

## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**(Civic Centre, Port Talbot)**

**Members Present:**

**17<sup>th</sup> June, 2014**

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

**Vice Chairman:** Councillor J.Warman

**Councillors:** Mrs.P.Bebell, A.Carter, Mrs.A.Chaves, D.W.Davies, Mrs.R.Davies, M.Ellis, J.S.Evans, C.P.Golding, S.K.Hunt, A.Jenkins, E.E.Jones, S.Jones, D.Keogh, Mrs.M.A.Lewis, J.Miller, J.D.Morgan, Mrs.S.Paddison, Mrs.S.M.Penry, M.Protheroe, A.J.Siddley, A.Taylor, R.Thomas, D.Whitelock, I.D.Williams and Mrs.L.G.Williams

**Invited Members:** Councillors A.Llewelyn, P.A. Rees and P.D.Richards

**Officers in Attendance:** Ms.N.Pearce, S.Ball, D.Adlam, N.Morgan, K.Davies and Miss.G.Cirillo

---

1. **CHAIRMAN'S ANNOUNCEMENT**

The Chairman requested a minute's silence as a mark of respect for Mrs. Rita Rawlings, the wife of Councillor H.G. Rawlings, who had recently passed away.

2. **MEMBERS' DECLARATIONS**

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

Councillor Mrs.M.A.Lewis

Report of the Head of Planning – Item:  
No. 1.1 - Planning Application  
recommended for Approval

Application No. P/2013/1087 - Installation of a ground mounted photovoltaic (solar electricity) plant, including the erection of a control room, switching room, inverter stations and other equipment, tracks, drainage, fencing, landscaping and all associated building and engineering operations, for use for a period of up to 25 years, Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, Port Talbot, SA12 9YA – as she has a pecuniary interest given that the land is owned by her husband.

Councillor C.P.Golding

- Report of the Head of Planning – Item: No. 1.1 - Planning Application recommended for Approval Application No. P/2013/1087 - Installation of a ground mounted photovoltaic (solar electricity) plant, including the erection of a control room, switching room, inverter stations and other equipment, tracks, drainage, fencing, landscaping and all associated building and engineering operations, for use for a period of up to 25 years, Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, Port Talbot, SA12 9YA – as he has a pecuniary interest given that he is the son of Councillor Mrs.M.A.Lewis.

### 3. **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:** that the Minutes of the Planning and Development Control Committee of 27<sup>th</sup> May, 2014 as circulated, be agreed as a correct record.

## **Report of The Head of Planning**

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

### **4. PLANNING APPLICATION - APPROVED WITH CONDITIONS**

#### **Planning Application P/2014/46**

Demolition of existing industrial buildings and replacement with 34 no. residential units with associated parking, access and landscaping works - Land At Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot, SA12 6LD.

**RESOLVED:** that the above mentioned application be approved subject to the amendments to the conditions as identified in the amendment sheet as attached at Appendix A to the circulated report, which were agreed as follows:

1. Delete conditions Nos. 15-18 (and re-number subsequent conditions);
2. Amend reason for conditions for existing conditions Nos. 28-31(re-numbered conditions 24-27) as follows:

#### **Reason**

To prevent pollution of controlled waters and to ensure that risks to future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **5. PLANNING APPLICATION REFUSED**

#### **Application No. P/2012/759**

Exploratory driveage and associated engineering works to investigate

coal seam at Pen y Darren, Cwm Du Valley, Godregraig.

**RESOLVED:** that the above mentioned application be refused, for the reasons contained within the circulated report.

6. **PLANNING APPEAL – CLARIFICATION OF REASON FOR REFUSAL**

Application No. P/2008 0024

Revised Scheme For Wind Energy Development Comprising 9 (Previously 14) Turbines With A Maximum Height To Blade Tip Of 125m, Access Tracks, Cable Trenches, Substation, Anemometer Mast, Crane Hardstanding.

Temporary Construction Compound And Associated Infrastructure - Additional Ecological Survey Work And Report Addressing Cumulative Visual Impacts Received 28/11/08 -Mining Subsidence And Risk And Mitigation Assessment Report Received 22-3-13- Technical Review Of Mining Subsidence Risk Assessment Report July 2013.

Farmland adjoining forestry, East of Crynant and South of Seven Sisters, Neath (Hirfynydd)

Members were reminded that this application was reported to Committee on November 12<sup>th</sup> 2013 whereby it was resolved that the application be refused. The applicant has subsequently appealed the decision which was due to be considered at a Public Inquiry in September 2014.

Since issuing the Decision Notice it had come to light that the reason for refusal excluded the words identified in bold below, and contained within the conclusion of the circulated report. The reason for refusal should have read:

“The evidence put forward in respect of the likely subsidence risks and future implications for coal recovery indicates that the proposal would adversely impact on future operations planned at Aberpergwm Mine and it has not been demonstrated that these risks could be satisfactorily mitigated against. Whilst it is acknowledged that both nationally and within SSA E the consented and operational capacities fall below those set out in Planning Policy Wales 2012 and TAN8 : Planning for Renewable Energy, and that the proposed development will make a contribution to achieving those targets it is considered that **this together**

**with** the limited short term economic benefits do not outweigh the potential impact the development would have on the recovery of coal for energy generation and the associated economic benefits to the national and local economy. The proposal is therefore contrary to Mineral Planning Policy Wales (2000) Mineral Technical Advice Note 2 :Coal (2009), Planning Policy Wales (2012) TAN8 : Planning for Renewable Energy (2005), Neath Port Talbot Interim Planning Guidance :Wind Turbine Development(2008), Policies GC2 and IE6 of the Neath Port Talbot Unitary Development Plan.”

- RESOLVED:**
- (a) that the amended reason for refusal, as described above, and detailed within the circulated report, which will constitute the Council’s correct reason for refusal for the purposes of the forthcoming Planning Appeal, be approved.
  - (b) that the applicant and Planning Inspectorate be notified accordingly.

7. **PLANNING APPLICATION DEFERRED TO A SITE VISIT BY THE PLANNING (SITE VISITS) SUB COMMITTEE**  
(Councillors Mrs M.A.Lewis and C.P.Golding re-affirmed their interests and left the meeting for this item only).

Application No. P/2013/1087

Installation of a ground mounted photovoltaic (solar electricity) plant, including the erection of a control room, switching room, inverter stations and other equipment, tracks, drainage, fencing, landscaping and all associated building and engineering operations, for use for a period of up to 25 years Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, Port Talbot, SA12 9YA

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

Reason: to assess the suitability of the proposed construction access route having regard to highway safety.

8. **NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP) - TIDAL LAGOON SWANSEA BAY LOCAL IMPACT REPORT AND WRITTEN REPRESENTATIONS**

Members received a report on the proposed development and operation of the Tidal Lagoon at Swansea Bay. The circulated report contained a detailed description of the proposal and the Authority's Local Impact Report (LIR) and Written Representations which were attached for Members' information.

**RESOLVED:** that the Local Impact Report and Written Representations, as detailed in the circulated report, be approved, and the delegation of powers to the Head of Planning and Development Manager Planning to allow any appropriate amendment or alteration to them as maybe necessary prior to their submission, as well as delegating responses to any written questions that may be asked of the Authority during the course of the Examination, be approved.

9. **APPEAL RECEIVED**

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

- (a) Appeal Ref: A2014/0007 – Detached Garage at 9 Swan Road, Baglan, Port Talbot.

10. **APPEALS DETERMINED**

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

- (a) Appeal Ref: A2014/0002 – Detached building incorporating 2 Nos. 2 bedroom apartments and New car parking area for existing adjacent flats. (Amended Layout 19/8/13) on Land adjacent to Samuels Court, and, Nos.2 and 4 Samuels Road, Cwmllynfell SA9 2GT

Decision: Dismissed

- (b) Appeal Ref: A2014/0005 – Construction of a Tree House at Seven Oaks, Penscynor, Cilfrew, Neath, SA10 8LF

Decision: Allowed

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

11. **DELEGATED APPLICATIONS DETERMINED BETWEEN 17<sup>TH</sup> MAY AND 6<sup>TH</sup> JUNE, 2014**

Members received a list of Planning Applications which had been determined between 17<sup>th</sup> May and 6<sup>th</sup> June 2014, as contained in the circulated report.

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

**CHAIRMAN**

**APPENDIX A**

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**17<sup>th</sup> JUNE 2014**

**ENVIRONMENT**

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

**AMENDMENT SHEET**

1.1	APP NO: P/2013/1087	TYPE: Full Plans	Page Nos: 4-31	Wards Affected: Bryn & Cwmavon
PROPOSAL:	Installation of a ground mounted photovoltaic (solar electricity) plant, including the erection of a control room, switching room, inverter stations and other equipment, tracks, drainage, fencing, landscaping and all associated building and engineering operations, for use for a period of up to 25 years			
LOCATION:	Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, Port Talbot, SA12 9YA			

Although the report refers to Bryn & Cwmavon as the affected ward, Members are advised that the development site straddles both Bryn & Cwmavon and Baglan wards. The northern and north-eastern boundaries of the site also touch the Briton Ferry East and Pelenna Wards respectively.



1.2	APP NO: P/2014/46	TYPE: Full Plans	Page Nos: 32-57	Wards Affected: Aberavon
PROPOSAL:	Demolition of existing industrial buildings and replacement with 34 no. residential units with associated parking, access and landscaping works			
LOCATION:	Land at Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot, SA12 6LD			

The agent has corresponded in respect of the proposed contamination conditions and the need to avoid unnecessary duplication between NRW conditions and those requested by our Land Contamination section.

In response, it is acknowledged that there is potential confusion in the duplication, so the recommendation is amended as follows: -

- Delete conditions 15 to 18 (and renumber subsequent conditions)
- Amend reason for conditions for existing conditions 28 to 31 (renumbered conditions 24 – 27) as follows: -

Reason:

To prevent pollution of controlled waters and to ensure that risks to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

2.1	APP NO: P/2012/759	TYPE: Minerals	Page Nos: 58-91	Wards Affected: Ystalyfera
PROPOSAL:	Exploratory driveage and associated engineering works to investigate coal seam			
LOCATION:	Pen y Darren, Cwm Du Valley, Godregraig			

Councillor Eirion Richards has advised that he is unable to attend Planning Committee but wishes to advise that he fully supports the recommendation to refuse this application.

A further email has been received from the applicant which states that the procedure to present the application to the Planning Committee is against their

wishes and the Authority has not given sufficient information to them for them to complete the application.

In response, Members are advised that the applicant was informed in a letter dated 24 March 2014 that insufficient site specific investigation data has been provided to "ground truth" the assessment on hydrogeological matters. A further letter was sent on 14 April 2014 to the applicants indicating that a response to the request for additional information on this subject had not been received nor there was any indication if the applicant were likely to pursue such site specific assessment and monitoring on hydrogeological matters. In the absence of such information the applicant was informed that the application would be presented to Planning and Development Control Committee..

<b>3. Nationally Significant Infrastructure Project (NSIP) : Tidal Lagoon Swansea Bay Local Impact Report and Written Representations</b>	Page Nos:  92-95	Wards Affected:
---	------------------------	-----------------

The Application Project Team has commented on the draft LIR and WR documents and these can be summarised as follows :

They thank the Authority for all the hard work that they have put into the draft Local Impact Report and Written Representation. However they considered that answers to many questions raised in the LIR can be found in the documents submitted and that they are confident that they have submitted a comprehensive and robust application. They have also stated that they would like to highlight that significant progress has been made since submission of its application documents (7 February) on many of the issues raised in the LIR. Finally they have stated that they would be delighted to bring their specialist teams to NPTCB at the officers' convenience to discuss matters arising and to further develop the AEMP.

The following comments are made in response to the developer's comments: While it is understood that the Project Team may have made significant progress on their submission, they have not yet been able to make a formal announcement or submission regarding these matters.

The Authority is of the opinion that uncertainty remains regarding the proposed development's impacts upon coastal process, biodiversity, flood risk and the safety of the existing highway network, which is reflected within the draft LIR.

<b>6. APPEALS DETERMINED</b>	Page Nos: 99-101	Wards Affected: Cwmllynfell
------------------------------	---------------------	--------------------------------

The report at page 100 includes a typographical error: The decision code should read that the appeal was ALLOWED.