed is commensurate to local needs stores, and therefore can be supported, together with the existing uses in the area without impacting detrimentally on other protected retail centres.

Public consultation on the application was undertaken in accordance with the authority agreed procedures.

The design of the building has been considered within the report. It is considered that the development would be appropriate for this location, and would not detrimentally affect the character of the area.

Conclusion:

It is considered that the proposed development provides an appropriate scale of retail development in the form of a local needs convenience store, within an area that has similar retail and commercial uses acting as a local centre within this wider residential catchment. The design and layout of the development adequately addresses the need to provide an attractive redevelopment of the site, and one that considers the wider character of the area and the immediate street scene. The proposals include adequate off street car parking, and provide for off site improvements to ensure that the development does not result in any unacceptable impacts upon highway and pedestrian safety.

It is therefore considered that the proposals accord within Policies GC1, ENV17, EC3, TRL1, TRL4 and TRL6 of the Neath Port Talbot Unitary Development Plan, Planning Policy Wales, TAN 4 and TAN 12.

RECOMMENDATION:

APPROVAL, subject to conditions and the signing of a legal agreement with the following heads of terms.

1. That prior to the first use of the development hereby approved the applicant contribute a financial payment of £10,000 towards the provision or improvement of community facilities within the Neath South or Cimla Ward areas.

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)No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings, hard surfacing and boundary treatments within the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, and retained as such thereafter.

Reason

In the interest of the visual amenity of the area.

(3) Foul water and surface water discharges must be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

(4) Prior to any development taking place, excluding demolition, a integrated drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include land and surface water drainage, and sewerage proposals, and shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected, and that it prevents surface water run-off within the hard surfaced areas from discharging directly on to the public highway. The scheme as approved shall be fully implemented on site prior to the first use of the development hereby approved and retained as such.

Reason

In the interests of amenity, and to ensure adequate drainage and sewerage works are fully implemented.

(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 residence 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.

(6) No development shall take place including any works of demolition until a signed Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be adhered to throughout the demolition and construction period and shall include the following:-

- (i) Parking provisions for site operative's vehicles and visitors.
- (ii) Loading and unloading of plant and materials.
- (iii) Storage of plant and materials used in constructing the development.
- (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- (v) Wheel washing facilities.
- (vi) Measures to control the surface water and ground water during the demolition and construction process.
- (vii) Measures to control the emissions of dust and dirt during demolition and construction.
- (viii) A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason

In the interests of Highway and Pedestrian safety, pollution protection and the amenity of surrounding properties.

(7) Prior to the start of construction for the new junction off Cimla Road. A scheme showing the relocation and construction of the bus shelter shall be submitted to and approved in writing by the LPA. Unless otherwise agreed in writing by the Local Planning Authority, the bus shelter shall be erected prior to works commencing on the new junction, including all signing and lining in the public highway, including the extension of the 'zig zag' white lining associated with the existing pedestrian crossing as shown on Plan No. P02 Revision D.

Reason

In the interests of Highway and Pedestrian safety.

(8) No gates or any other means to prevent access to the proposed car park area shall be erected to the site entrance unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of Highway and Pedestrian safety.

(9) The new junction access and car parking shall be constructed and marked out in accordance with drawing number P02 Revision D unless otherwise approved in writing by the Local Planning Authority. The car parking area shall be hard surfaced in bitumen or an alternative hard surface material and the access shall have a maximum gradient of 1 in 15 for the first 6m and retained as such thereafter. The junction shall be provided with tactile paving at the crossing point prior to the first use of the development hereby approved.

Reason

In the interests of Highway and Pedestrian safety.

(10) No external lighting to the car park or building hereby approved shall be provided unless part of a scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Any scheme as approved shall be fully implemented in accordance with those approved details prior to the first use of the development and retained as such.

Reason

In the interests of Highway and Pedestrian safety, and the amenity of adjoining properties.

(11) Prior to any development taking place, excluding demolition, a scheme shall be submitted to and approved in writing by the Local Planning Authority for cycle parking provision. This scheme as approved shall be fully implemented prior to the first use of the development, and retained thereafter.

Reason

In the interests of sustainability.

(12) There shall be no outside storage other than within the screened external deliveries/ bin store area as identified on Drawing No. PO2 Rev D.

Reason

In the interests of visual amenity.

(13) Customers shall not be permitted entry between the hours of 2300 hours and 0700 hours on any day.

Reason

In the interests of amenity.

(14) A minimum of 15 car parking spaces shall be retained within the application site which shall be maintained open and free for the use of customers to the site. All areas outside of these marked out spaces shall remain open and free for vehicular movement thereafter.

Reason

In the interests of Highway and Pedestrian safety.

(15) Prior to the commencement of development, excluding demolition, a scheme for landscaping shall be submitted to and agreed in writing with the Local Planning Authority, that shall include native and wildlife friendly species. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

Reason

In the interest of visual amenity, and ecology and to accord with Section 197 of the Town and Country Planning Act, 1990.

(16) Prior to the installation of any external plant or extraction system a scheme shall be submitted to and approved in writing by the Local Planning Authority, that shall include the location and specification of the plant, including details of the projected noise levels and a scheme for suitable mitigation to ensure that the noise rating level emitted from the plant and equipment hereby approved, when measured at the nearest noise sensitive property that noise shall not exceed existing background noise levels. Measurements and assessments shall be made in accordance with British Standard 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas.

Reason

In the interests of amenity.

(17) Within 1 month of the plant and equipment being installed and brought into operation, a post installation noise assessment shall be carried out by the operator and submitted to the local planning authority. This report shall identify noise rating levels being achieved at the nearest noise sensitive property. Where necessary any additional mitigation needed to achieve the levels required by condition (17) above shall be identified and submitted for approval by the local planning authority with the post installation noise assessment. Any additional mitigation thus identified and approved shall be installed or provided within one month of approval, and shall be retained thereafter. Measurements and assessments shall be made in accordance with British Standard 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas.

Reason

In the interests of amenity.

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 proposed development provides an appropriate scale of retail development in the form of a local needs convenience store, within an area that has similar retail and commercial uses acting as a local centre within this wider residential catchment. The design and layout of the development adequately addresses the need to provide an attractive redevelopment of the site, and one that considers the wider character of the area and the immediate street scene. The proposals include adequate off street car parking, and provide for off site improvements to ensure that the development does not result in any unacceptable impacts upon highway and pedestrian safety. It is therefore considered that the proposals accord within Policies GC1, ENV17, EC3, TRL1, TRL4 and TRL6 of the Neath Port Talbot Unitary Development Plan, Planning Policy Wales, TAN 4 and TAN 12.

<u>ITEM 1.2</u>	
<u>APPLICATION NO:</u> P/2014/294	<u>DATE:</u> 28/03/2014
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	
APPLICANT: DIRECTORATE OF EDUCATION L&LL	
TYPE: Full Plans	
WARD: Ystalyfera	

Planning History:

None.

Publicity and Responses if applicable:

The application was advertised on site, and in the press as a departure to the development plan. In addition one individual property was consulted by letter.

One objection has been received relating to the following matters;

1. Concerns over consultation.
2. Concerns over the information provided in the application forms and supporting information.
3. Potential light pollution , and noise impacts.
4. Issues with access.
5. Loss of privacy and visual impacts of development.
6. Development is outside of the settlement area.
7. Impacts on human rights.

Head of Engineering and Transport, Highway Section- No Objection.

Head of Engineering and Transport, Drainage Section- No Objection.

Natural Resources Wales (NRW)- No Objection, subject to conditions.

Description of Site and its Surroundings:

The application site forms part of a wider area used as playing fields, and currently provides a form of all weather surface, within the south east corner of the wider playing fields area. The site is bounded to the south and east by an existing tree line, and is level, if slightly raised above the ground level of the adjoining grassed areas.

The existing school lies to the west, off Glan Yr Afon Road, and is separated from the playing fields by the River Twrch that runs parallel to the road. An existing footbridge crosses the river opposite the school to allow pedestrian access.

Brief description of proposal:

This application seeks permission for the installation of 1 No. demountable building for use as a classroom, construction of an access track, and erection of perimeter fencing to facilitate the use of the land for temporary classroom provision for a temporary period not exceeding 24 months.

Members may be aware that the existing school at Ysgol Gyfun Ystalyfera is to undergo significant improvements and alterations as part of the 21st Century Schools Programme, and this will result in a number of the existing sub-standard blocks within the site being demolished, and new buildings constructed, together with renovation and alterations to other buildings on the site.

As the site is constrained by adjoining development, the site cannot accommodate these works and the number of existing pupils. In addition the works cannot be undertaken outside of term times and still achieve its required deadline for completion. As such alternative temporary accommodation needs to be sought, in a suitable location and provided in phases in readiness for these forthcoming works.

This application can therefore be considered to be phase 1 of the works in preparation for the main site works, and further temporary works to facilitate the redevelopment of the school. As such it is likely that further applications for additional demountable buildings will be submitted, but these will all be located within the proposed fenced area, proposed under this application, and will again be temporary in nature, and time limited.

In addition members will be aware that a Local Authority benefits from certain permitted development rights by virtue of Part 12 of the Town and

Country Planning (General Permitted Development) Order 1995. Whilst therefore the use of the land and the installation of the building are considered to fall outside of these permitted development rights. The erection of the fencing around an existing outdoor play area, and the creation of the track to this area, are matters that are considered to be permitted development. However for clarity and to set out the full scale of operations to be undertaken at this site, all of the development proposed has been set out in this report. In addition, as the fencing is required in connection with the use, it is considered that this is a matter that requires consideration and assessment within this report.

The proposed fence line will enclose an area measuring roughly 94m by 57.3m. It will measure 3m in height and is of a Heras zenith Welded mesh design, and provided with three single gates, and one double gate access. The enclosure is required to both aid security and health and safety to the site during school hours, and protect the site outside of operational use.

The demountable building is to be located within the compound, and measures approximately 34m in length, by 8.6m wide, with a flat roof to a height of 3.2m. The applicant has indicated that this can accommodate two classrooms, a staff room and a meeting room, together with toilet facilities. As stated, further applications for additional buildings will be forthcoming, but at this time the applicant has only provided an indicative layout of these.

In addition to these works the applicant proposes to create a 5m wide rolled stone access track from the existing bridge crossing to the entrance gates of the compound, and a temporary turning area.

Material Considerations:

The material considerations relate to land use and development plan policy, highway and pedestrian safety, amenity of adjoining properties, visual amenity, flood risk and sewerage and drainage issues, together with impacts upon loss of open space provision.

Policy Context:

Neath Port Talbot Unitary Development Plan

GC1- New buildings/structures and changes or use.

ENV1- Development in the open countryside.

ENV17- Design.

T1- Location, layout and accessibility of new proposals.

RO1- Protection of recreation, sports facilities and open spaces.

IE4- Private sewage treatment facilities.

The site lies outside of settlement limits, as defined by the Neath Port Talbot Unitary Development Plan. Policy ENV1 relates to development within the open countryside, and sets out an overarching presumption against unjustified forms of development. The policy refers to exceptions, and includes; “it is development that is necessary to serve the social, recreational or economic needs of the local community”

In this specific case the land that the development is to be located, whilst outside of settlement limits, is presently used for formal recreation purposes, and as such has an existing function and use within the wider community of Ystalyera. It is not open countryside in visual or land use terms, but protected from permanent unjustified development by this policy.

In addition Policy RO1 refers to the protection of recreation, sport facilities and open spaces. Again the need to retain these important formal and informal open spaces, and recreation facilities within communities is afforded protection. The temporary nature of the development, as set out previously, would ensure that the land and use is restored, and that therefore the impacts of the loss of this small area of the wider playing fields area would not be significant in the long term.

The use proposed is temporary in nature, and as such the land will be returned to its recreational use following completion of the school redevelopment. It is therefore considered that due to the existing uses, and the temporary nature of the works, the proposals are an essential requirement to facilitate the development of the existing school for the benefit of the local community, which would not represent a harmful or material departure from the Development Plan.

Visual Amenity:

The development, whilst temporary in nature will be enclosed within a fenced compound for security, and for the health and safety of the pupils. The demountable proposed will be one of a number of units to be provided (further applications for the provision of more units will need to be submitted under separate planning applications, as and when required) These are indicatively shown arranged around the edges of the fenced off area, creating a courtyard arrangement, and are provided in a single storey form.

It is considered that whilst the development would provide a significant physical change in the visual appearance of the site, it is temporary, and the site will be restored to its former condition once the site is no longer required.

Residential Amenity:

The nearest residential property is located at Abertwrch Farm. This is located to the south of the application site beyond the existing tree line, and shares a common access that runs to the west of the application site in a north/south direction along the boundary with the River Twrch.

The development will be visible from this property, but due to the scale and temporary nature of the development, is not considered to significantly impact upon the amenity of residents within this property, either through overlooking, overbearing or loss of privacy. It should be noted that the application site is presently playing fields and therefore used by the public already. Whilst the use of this area will increase, the activities and thus the impacts on the nearest neighbouring property would be restricted to term time, and school hours only, therefore reducing the potential activity in this area. Such temporary impacts, are in any event, considered acceptable.

In relation to the objection received in respect of amenity issues. Whilst the use of the site on a temporary basis will have an impact. It is not considered that the development would raise significant impacts on visual amenity (Being temporary for a period of 24 months only) nor upon noise or loss of privacy (taking into consideration the unrestricted public use of the site as it presently stands). In relation to the windows of any building overlooking their property. At this time the application is for phase 1 and the units that would be closer to that common boundary are yet to be submitted for approval. An assessment of the acceptability of these, and impacts upon privacy would be made at that time. Clearly these can be designed in a way that reduces the windows or omits windows to that elevation.

In relation to light pollution, it should be noted that a condition requiring a scheme for any external lighting (if required) would be imposed upon any permission issued.

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

The Head of Engineering and Transport, Highway Section offer no objection to the development. There are no parking facilities proposed,

and all parking would need to be accommodated at the existing school site, where staff and pupils would be required to walk or cycle to this site, via the existing public access points.

In respect of the objection in relation to access and Highway and pedestrian safety, the Head of Engineering and Transport, Highway Section, offer no objection to the development. It should be noted that a condition restricting parking within the site and wider playing fields area (as edged blue on the submitted plans) has been suggested. In relation to private individuals rights of access, this is a private matter. The provision of passing bays along this track and/or improvements are not proposed under this planning permission, and may not require planning permission.

Whilst clearly the construction phase of the development will cause a level of disruption, this is transient in nature, and relatively quick, as the buildings are demountables and do not require significant levels of deliveries of construction material.

Flood risk/ Drainage/ Sewerage.

The site is located within a Zone C2 area as defined by the development advice map referred to by TAN15 (July 2004). However, NRW confirm that they have recently updated the modelling along the River Twrch, and that the results of this modelling work has removed the majority of the site from the area at risk of flooding. Based on the results of this modelling, NRW would have no objection to the proposal in terms of flood risk, especially as it is temporary in nature.

The Authority's Emergency Planning Section have been consulted on the application, and specifically to address the comments provided by NRW that state; "parts of the access to the temporary buildings (which is assumed to be via the bridge across the River Twrch), do fall within flood zone 2 (the 0.1% annual probability event). As such, compliance with Table A1.15 in TAN15 should be demonstrated. Safe access /egress is a matter for your Authority to determine in consultation with the emergency services. The Local Resilience Forum for your area may be able to provide further advice in liaison with Local Authority Emergency Planners." No response has been provided, it is noted that NRW seek the provision of a flood management plan.

The access to the site still lies within an area at risk of flooding, and NRW request that a condition be imposed requiring a "Flood Management Plan" to be drawn up and implemented for the development. This will be a condition of any permission issued, to be in place prior to

the first use of the development.

The applicant proposes to install a cesspit to manage the sewerage from the site, as the proposals are temporary in nature. NRW consider that the use of a cesspit to deal with sewerage from the site is not acceptable, and suggest that an alternative scheme for a package treatment plant or septic tank be used as an alternative, in accordance with the hierarchy detailed in Welsh Office Circular 10/99.

Policy IE4 of the Neath Port Talbot Unitary Development Plan relates to the use of private sewage treatment facilities. It restricts their use where connection to the main system is feasible, and again refers to Welsh Office Circular 10/99 “Planning requirements in respect of the use of non-mains sewerage, incorporating septic tanks in new development”.

NRW and the applicant have agreed that a suitably worded condition will be imposed to ensure that this matter is resolved prior to the first occupation of the development, and that a scheme for a septic tank or package treatment plant would be submitted for approval.

Objections.

In relation to the objections received, that are not addressed within the forgoing report, the following comments are provided.

The application has been advertised on site and in the press as a departure to the development plan. In addition, at the request of the Local Member one individual property was consulted by letter. This is over and above the Authority’s standard consultation procedure.

It is considered that the information provided in the application forms and supporting information is relevant and appropriate for the form of development proposed.

NRW offer no objection to the development in relation to flood risk, this includes the potential of the development increasing flood risk to any other land.

In relation to trees the site is currently a “red gravel” area free of all vegetation. There are trees located to the boundaries of the playing fields but these are unaffected by the development.

The development is outside of the settlement area, and has been advertised as such. This has been addressed within the forgoing report.

The Department are aware that preparatory works have commenced on site, and these included works linked to this proposal. These included cutting back trees along the riverbank overhanging the access track, and the creation of the footpath link and turning area.

The Human Rights Act 1998 came into force on 2nd October 2000. It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. All reports and recommendations are prepared in the light of the Council's obligations under the Act and with regard to the need for any decision to be informed by the principles of fair balance and non-discrimination.

Conclusion:

The proposed development, whilst located outside of defined settlement limits, is temporary in nature. As such whilst the provision of a permanent development at this site may not be acceptable, the temporary provision of the development for a period of 24 months to facilitate the development/redevelopment of the adjoining school buildings can be supported. The development would not result in any unacceptable impacts upon the amenity of adjoining property, not highway and pedestrian safety, and subject to conditions can appropriately address flood risk and environmental issues raised through the consultation process. As such the proposals would accord with Policies GC1, ENV1, ENV17, T1, RO1 and IE4 of the Neath Port Talbot Unitary Development Plan.

RECOMMENDATION: **Approval with Conditions**

CONDITIONS

(1)The development hereby approved shall be limited to a period of 24 months from the date of this permission, and within 3 months of the cessation of this period, or the cessation of use, whichever is the earlier, all works shall be removed from site, and the land returned to its former use and condition.

Reason

As the development and use is temporary in nature, and that the development is located within the open countryside.

(2) Prior to the first use of the development hereby approved a Flood Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be fully implemented as approved, and shall be available to all staff and appropriate persons on site to view and follow at all times that the site is occupied. The Flood Management Plan shall include full details of how the site will be effectively managed /evacuated should a flood event occur, including emergency access and egress routes, and safe assembly points.

Reason

In the interests of safety, and that the access points to the site are at risk of flooding.

(3) Notwithstanding the details submitted, and prior to the first use of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority for sewerage connection/treatment. This shall be provided in the form of a package treatment plant or septic tank only. The scheme as approved shall be fully implemented in accordance with these approved details, and upon cessation of the use shall be removed from site and the site restored to its original condition and use.

Reason

In the interests of amenity, and the environment.

(4) No staff or visitors to the school shall park within the site as edged red or blue on the plans hereby approved.

Reason

In the interests of Highway and pedestrian safety.

(5) There shall be no external lighting, or security lighting unless otherwise approved as part of a scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to its first use on site. The scheme as approved shall be fully implemented on site in accordance with that approved scheme, and upon cessation of the use hereby approved shall be removed from site, and the site returned to its formal use and condition.

Reason

In the interests of amenity.

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 proposed development, whilst located outside of defined settlement limits, is temporary in nature. As such whilst the provision of a permanent development at this site may not be acceptable, the temporary provision of the development for a period of 24 months to facilitate the development/redevelopment of the adjoining school buildings can be supported. The development would not result in any unacceptable impacts upon the amenity of adjoining property, not highway and pedestrian safety, and subject to conditions can appropriately address flood risk and environmental issues raised through the consultation process. As such the proposals would accord with Policies GC1, ENV1, ENV17, T1, RO1 and IE4 of the Neath Port Talbot Unitary Development Plan.

2. Planning Applications

Recommendation – Decline to Determine

2.1	APP NO: P/2014/0333	TYPE: Full Plans	Page Nos:	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			

Background to this Report

The application site has a detailed and complex planning history, including a number of planning appeals, a High Court Challenge, Enforcement action and subsequent appeal.

Section 70A of the Town and Country Planning Act 1990 gives an Authority the power to **decline to determine an application** which is similar to an application that has been refused previously and is submitted within two years of the date of that refusal / appeal and there has been:

“no significant change in the development plan (so far as material to the application) and any other material considerations”.

Full details of the application and history are summarised below, and are especially pertinent to the matter being brought before Members for a decision, which seeks a resolution that the Authority decline to determine the application in question.

Description of Site and its Surrounding

The site comprises a converted barn located within the open countryside to the South East of Rhos. Access is off an existing track which serves several other rural properties directly off the A474. The site is located within a farmyard adjacent to the main farm house (Hendre Las Farm). The farm complex has a variety of agricultural buildings.

To the west of the site is Hendre Las farmhouse and a former agricultural building which has been converted to a dwelling. To the north of the farmhouse there is also a redundant building which had the benefit of planning permission to convert it into holiday accommodation. It is understood that this planning permission has been implemented although

it is not complete. All these properties are within 50m of the application site.

The application site adjoins the track that serves Hendre Las Farm and two other properties. The site slopes steeply to the east away from the access track. There is a public footpath (Footpath 17) that runs adjacent to the site but is not affected by the proposal. The site is bounded by open farm land in all other directions.

Brief description of application

The application is submitted under section 73 of the Town and Country Planning Act 1990 and seeks the removal of Conditions 1 and 2 of Planning Permission P2009/0406(approved on the 21/07/09), and to allow the property to be used as a residential dwelling house.

Conditions 1 and 2 state as follows: -

- 1) Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or re-enacting that Order), the development hereby permitted shall be used for tourist holiday accommodation only. Occupation of the holiday accommodation hereby approved shall be restricted to a maximum of twelve weeks within a twelve month period for any individual.*

Reason

To ensure that the accommodation is utilised for tourist holiday accommodation only.

- 2) From the date of first occupation of the building records shall be maintained of the names of visitors and their dates of occupation and these records shall be made available to the Local Planning Authority at any time upon request.*

Reason

In order to ensure that the accommodation is utilised for tourist holiday accommodation only.

The removal of these conditions would allow for the unrestricted use of this property as a residential dwelling.

Planning History

As referred to above, the application site has a detailed and complex planning history, including a number of planning appeals, a High Court Challenge, Enforcement action and subsequent appeal. These are summarised below in chronological order.

P2008/0585 Conversion of barn into dwelling - Approved 15/09/08

P2009/0405 Retention and completion of two-storey detached building for use as a dwellinghouse - Refused 02/09/2009

Members may recall that in 2009 planning permission was sought for the retention and completion of a two storey property for use as a residential dwelling after it was discovered that the barn subject of the previous permission (P2008/0585) had been demolished and a new larger two storey structure had been constructed in a different location, without the benefit of planning permission.

After detailed consideration and following a visit by the Planning (Site Visits) Sub Committee, the application for the retention of the dwelling house was reported to the Planning and Development Control Committee on the 2nd of September 2009 where the application was **refused** for the following reason:

(1) The retention and completion of a new dwelling at this location would result in an unjustified form of development within the open countryside, to the detriment of visual amenity and character of this rural area as a whole, contrary to the overarching need to protect the countryside for its own sake. This would be contrary to Policies ENV1 ENV8c and ENV 17 of the Neath Port Talbot Unitary Development Plan and Planning Policy Wales (March 2002)

P2009/0406 Retention and completion of detached two storey property for use as holiday accommodation - Approved with conditions 21/7/2009

Members may also recall that the applicant submitted a concurrent planning application, alongside P2009/0405, for the retention and completion of the detached two storey property for use as holiday accommodation only. After detailed consideration, the application for holiday accommodation was **approved** with appropriate occupancy

conditions (which are the subject of the current application). This decision was made under delegated powers on 21st July 2009.

Appeal ref. no. APP/Y6930/A/09/2112770 (App ref. P2009/0405)

The applicant subsequently appealed against the refusal of planning permission for the retention of the building and its use as a residential dwelling (ref. **P2009/0405**) which was heard at a Hearing on the 26th January 2010. The appeal was subsequently **dismissed** on the 26th March 2010 on the grounds that the dwelling was an unsustainable and unjustified form of development within the open countryside.

The applicant then **appealed to the High Court** on the basis that he was not given adequate opportunity to address the issue of sustainability. On the 13th October 2010, the High Court quashed the decision of the Planning Inspectorate and re-submitted the appeal to the Welsh Ministers for the following reasons:-

- (1) the inspector did not afford the Claimant “a fair crack of the whip” on the question of whether the proposed development would promote sustainable travel patterns;
- (2) this gave rise to unfairness and substantial prejudice to the Claimant
- (3) therefore the Inspectors decision was not within the Powers of the Town and Country Planning Act 1990 and/or there was a failure to comply with relevant requirements;

Re determination of Appeal Ref No. APP/Y6930/A/09/2112770.

On the 2nd December 2010, the Welsh Assembly Government proceeded with the re-determination of the appeal for the retention of the building and its use as a dwelling. The applicant provided additional information in relation to sustainable travel patterns and the matter was dealt with by written representations. The site was visited on the 2nd March 2011.

On the 22nd March 2011, the appeal was again **dismissed** with the Inspector concluding that the development and use as a dwelling was an unsustainable and unjustified form of development within the open countryside.

P2011/0553 Retention of building and use as a dwelling house (Class C3) and completion of associated works and Enforcement Notices relating to Unauthorised use of

the building and Unauthorised operational
development - *Refused 05/12/2011*

In 2011 the applicant then made a 2nd planning application to retain the use of the building as a dwelling house. At that time Officers also considered whether to decline to determine that application under s70A but chose to determine that application.

After detailed consideration and following a site visit by the Planning (Site Visits) Sub Committee, the application for the retention of the dwelling house was reported to the Planning and Development Control Committee on the 29th of December 2011, with the application **refused** on 5th December 2011 for the following reasons:

(1) The proposal is an unjustified form of residential development within the countryside which by virtue of its remote location results in it being heavily dependent on motor cars and therefore unsustainable which is contrary to Policies GC1, EN1, EN8a, b and c and T1 of the Neath Port Talbot Unitary Development Plan

Formal Enforcement Action (ref E2010/0157)

On the 28th June 2012 and following the previous refusal of planning permissions, an Enforcement Notice was served upon the applicant to cease the use of the building as a residential dwelling within a compliance period of 3 months.

Joint Planning and Enforcement Appeal (Appeal Ref No. APP/Y6930/A/12/2177302 and C/12/2179809)

The applicant subsequently appealed against both the refusal of planning permission (ref. P2011/0553) and the Enforcement Notice (ref. E2010/0157).

The appeals were both **dismissed** on 15th April 2013.

The Inspector dismissed the planning appeal on the grounds that it was an unjustified and unsustainable form of development within the open countryside, and that any special circumstances put forward by the applicant were heavily outweighed by the harm identified by this development.

The related Enforcement appeal was dismissed on ground (a) – the deemed planning application – but the ground (g) appeal was allowed

insofar as the Inspector extended the time allowed for compliance with the Notice to 12 months. This, the Inspector stated, “*would be proportionate as this should enable Mr Jones and his family to obtain alternative accommodation, whilst the harm that has been identified would continue for a limited period of time only*”.

Report: Assessment of Submissions in relation to Section 70A of the Town and Country Planning Act 1990

Legal Background

As referred to above, Section 70A of the Town and Country Planning Act 1990 gives an Authority the power to decline to determine an application which is similar to an application that has been refused previously (or an appeal has been dismissed) and has been submitted within two years of the date of that refusal and “the authority think there has been no significant change in the relevant considerations since the relevant event”.

The “relevant considerations” are the development plan so far as material to the application and any other material considerations.

Under s70(8) an application for planning permission is similar to another application if (and only if) the local planning authority think that the development and the land to which the applications relate are the same or substantially the same.

Assessment of the Application Submissions

“**The Land**” is exactly the same as that subject to the detailed planning history listed above.

“**The Development**” seeks the 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.

By removing these conditions that restrict the use of the building to holiday accommodation only, the proposal would result in an unrestricted residential property in the countryside.

As identified in the planning history above, the principle of a residential dwelling in the open countryside has previously been considered on numerous occasions, with the most recent appeal being determined on 15th April 2013, just over 12 months ago. The most recent refusal and dismissed appeal was for “Retention of building and use as a dwelling

house (Class C3)” which is exactly the same development as that currently applied for.

Accordingly, the current application is clearly “similar” in nature to the application (and associated Enforcement Notice) determined within the last 2 years.

“The Development Plan”

Section 70a states that there should be “*no significant change in the development plan* so far as material to the application”.

The Neath Port Talbot Unitary Development Plan was adopted in March 2008, and all of the relevant planning history including appeal decisions postdates the adoption. Accordingly, the UDP remains the relevant Development Plan and there have been no significant changes in the development plan so far as material to the application”.

“Other Material Considerations”

This section of the report considers the nature of the application and supporting evidence submitted by the applicant solely with the aim of considering whether there has been a “*significant change*” in *other material considerations since the similar application was refused / dismissed on appeal*”.

Design and Access Statement

The Design and Access Statement (DAS) explains the history and summarises the attempts made by the applicant which are explained in further detail under the Marketing Report (discussed later). However within the DAS the applicant argues that the conditions in relation to occupancy are *ultravires* and unreasonable.

The applicant goes on to say in paragraph 35 of Circular 35/95 “*although a condition may in principle impose a continuing restriction on the land (provided that there are good planning reasons for that restriction) such a condition should not be imposed if the restriction effectively nullifies the benefit of the permission*”

In considering these submissions, it is of note that the conditions have been imposed on the previous planning application, have not been subject to any challenge or appeal, while they have also been considered as part of the appeal process described above. In particular, the Planning

Inspector has considered the holiday let and its breach of condition under appeal ref: APP/Y6930/C/12/2179809, in relation to the Enforcement Notice. This appeal was dismissed with the applicant given a further 12 months to move out. It is therefore considered the conditions are reasonable and not ultravires and that there has been no significant change in circumstances relating to these conditions since the previous appeal.

Marketing Report and supporting information Part 1- attempts to sell the property

The applicant has submitted information in relation to their attempts to sell the property, which are assessed in brief below: -

- 5 Adverts placed in the Swansea edition of the Evening Post on 14th May 2013, 11th June 2013, 30th July 2013, 13th August 2013 and 10th September 2013 (HRT).
- Correspondence from HRT (14th March 2014) in relation to price reductions and details of interested parties who only express if the building was a residential dwelling.
- Email from HRT (30th November 2012) re hit to right move website. This was before the date of the last appeal
- Letter from HRT (10th October 2012) re confirmation of advertisements . This was before the appeal.
- Valuation from Cleve Thomkinson Francis (9th August 2013) re future sale of property.
- Correspondence from a property acquisition company (the propertyfairy.com) (21st Feb 2012) this correspondence relates to matters before the date of the last appeal.
- Comparables, reference made to comparison of Plas Cilybebyll at conversation during previous appeal (2011/0553). This is not relevant; the Local Authority are looking for any significant change in circumstances since the last appeal. The sale of another property, asking prices and location of other holiday are not relevant, and would have no effect upon the use of this property, as a holiday let.

Since the last appeal the applicant has continued to advertise the property with HRT and an additional 5 adverts have been placed within the

Swansea edition of the South Wales Evening Post. Whilst the applicant consulted another estate agent (Clee) to value the property in August 2013 they were not instructed to sell the property. It is noted that the applicant reduced the asking price to £199,950 on 31st May 2013 and to £189,995 on 16th July 2013. However the price is not supported by any evidence of the 'value' of the business (given the failure to let the property), while the property has in any event only been advertised at the value deemed appropriate by Clee since July 2013. Moreover, there is no evidence that the applicant has marketed the property with any additional estate agents.

There is some correspondence prior to the date of the last appeal and some information relating to the last Hearing. The application at the time of the appeal was marketed for sale by one estate agent and is still being marketed by the same estate agent. It is therefore considered that there has been no significant change in circumstances since the last appeal in relation to selling the property

In considering the attempts to sell the property, the Inspector concluded (at para. 19 of his appeal decision dated 15th April 2013) that he was "not therefore satisfied that the appellants could be said to have made every reasonable attempt to retain a business use of the building". For the reasons above, the same remains the case today, while irrespective of the marketing exercise undertaken, failure to sell does not in itself represent a significant change in material considerations. Moreover, it is especially pertinent that the sale of such 'holiday accommodation' in the absence of any holiday letting (see below) is unsurprising given that commercial properties would in all likelihood require a history of letting to establish that the value of the property was appropriate.

Marketing report and supporting information Part 2 - Attempts to let the property

As detailed above, the Inspector concluded (at para. 19 of his appeal decision dated 15th April 2013) that he was "not therefore satisfied that the appellants could be said to have made every reasonable attempt to retain a business use of the building". This included noting that "*there has been no attempt to let the building as holiday accommodation*".

The submitted information in support of their application contains a list of information relating to the applicants attempts to let the property which can be summarised as follows:

- Adtrader

4 Adverts were placed on 8th May 2013, 22nd May 2013, 5th June 2013, 19th June 2013.

The adverts were placed within the Adtrader magazine on the 8th May which reads as follows. *“TO LET 4 bedroom holiday cottage, rural location, oil central heating, no pets, not disabled friendly, 10-12 people £550 - £1200 per wk”*

The following advert was placed within specialist property for rent section on Adtrader web site on the 8th May 2013. *“To Let 4 bed holiday cottage, rural location gf 4 bedrooms, 2 bathrooms ff lounge kitchen study toilet 3 car parking spaces designated. Oil central heating, private water supply, no pets, no children, not disabled friendly 10-12 people, lovely location subject to availability.”* (no price given)

- Free Ads

3 adverts were placed on 18th December 2013, 20th August 2013 and 4th Feb 2014. The 18th December 2013 advert reads as follows:

“4 bedroom holiday cottage 4 miles from Neath, Lovely location 3 car parking spaces, £1200 call Jonathan Jones on Mobile or email” (only a single price given)

- Dwr Cymru Buy & Sell

3 adverts are shown on 19th April 2013, 22nd October 2013 and 26th February 2014. The advert on the 19th April 2013 reads as follows:

4 bedroom holiday cottage located within Rhos (4 miles from Neath 8 Miles from Swansea) rural location, GF 4 bedrooms, 2 bathrooms, FF lounge kitchen utility study toilet, 3 car parking spaces designated oil central heating, private water supply, no pets, no children, NOT disabled Friendly, Lovely location £550 - £1200 per week subject to availability. Contact Jonathan Jones on Mobile number

- Domegos.co.uk

There is evidence that something was advertised on 18th April 2013 and looks to be active until the 2nd March 2014 however there is no

information relating to what was advertised apart from a photograph and the address of the property,

- Leisurehappy.co.uk

The following advert was placed on 18th April 2013 their web site
“4 bedroom holiday cottage set on outskirts of rural village, walking distance from facilities, GF 4Bedroom, 2 bathrooms, FF Lounge kitchen, Study utility toilet, rear garden, 3 no Car parking spaces.”

- Website - ‘Activity Tracker’ of unique Visitors to website

The submissions show the number of unique visitors to their website which have translated into no business.

- Letting Agents

The applicant has advised that they did not use any holiday cottage letting agents in their attempt to let the property. The applicant engaged the help of Threshold Property management to advertise the property to let, who advertised on rightmove.co.uk which they claim is the most popular search function for property searches in the UK. Threshold Property Management advertised the property on 14th May 2014 as a *“barn conversion for holiday lets decorated to the highest standard throughout and will accommodate 8 people. 2 en suites and a family bathroom, excellent views and within a distance from the M4, and Pontardawe. £4333 per calendar month”* The property was removed with advice from right move on November 2013

- Other Marketing Methods

The applicant advised that advertising cards were placed in local shops/post offices; advertising cards were also placed at the applicant’s place of work with no interest. The applicant has advised they have used road signs throughout the winter months with no interest received.

In considering the nature of submissions, it is of note that no evidence of letting had previously been submitted. It is nevertheless necessary to consider if the new submissions are a *significant change* in other material considerations since the similar application was refused / dismissed on appeal.

Having considered these submissions, the following points are raised: -

- All attempts to let the property as listed above are where any interested party would contact the applicant directly. The Local Authority therefore has no independent evidence to ratify the level of interest in letting the property.
- The only attempt to let via a third party was via Threshold Property Management who appear from their web to be a normal letting agency that do not have a specialist holiday accommodation searches and would therefore attract people looking to let a residential property and not a holiday rental. Moreover, that letting price was on a monthly basis at a seemingly unrealistic price.
- Since the date of the appeal decision no dedicated holiday letting agent has been employed to market the property for let, nor evidence provided that the price for the property is realistic and varies according to demand at different times of the year (as would be expected)
- The website address is independent, poorly conceived, and not linked to any holiday letting site as would normally be expected.
- Most pertinently, the property continues to be occupied as a permanent residential dwelling and there has been no sustained and active effort to let the property out (which would have been more likely had the property been vacated and furnished for holiday lets, and such letting would have brought in essential income).
- Failing to vacate the property also makes any letting request unrealistic as the applicant has stated within paragraph 1.1 of the applicant's Design and Access Statement that they have no alternative accommodation to live in, this would suggest that if there was an interested party to rent the holiday let, that they would be unable to do so as the applicant would not be able to vacate the property.

Accordingly, while the submissions indicate that there has been some activity by the applicant to let the property since the last appeal decision, this is not considered to demonstrate any active or coordinated effort, but rather an attempt to provide evidence for the purposes of a planning submission. It is therefore not considered to be a significant change in material considerations.

Marketing report and supporting information Part 3 – Business feasibility

The above document includes: -

- A Business plan for Coed Y Nant Holiday cottages approved by a business advisor employed by “business in Focus” based in Swansea, setting out how the holiday let would be operated. It also identifies occupancy rates as published by Visit Wales who indicated that occupancy rates run on average at 56% with August being the highest month at 96% and Jan being the lowest at 25%
- A Cash flow forecast showing a breakdown of projected income and cost in relation to the holiday business, which concludes (having regard to fixed costs including mortgage payments) that there would be a loss made over the period of 12 months.

The applicant has tried to demonstrate that a holiday let business is not viable, however, as stated above has made no real attempt to vacate the property so that it is available to let, nor has he employed a specialist holiday let company to manage its bookings. There is also some discrepancy within the figures (for example the figures shown for August show an income of £1920; If let for £1200 per week during the high season at 96% occupancy, this should show approximately £4600 for the month of August alone) in an attempt to portray an unviable use which appears to be an attempt to provide evidence to show a holiday let has not been successful, for the purposes of a planning submission. It is therefore considered to not to be a significant change in material considerations.

Marketing report and supporting information Part 4 – Comparisons, alternative users and conclusions

The above document includes: -

- Competition, The applicant has submitted details of Occupancy rates for several Holiday Let Businesses
 - Depot Road, Cwmavon
 - Tan Yr Eglwys Cottage, Cilybebyll, Pontardawe,
 - Swansea Valley Holiday Cottages, Cilybebyll, Pontardawe
- Business plan for Hendre las cottages (this appears to pre date the last appeal.)

- Assessment of alternative uses i.e. retail, office industrial.

The applicant has provided information in relation to occupancy rates, discrepancies between rates advised previously at appeal, stated that their business would be unviable, and that a nearby holiday business has monopolised the market. The applicant had permission for this holiday let in 2009 and to date has not vacated the property in order to actively attempt to let it. It cannot be considered that the use is unviable until such a time that the property is vacated and actively market through specialist holiday rental letting agents for a length of time. The applicant has shown that whilst occupancy levels may be lower in the last 12 months, that other holiday businesses in the area are still operating and also winning awards. It is considered that since the date of the last appeal there has been no significant material change identified that would require the Local Authority to determine this application.

The applicants has also stated alternative uses are not being feasible, however this is mostly speculation with no evidence to show or what attempts have been made to secure an alternative use such as offices or industrial, the property has not been marketed for an industrial use or office use. It is therefore considered that there is no information within this sections that would suggest there has been a significant material change in circumstances.

Conclusions

The application primarily seeks the continued use of a building as a dwellinghouse in the open countryside on a site outside the designated settlement limits as defined by the Neath Port Talbot Unitary Development Plan. As explained in detail above, it is concluded that the application relates to the same development on the same site as that which has been considered and dismissed by an independent Planning Inspector a number of times and as recently as April 2013.

It is further concluded that, for the reasons given above, the submissions accompanying this planning application do not amount to a “*significant change in the development plan (so far as material to the application) and any other material considerations*” since the determination of the most recent appeal.

Furthermore 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. For these reasons it is recommended that the applicant be advised that the Local Planning Authority is refusing to entertain the application in accordance with the criteria associated with Section 70a of the Town and Country Planning Act 1990.

Appeal

Members are advised that there is no right of appeal where an Authority declines to determine an application. However, if an applicant thinks that an authority has acted unreasonably in declining to determine a repeat application, they are able to seek judicial review of that authority's decision.

Enforcement Issues

Members will be aware that they have previously resolved to take enforcement action against the unauthorised occupation of the property, and that the Enforcement Notice was considered and upheld at appeal. The result of that appeal is that the extended 12 month period to allow the owner to vacate the premises has recently passed, although he continues to live in the property.

Accordingly, it will be necessary for the Authority to advise the owner that continued failure to vacate the property represents an offence for which prosecution action will be taken.

Recommendation:

That the Local Planning Authority decline to determine the planning application in accordance with the provisions of section 70A(1) of the Town and Country Planning Act 1990

SECTION B – MATTERS FOR INFORMATION

3. Appeals Determined

a) Planning Appeal

Appeal Ref: A2013/0023 **Planning Ref:** P2012/0719

PINS Ref: APP/Y6930/A/13/2208436

Applicant: Mrs Jenny Madge

Proposal: Change of use of rear ground floor to residential and retrospective approval for rear ground extension

Site Address: 68 New Road Skewen SA10 6HA

Decision Date: 25/02/2014
(Note: PINS failed to send a copy of the appeal decision until recently)

Decision Code: Allowed

The main issue in the determination of this appeal concerned whether a safe access to the proposed flat at the rear could be provided.

The inspector stated that the rear access track is unlit and unsurfaced. Furthermore he acknowledged that, especially at night or in inclement weather, that it is not a particularly attractive means of pedestrian access to the flat. However the Inspector concluded that, even if the access to the flat was onto New Road at the front of the property, residents would still have to walk along the track to get from the parking space to the flat. Indeed given the pressure on on-street parking in the locality, where there are parking restrictions and a resident parking scheme, it is likely that they would walk along the track more frequently if the doorway to the flat was at the front, on New Road, than if it were at the rear, where it is only a short distance from the parking area.

In view of the above the Inspector allowed the appeal subject to a number of conditions, the most relevant to his decision being the requirement to submit a scheme to the Local Planning Authority detailing the provision of external lighting, in the interests of safety and security.

4. Delegated Applications
Determined Between 12th April 2014 and 16th May 2014

1	App No. P/2013/787	Type Full Plans
Proposal	Change of use of ground-floor of rear wing of former Public House to Workshop/Store in association with existing B1 Use, insertion of doors to north-facing elevation, plus retention of glazed gable windows to northern and southern facing elevations serving the attic area.	
Location	Fergusons Windows, Fergusons House, Bethel Street, Neath	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

2	App No. P/2013/905	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 21 (facilities for storage of oils, fuels or chemicals) of planning permission ref: P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/2009	
Location	Mynydd Y Gwrhyd,	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

3	App No. P/2013/992	Type Householder
Proposal	Single storey side extension (Amended plans received)	
Location	Changing Rooms Crynant Rugby Football Ground, Woodland Road, Crynant, Neath	
Decision	Approval with Conditions	
Ward	Crynant	

4	App No. P/2013/997	Type Full Plans
Proposal	Retention and completion of gabion retaining wall plus associated engineering works for the re-profiling of land.	
Location	Garage Compound, St Annes Drive, Tonna, Neath	
Decision	Approval with Conditions	
Ward	Tonna	

5	App No. P/2013/1011	Type Householder
Proposal	Retention of detached outbuilding	
Location	21 Llys Castell, Coed Hirwaun, Port Talbot SA13 2UX	
Decision	Approval with no Conditions	
Ward	Margam	

6	App No. P/2013/1036	Type Householder
Proposal	New pitched roof to existing two storey extension, first floor rear extension and the retention of a detached outbuilding	
Location	44 Pheasant Road, Trebanos Pontardawe, SA8 4DP	
Decision	Approval with Conditions	
Ward	Trebanos	

7	App No. P/2013/1079	Type Full Plans
Proposal	Replacement and upgrading of land drainage to training pitch, plus temporary contractor compound and soil recovery to overflow car park.	
Location	Bryncoch Sports Club, Tyllwyd Road, Bryncoch SA10 7DQ	
Decision	Approval with Conditions	
Ward	Bryncoch North	

8	App No. P/2013/1134	Type Full Plans
Proposal	Retail Unit (Class A1).	
Location	Tesco Supermarket, Neath Abbey Road, Neath SA10 7FE	
Decision	Refusal	
Ward	Dyffryn	

9	App No. P/2013/1150	Type Householder
Proposal	Demolition of existing single storey extension and porch and erection of part two storey and single storey rear extension	
Location	163 SWANSEA ROAD, TREBANOS PONTARDAWE, SWANSEA NEATH PORT TALBOTSA8 4BS	
Decision	Approval with Conditions	
Ward	Trebanos	

10	App No. P/2013/1152	Type Householder
Proposal	Single storey rear extension and construction of replacement garage	
Location	26 Victoria Road, Sandfields, Port Talbot SA12 6AD	
Decision	Approval with Conditions	
Ward	Sandfields East	

11	App No. P/2014/50	Type Outline
Proposal	Two-storey detached dwelling (Outline, with details of means of access to be agreed).	
Location	Land Adjoining, 80 Llantwit Road, Neath SA11 3LB	
Decision	Refusal	
Ward	Neath North	

12	App No. P/2014/69	Type Householder
Proposal	Single storey front extension	
Location	76 Brytwn Road, Cymmer, Port Talbot SA13 3EW	
Decision	Approval with Conditions	
Ward	Glyncorrwg	

13	App No. P/2014/73	Type Householder
Proposal	Single storey rear extension	
Location	37 King Street, Port Talbot SA13 1AY	
Decision	Approval with Conditions	
Ward	Port Talbot	

14	App No. P/2014/78	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 10 (Ecological management and mitigation monitoring plan) of planning permission Ref P2007/1413 (APP/Y6930/A/08/2092727) granted on 07/05/09	
Location	Mynydd Y Gwrhyd,	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

15	App No. P/2014/87	Type Full Plans
Proposal	Detached split level dwelling (amended plans received 12/03/14).	
Location	14 The Oaks, Cimla, Neath SA11 3RJ	
Decision	Approval with Conditions	
Ward	Cimla	

16	App No. P/2014/88	Type Change of Use
Proposal	Change of use of Chapel (Class D1) to Tourist Hostel (Class C1) with ancillary manager's accommodation, change of use of vacant land to 12 space car parking area in association with Hostel. External alterations comprising solar panels, velux windows and 2 flues to roof, insertion of new door and 3 windows to west elevation and insertion of fire door and escape bridge to east elevation.	
Location	Carmel Calvinistic Methodist Chapel, Baxter Terrace, Glyncorrwg, Port Talbot	
Decision	Approval with Conditions	
Ward	Glyncorrwg	

17	App No. P/2014/98	Type Full Plans
Proposal	Proposed metal pre-shredders, hammer mills and conveyors for Harsco Metals.	
Location	TATA Port Talbot Steelworks, Grange Road, Margam, Port Talbot SA13 2NG	
Decision	Approval with Conditions	
Ward	Margam	

18	App No. P/2014/121	Type Householder
Proposal	Single storey rear extension with lantern, single storey side extension and loft conversion.	
Location	12 Dolcoed Terrace, Tonna, Neath SA11 3HJ	
Decision	Approval with Conditions	
Ward	Tonna	

19	App No. P/2014/122	Type Householder
Proposal	Two storey, and single storey rear extension.	
Location	208 Swansea Road, Trebanos Pontardawe, SA8 4BX	
Decision	Approval with Conditions	
Ward	Trebanos	

20	App No. P/2014/128	Type Full Plans
Proposal	Sub-station with associated compound to support Solar Photovoltaic Park.	
Location	Solar Photovoltaic, Baglan Energy Park, Port Talbot	
Decision	Approval with Conditions	
Ward	Baglan	

21	App No. P/2014/130	Type Change of Use
Proposal	Retention of use of residential dwelling as offices (Class B1) for a further period of 12 months.	
Location	23 Gurnos Road, Ystalyfera, SA9 2JA	
Decision	Approval with Conditions	
Ward	Ystalyfera	

22	App No. P/2014/138	Type Full Plans
Proposal	Two storey dwelling incorporating rear conservatory (Change of house type) (Amended DAS 20/03/14)	
Location	Plot 24, Glas Y Gorlan, Jersey Marine, Neath SA10 6HR	
Decision	Approval with Conditions	
Ward	Coedffranc West	

23	App No. P/2014/144	Type Householder
Proposal	Two storey side extension	
Location	15 Richley Close, Baglan, Port Talbot SA12 8TA	
Decision	Approval with Conditions	
Ward	Baglan	

24	App No. P/2014/147	Type Householder
Proposal	Two storey side extension	
Location	1 Barry Road, Lower Brynamman, Ammanford SA18 1TY	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwe	

25	App No. P/2014/148	Type Householder
Proposal	Demolition of existing shed/store and construction of a split level side and rear extension and extended raised decking area with balustrade and privacy screen.	
Location	15 Ynys Y Mond Road, Alltwn Pontardawe, SA8 3BA	
Decision	Approval with Conditions	
Ward	Alltwn	

26	App No. P/2014/151	Type Full Plans
Proposal	Extension to western elevation to provide meeting room and café.	
Location	Riverside Community Space Centre, Glantawe Riverside Park, Pontardawe SA8 3HZ	
Decision	Approval with Conditions	
Ward	Pontardawe	

27	App No. P/2014/154	Type Householder
Proposal	Two storey side extension and single storey rear extension.	
Location	39 Crymlyn Gardens, Skewen, Neath SA10 6EU	
Decision	Approval with Conditions	
Ward	Coedffranc West	

28	App No. P/2014/167	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 15 (Construction method Statement) of application P2011/0865 granted on the 19/10/11.	
Location	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot SA13 1RU	
Decision	Approval with no Conditions	
Ward	Port Talbot	

29	App No. P/2014/172	Type Householder
Proposal	Detached garage	
Location	21A Bryn Varteg, Bryn, Port Talbot SA13 2RJ	
Decision	Approved with 5yr expiry only	
Ward	Bryn & Cwmavon	

30	App No. P/2014/182	Type Full Plans
Proposal	Change of Use of agricultural land to paddock, and retention of stable block.	
Location	Bryndu Farm, Bryndu Pyle, Bridgend CF33 6RA	
Decision	Approval with Conditions	
Ward	Margam	

31	App No. P/2014/187	Type Discharge of Cond.
Proposal	Scheme in accordance with condition 51 of P2006/0853 (approved 15th April 2009) for the interception of any contaminated surface water run off from the site	
Location	Cwm Nant Lleici Quarry, Gellifowy Road, Pontardawe, Swansea SA8 4TU	
Decision	Approval with no Conditions	
Ward	Pontardawe	

32	App No. P/2014/188	Type Discharge of Cond.
Proposal	Scheme under condition 79 of planning reference P2006/0853 (approved 15th April 2009) for phased stripping of soils	
Location	Cwm Nant Lleici Quarry, Gellifowy Road, Pontardawe, Swansea SA8 4TU	
Decision	Approval with Conditions	
Ward	Pontardawe	

33	App No. P/2014/189	Type Full Plans
Proposal	Two storey detached dwelling (Change of house type to include conservatory)	
Location	Plot 19, Glas y Dorlan (Ocean View Phase 2), Jersey Marine, Neath SA10 6HR	
Decision	Approval with Conditions	
Ward	Coedffranc West	

34	App No. P/2014/190	Type Full Plans
Proposal	Retention of Two storey detached dwelling (Change of house type to include rear conservatory)	
Location	Plot 79, Glas y Dorlan (Ocean View Phase 2), Jersey Marine, Neath SA10 6HR	
Decision	Approval with Conditions	
Ward	Coedffranc West	

35	App No. P/2014/191	Type Householder
Proposal	Proposed Hardstanding	
Location	92 Brynau Wood, Cimla, Neath SA11 3YQ	
Decision	Approval with Conditions	
Ward	Cimla	

36	App No. P/2014/199	Type Discharge of Cond.
Proposal	Scheme under condition 54 of planning reference P2006/0853 (approved 15th April 2009) for the setting up, operation & regular convening of a site liasion committee	
Location	Cwm Nant Lleici Quarry, Gellifowy Road, Pontardawe, Swansea SA8 4TU	
Decision	Approval with Conditions	
Ward	Pontardawe	

37	App No. P/2014/204	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 10 (ground contamination investigation) of application P2011/0934 granted on 20/03/2012	
Location	Resolven Rugby Football Club Ardwyn Terrace, Tan Y Rhiw Road, Resolven, Neath SA11 4LY	
Decision	Approval with no Conditions	
Ward	Resolven	

38	App No. P/2014/208	Type Discharge of Cond.
Proposal	Scheme under condition 55 of planning reference P2006/0853 (approved 15th April 2009) for the setting up of a technical working party	
Location	Cwm Nant Lleici Quarry, Gellifowy Road, Pontardawe, Swansea SA8 4TU	
Decision	Approval with no Conditions	
Ward	Pontardawe	

39	App No. P/2014/215	Type Lawful Dev.Cert-Prop.
Proposal	Single storey side extension (Lawful Development Certificate Proposed)	
Location	26 St Asaph Drive, Sandfields, Port Talbot SA12 7LL	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

40	App No. P/2014/218	Type Householder
Proposal	Single storey rear extension.	
Location	39 Neath Road, Fforest Goch Pontardawe, SA8 3JB	
Decision	Approval with Conditions	
Ward	Rhos	

41	App No. P/2014/220	Type Full Plans
Proposal	Change of use of existing staff residential accommodation to offices (Use Class B1).	
Location	Ysbyty Castell Nedd Port Talbot, Ffordd Baglan, Aberafan, Port Talbot SA12 7BX	
Decision	Approval with Conditions	
Ward	Aberavon	

42	App No. P/2014/223	Type Full Plans
Proposal	Installation of a flue to existing agricultural building to serve 60Kw biomass boiler.	
Location	17 Penyard Road, Longford, Neath SA10 7EY	
Decision	Approval with Conditions	
Ward	Dyffryn	

43	App No. P/2014/227	Type Householder
Proposal	Single storey side and rear extension	
Location	3 Brynau Wood, Cimla, Neath SA11 3YJ	
Decision	Approval with Conditions	
Ward	Cimla	

44	App No. P/2014/228	Type Householder
Proposal	Single storey rear extension	
Location	107 Margam Road, Taibach, Port Talbot SA13 2AA	
Decision	Approval with Conditions	
Ward	Taibach	

45	App No. P/2014/232	Type Prior Notif.Minerals
Proposal	Prior Notification under Class B Part 22 (Mineral Exploration) of the General Permitted Development Order 1995 - for the development of 3 boreholes for coal exploration	
Location	Three separate locations in, Rheola Forest, North of Resolven, Neath	
Decision	Prior Approval Not Required	
Ward	Glynneath	

46	App No. P/2014/237	Type Outline
Proposal	Two detached dwellings (Outline with all matters reserved) (Amendments to P2013/0954 approved on 11.02.14)	
Location	March Hywel, Cilfrew, Neath	
Decision	Approval with Conditions	
Ward	Aberdulais	

47	App No. P/2014/238	Type Householder
Proposal	Single storey rear extension	
Location	3 Chain Road, Glynneath, Neath SA11 5HW	
Decision	Approval with Conditions	
Ward	Blaengwrach	

48	App No. P/2014/244	Type Householder
Proposal	Retention and completion of single storey rear extension	
Location	20 Vivian Park Drive, Sandfields, Port Talbot SA12 6RT	
Decision	Approval with no Conditions	
Ward	Sandfields East	

49	App No. P/2014/247	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development for a proposed Single storey side/rear extension.	
Location	83 Wern Road, Skewen, Neath SA10 6DP	
Decision	Issue Lawful Dev.Cert.	
Ward	Coedffranc West	

50	App No. P/2014/258	Type Full Plans
Proposal	Installation of 80 metre high anemometry mast for a temporary period of 3 years.	
Location	Llynfi Afan	
Decision	Approval with Conditions	
Ward	Gwynfi	

51	App No. P/2014/259	Type Householder
Proposal	First floor rear extension	
Location	17 Park Street, Tonna, Neath SA11 3JQ	
Decision	Approval with Conditions	
Ward	Tonna	

52	App No. P/2014/263	Type Householder
Proposal	First floor side extension	
Location	28 Brwyna Avenue, Aberavon, Port Talbot SA12 6YY	
Decision	Approval with Conditions	
Ward	Aberavon	

53	App No. P/2014/268	Type Householder
Proposal	First-floor side extension.	
Location	22 Broomhill, Port Talbot SA13 2US	
Decision	Approval with Conditions	
Ward	Port Talbot	

54	App No. P/2014/269	Type Householder
Proposal	Conversion of existing integral garage to living accommodation and alteration to windows to ground floor rear elevation	
Location	23 Derlwyn, Waunceirch, Neath SA10 7QU	
Decision	Approval with Conditions	
Ward	Bryncoch South	

55	App No. P/2014/273	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (Certificate of Lawful Development Proposed)	
Location	15 Dahlia Close, Sandfields, Port Talbot SA12 7EP	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

56	App No. P/2014/276	Type Householder
Proposal	Single storey front extension.	
Location	1 Garden Cottages, Windsor Road, Neath SA11 1NL	
Decision	Approval with Conditions	
Ward	Neath East	

57	App No. P/2014/278	Type Reserved Matters
Proposal	Construction of a two storey dwelling (reserved matters following outline planning approval no P2012/0241 approved on 03/04/12)	
Location	14 Llwynhen Road, Cwmgors, Ammanford SA18 1RG	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

58	App No. P/2014/279	Type Advertisement
Proposal	1No. non illuminated building identification sign	
Location	Port Talbot Steelworks, Grange Road, Margam, Port Talbot SA13 2NG	
Decision	Advert Approved with Std Cond	
Ward	Margam	

59	App No. P/2014/280	Type Neigh.Auth/Nat.Park
Proposal	Provision of combined cycleway and footway (Consultation from adjoining Authority)	
Location	Former Mineral Railway, South Of Cwmgarw Road, Near Brynamman	
Decision	No Objections	
Ward	Outside Borough	

60	App No. P/2014/281	Type Householder
Proposal	Demolition of existing garage and outbuilding, and construction of a two storey rear extension, plus provision of first floor windows to side elevations of existing dwelling.	
Location	16 Gron Road, Gwaun Cae Gurwen, Ammanford SA18 1HD	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

61	App No. P/2014/282	Type Householder
Proposal	Single storey front and rear extensions	
Location	41 Border Road, Sandfields, Port Talbot SA12 7EB	
Decision	Approval with Conditions	
Ward	Sandfields West	

62	App No. P/2014/284	Type Lawful Dev.Cert-Prop.
Proposal	Certificate of lawful development (proposed) for a single storey rear extension	
Location	25 The Sinnatts, Court Herbert, Neath SA10 7BY	
Decision	Issue Lawful Dev.Cert.	
Ward	Dyffryn	

63	App No. P/2014/288	Type Householder
Proposal	Convert Garage Into Living Room	
Location	52 Cae Morfa, Neath SA10 6EH	
Decision	Approval with Conditions	
Ward	Coedffranc West	

64	App No. P/2014/289	Type Vary Condition
Proposal	Variation of Conditions 3 and 4 of Outline Planning Permission P2011/0162 (Approved on the 01/04/2011) to extend the time period for the submission of reserved matters	
Location	Land Adjacent To, 20 Dan-Y-Graig Road, Melyn, Neath SA11 1UB	
Decision	Approval with Conditions	
Ward	Neath East	

65	App No. P/2014/290	Type Householder
Proposal	Retention of two storey side extension and three dormer windows on front elevation and one to the rear elevation (Amended scheme as approved by P2010/0927)	
Location	Greenacres Bungalow, New Road, Aberdulais, Neath SA10 8HT	
Decision	Approval with Conditions	
Ward	Aberdulais	

66	App No. P/2014/291	Type Householder
Proposal	Scheme for replacement parking to facilitate garage conversion to living accommodation.	
Location	30 Drumfields, Cadoxton, Neath SA10 8AX	
Decision	Approval with Conditions	
Ward	Cadoxton	

67	App No. P/2014/292	Type Section 37 Elec Act
Proposal	Erection of a new stub leg-pole under Electricity Act 1989: Overhead lines (Exemption) (England and Wales) Regulations 2009.	
Location	Baglan Energy Park, Neath Neath Port Talbot SA11 2GG	
Decision	No Objections	
Ward	Briton Ferry We	

68	App No. P/2014/293	Type Change of Use
Proposal	Change of Use from Car Wash to Car Sales and siting of demountable building as sales office plus external lighting.	
Location	ARC Car Wash, Pantyrheol, Neath SA11 2HD	
Decision	Approval with Conditions	
Ward	Neath East	

69	App No. P/2014/295	Type Householder
Proposal	Single storey side extensions	
Location	1 Llys Nedd, Caewern, Neath SA10 7PH	
Decision	Approval with Conditions	
Ward	Bryncoch South	

70	App No. P/2014/297	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate for a Single storey rear extension.	
Location	34 Lon Hir, Alltwen, Pontardawe SA8 3DE	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Alltwen	

71	App No. P/2014/299	Type Advertisement
Proposal	1 No. Internally illuminated fascia Sign and 1 No. Internally Illuminated projecting sign.	
Location	14 New Street, Neath SA11 1RT	
Decision	Approval with Conditions	
Ward	Neath North	

72	App No. P/2014/300	Type Discharge of Cond.
Proposal	Details pursuant to the partial discharge of planning condition 26 (Verification of imported soils for Plots 16 to 19, 64 to 69 and 77 to 79 only) of P2013/0327 (Approved on the 25/09/13)	
Location	Land at, Ocean View, Jersey Marine, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

73	App No. P/2014/303	Type Householder
Proposal	Removal of garage door and replacement with window to facilitate conversion of garage to living accommodation.	
Location	4 Cae Derw, Bryncoch, Neath SA10 7FG	
Decision	Approval with Conditions	
Ward	Bryncoch South	

74	App No. P/2014/307	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness for a proposed single storey rear extension	
Location	62 Regent Street West, Briton Ferry, Neath SA11 2RF	
Decision	Issue Lawful Dev.Cert.	
Ward	Briton Ferry We	

75	App No. P/2014/317	Type Householder
Proposal	Replacement roof with a 20cm increase in ridge height to bungalow and flat roof side extension.	
Location	12 Waungron, Glynneath, Neath SA11 5AS	
Decision	Approval with Conditions	
Ward	Glynneath	

76	App No. P/2014/318	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (Certificate of Lawful Development Proposed)	
Location	138 Western Avenue, Sandfields, Port Talbot SA12 7NG	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

77	App No. P/2014/334	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) Single storey rear extension	
Location	44 Westernmoor Road, Neath SA11 1BZ	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath South	

78	App No. P/2014/336	Type Householder
Proposal	First floor side extension including dormers to front and rear roof planes	
Location	22 Min Y Coed, Cimla, Neath SA11 3YD	
Decision	Approval with Conditions	
Ward	Cimla	

79	App No. P/2014/340	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness for a proposed single storey rear extension	
Location	43 Ascot Drive, Baglan, Port Talbot SA12 8YL	
Decision	Issue Lawful Dev.Cert.	
Ward	Baglan	

80	App No. P/2014/348	Type Screening Opinion
Proposal	Screening opinion request under the EIA Regulations for a Solar 13MWp Solar Farm	
Location	Ty'n Y Cwm Lane, Rhos Pontardawe, Swansea SA8 3EY	
Decision	EIA Not Required	
Ward	Rhos	

81	App No. P/2014/351	Type Discharge of Cond.
Proposal	Details in association with condition 2 (ground investigation) of application P2013/0245 approved on 4/7/2013	
Location	Abbey Auto Dismantlers Margam Arches, Penrhyn Street, Taibach, Port Talbot SA13 1LU	
Decision	Approval with no Conditions	
Ward	Margam	

82	App No. P/2014/355	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (Landscaping Scheme) of planning approval P2013/1153 granted 2/4/14	
Location	4 Cromwell Avenue, Bryncoch, Neath SA10 8DW	
Decision	Approval with no Conditions	
Ward	Bryncoch South	

83	App No. P/2014/366	Type Householder
Proposal	Single storey rear extension (Lawful Development Certificate Proposed)	
Location	140 Western Avenue, Sandfields, Port Talbot SA12 7NG	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

84	App No. P/2014/372	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development for a proposed first floor rear extension.	
Location	Deri Isaf Farm, Deri Road, Rhiwfawr, Swansea SA9 2RH	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Cwmllynfell	

85	App No. P/2014/374	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (Certificate of Lawful Development Proposed)	
Location	5 Elmwood Road, Baglan, Port Talbot SA12 8TF	
Decision	Issue Lawful Dev.Cert.	
Ward	Baglan	

86	App No. P/2014/376	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (Certificate of Lawful Development Proposed)	
Location	22 Heol Y Coed, Glyncorrgw, Port Talbot SA13 3AL	
Decision	Issue Lawful Dev.Cert.	
Ward	Glyncorrgw	

87	App No. P/2014/377	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development for a proposed single storey side extension.	
Location	4 Eastland Road, Neath SA11 1HS	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

88	App No. P/2014/379	Type Prior Notif.Eccl.
Proposal	Works to relocate unfixed wooden pulpit, installation of digital organ console and associated speakers (Consultation under ecclesiastical exemption)	
Location	Church of St Mary The Virgin, Church Street, Briton Ferry, Neath	
Decision	No Objections	
Ward	Briton Ferry West	

89	App No. P/2014/383	Type Discharge of Cond.
Proposal	Details pursuant to conditions 10 (Construction Method Statement) and Condition 11 (Site Waste Management Plan) of Planning Permission P2013/1092 (Approved on the 07/02/2014)	
Location	Ffordd Amazon New Entrance Road, Crymlyn Burrows, Swansea SA1 8QL	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

90	App No. P/2014/385	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development for a proposed single storey rear extension.	
Location	39 Dyffryn View, Bryncoch, Neath SA10 7TU	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch North	

91	App No. P/2014/391	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate for a proposed single storey rear extension.	
Location	29 Maes Y Glyn, Lower Brynamman, Ammanford SA18 1SY	
Decision	Issue Lawful Dev.Cert.	
Ward	Lower Brynamman	

92	App No. P/2014/397	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development for a proposed single storey rear/side extension.	
Location	83 Longford Road, Longford, Neath SA10 7HF	
Decision	Issue Lawful Dev.Cert.	
Ward	Dyffryn	

93	App No. P/2014/399	Type Discharge of Cond.
Proposal	Details pursuant to Condition 14 (Construction Management Plan) of Planning Permission P2013/0868 (Approved on the 24/01/13)	
Location	Old Furnace House, Old Furnace Terrace, Neath SA11 2EF	
Decision	Approval with no Conditions	
Ward	Neath East	

94	App No. P/2014/412	Type Nat. Significant Infrastructue Project
Proposal	In accordance with Section 55 of the Planning Act 2008 (as amended by the Localism Act 2011) Assessment of Adequacy of Consultation Undertaken in accordance with sections 42, 47 and 48 of the Act in relation to the proposed Development Consent Order for the Mynydd Y Gwynt Wind Farm..	
Location	Mynydd Y Gwynt Wind Farm	
Decision	No Objections	
Ward	Outside Borough	

95	App No. P/2014/440	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (External Materials) of application P2014/0227 granted on 28/04/14.	
Location	3 Brynau Wood, Cimla, Neath SA11 3YJ	
Decision	Approval with no Conditions	
Ward	Cimla	

96	App No. P/2014/456	Type Discharge of Cond.
Proposal	Details pursuant to condition 2 (external materials) of planning permission P2013/0868 (Approved on the 24/01/2014)	
Location	Old Furnace House, Old Furnace Terrace, Neath SA11 2EF	
Decision	Approval with no Conditions	
Ward	Neath East	