

<u>ITEM 1.</u>	
<u>APPLICATION NO:</u> P/2009/511	<u>DATE:</u> 10/06/2009
PROPOSAL: DEMOLITION OF EXISTING PUBLIC HOUSE AND OUTLINE RESIDENTIAL FOR 7 DWELLINGS INCLUDING ACCESS AND LAYOUT (amended details received 20/10/09)	
LOCATION: CILFREW HOTEL, MAIN ROAD, CILFREW, NEATH NEATH PORT TALBOTS A10 8LP	
APPLICANT: HOLLIES PROPERTIES	
TYPE: Outline	
WARD: Aberdulais	

Planning History:

79/0388	Convert first-floor club room for use as living room, alter ground-level and extend licensed area	Approved	21/11/79
80/0034	Post and hanging sign	Approved	25/03/80
83/0429	Bottle-store	Approved	11/08/83
84/0561	New car park and attendant works	Approved	09/01/85
85/0378	1 No. painted board sign and 1 No. fibre-glass moulded amenity board illuminated by 3 No. swift neon-type spot lights	Approved	12/07/85
97/0318	Construction of a dwelling (Outline)	Approved	03/07/97

Publicity and Responses (if applicable):

4 neighbouring properties were consulted and a site notice was displayed on site: 17 letters of objection were received together with a petition of 249 signatures.

Blaenhonddan Community Council: Noted the following points –

- (1) At present, when in rains, there is already a surface water problem with excess water running down from this site along the Public Footpath and to the land below.
- (2) Building works on this site may require amendments to the

Public Footpath running alongside the site.

- (3) On highways grounds, access to the site is very steep, which may cause problems with traffic going into Main Road.

Force Crime Prevention Officer: No Objection, but noted that the applicant should be advised of Secured by Design website.

Neath Port Talbot Access Group: No Objection, subject to conditions.

Countryside Council For Wales: No Objection, subject to conditions.

Head of Engineering & Transport (Drainage): No Objection, subject to conditions.

Environment Agency: No Objection, subject to conditions.

Head of Policy and Administration (Biodiversity): No Objection, subject to conditions.

Head of Policy and Administration (Footpaths): No Objection, subject to conditions

Head of Engineering & Transport (Highways): No Objection, subject to conditions.

Head of Housing (Affordable Housing): No Objection subject to conditions.

Head of Environment (Contaminated Land): No Objection, subject to conditions.

Head of Environment (Land Stability): No Objection, subject to conditions.

Welsh Water: No Objection, subject to conditions.

Description of Site and its Surroundings:

The application site is located on the Cilfrew Hotel, Main Road, Cilfrew.

The site measures approximately 68m in length, 41m in width and has a frontage of 38m onto Main Road. The site is steeply sloping in profile with two tiered areas. The upper area is located on the Western side and

is currently occupied by a car parking area. There is also a bus-stop/shelter on the South-Western corner. The lower tier is located on the Eastern boundary and comprises the detached Cilfrew Hotel, which is currently vacant, together with a car parking area. Access to the site is off Main Road via a steeply sloping drive which leads to the lower car parking area serving the pub.

Residential properties are located to the North, South and West and open countryside to the East.

The site is located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP).

Brief description of proposal:

This application seeks outline planning permission for a residential development on the site of the Cilfrew Hotel for 7 dwellings. Access and layout are to be considered at this stage, while all other matters of appearance, landscaping and scale are reserved for subsequent approval.

Members should be aware that part of the proposal involves the demolition of the Cilfrew Hotel. The applicant has indicated that this property is currently vacant and has been for a number of years, and is now in a state of dilapidation that would render any potential re-development or refurbishment financially unviable. In addition, it should be noted that as the property is not a residential dwelling or attached to a residential unit, prior notification or planning permission would not be required for the demolition of the property. The only requirement would be to obtain a licence from The Countryside Council for Wales for the bats located in the building.

The proposed layout comprises two pairs of semi-detached dwellings on the upper tier and three detached dwellings on the lower tier. The semi-detached dwellings will have a footprint of 9m by 5.8m and will reach a height of approximately 9m. Each property will have two off-street car parking spaces accessed directly off Main Road via a new dropped-kerb access.

The detached properties will have a footprint of 9.8m by 7m and reach a height of approximately 9m. Each property will have three off-street car parking spaces accessed via the existing drive serving the pub. This drive will also be up-graded by providing a new stepped pavement with steps

that comply with Part M of the Building Regulations to allow ease of access for users of the Public Footpath, such as elderly or partially-sighted residents.

Material Considerations:

The material issues related to this planning application are the principle of residential development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety.

Policy Context:

Neath Port Talbot Unitary Development Plan:

- GC1 New Buildings/Structures and Changes of Use
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- T10 Parking in Town, District, Local and Village Centres
- H3 Infill and Windfall Development within Settlement Limits
- H4 Affordable Housing
- CS1 Community Facilities and Services

As the proposed site is located within the H3 settlement limits defined in the UDP, the principal of a residential development at the location is generally acceptable, provided there are no highway, amenity or service objections.

With regards to the issue of affordable housing, as this application relates to outline permission for 7 dwellings, the developer will be required to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and also the adopted Supplementary Planning Guidance. As this application seeks outline planning permission, a suitably worded condition will be imposed on the application requiring 20% provision for affordable housing to be agreed at reserved matters stage.

Turning to Policy CS1 specifically, this states that “proposals that would likely to create unacceptable impacts on existing and programmed community facilities and services will be resisted”. On one hand it could be argued the Cilfrew Hotel was a facility which the local residents in the community utilised, and could be regarded as a ‘Community Facility’ -

especially as it was the only pub in the village of Cilfrew. However, due to the fact that the property has been closed since March 2007 and marketed nationally and locally unsuccessfully from March 2007 to October 2008, it is considered that the loss of this pub would be acceptable in planning policy terms, as the unsuccessful marketing has shown that there is a low chance of a suitable business re-use. The applicant has provided a time-line of events which is detailed as follows:

Time line indicating site activity since March 2007

27th March 07	The Cilfrew Hotel stopped trading as a Public House	Rating Office
27th March to July 07	The Lease was offered for sale by Punch Taverns via their web site. It is probable that they also advertised it in trade directories	Mr S Kane
July 07	Punch Taverns either sold or transferred the ownership of the pub to Admiral Taverns	Mr S Kane
July 07 to July 08	Admiral Taverns advertised the property for lease via their web site.	Mr S Kane
July 08	Admiral Taverns offered the pub for sale on the open market using several agents. Greene & Co, Paramount Estate Agency and Fleuretes Estate Agency. These three agencies took on the sale of the property at different times from July 08 to Oct 08	Greene & Co
October 08	TEAM Estate Agents of Neath were asked to market the property locally on behalf of Greene & Co as there was no interest in the site following their national marketing	TEAM
October 08	Hollies Properties made and offer for the site which was accepted by the vendor	TEAM
November 08	The transaction was completed and ownership passes to Hollies Properties	Clive Philips

In addition, the applicant has indicated that the property is currently in state of dilapidation which would necessitate the building being gutted and re-built/restored. The applicant indicates that this refurbishment cost would clearly make such a project financially un-realistic, even if a viable business case could be made for re-opening the pub. The property was visited on 5th January 2010 where it was observed that the property had been subject to vandalism with numerous holes in the roof and the

majority of the windows were missing or smashed. Furthermore, the copper pipes and plumbing fixtures have been stolen and the electrics vandalised.

Finally, Members should note that the property has a lawful A3 use and as such could change into another A3 (such as a restaurant or hot-food take-away) without the requirement for planning permission. In addition, the property could potentially change into an A2 use (such as a bank or estate agent) or A1 use (such as a shop or funeral director) as permitted development without the requirement for planning permission. It is therefore considered that the existing use of the property as a pub cannot be protected, as the A3 use does not protect itself – especially if the use could change as permitted development. Furthermore, Members should be aware that the existing pub could be demolished without the need for planning permission.

Visual Amenity:

As previously stated this application seeks outline planning permission with details of appearance and scale being reserved for subsequent approval. As such, there are no specific design details available apart from the layout. Nevertheless, due to the fact that the site is located within an existing residential area of varying property styles and sizes, it is considered that the proposal to demolish the vacant pub and replace with residential dwellings would not detrimentally impact upon the character and appearance of the surrounding area, especially as the existing pub has no significant architectural value that is worthy of listing or retention.

Residential Amenity:

Although it was noted that the site is sloping in profile and there are residential properties located on the Northern, Southern and Western boundaries, due to the levels and distances between these neighbouring properties, it is considered that the only property likely to be affected in terms of overlooking, overbearing and overshadowing would be 1 Pleasant Hill. The site visit revealed that there is one ground-floor side-facing window to this property. However, the owner confirmed that this is a secondary window serving the kitchen and the main window is located on the rear elevation. It is therefore considered that the proposal would not create any unacceptable overlooking, overshadowing or overbearing issues.

Highway Safety (Access, Parking and Traffic flows):

As the proposal will provide the required off-street car parking for each property, and the lower properties will utilise the existing access serving the pub, it is considered that the proposal would not have a detrimental impact upon highway or pedestrian safety. In addition, it should be noted that the Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions.

Members should also be aware that although the gradient of the access drive to the lower tier would exceed current guidance of 1 in 9, which allows for ease of access for all including elderly and disabled, as the existing access serves a pub (A3 use), the proposal for a residential development is considered acceptable in this instance. It should also be noted that although the access to the lower tier would not be suitable for wheel-chair use specifically, it is anticipated these residents or visitors would arrive in cars then park outside and enter the property via a level access. Furthermore, in order to improve access along the existing Public footpath, a new stepped pavement with Part M compliant low-rise steps and handrails will be provided to provide improved access for other users, such as elderly, children or partially sighted.

Landscaping:

This will be addressed at reserved matters stage.

Ecology (including trees & Protected Species):

The applicant has undertaken two bat surveys of the vacant pub which has found there are one or two bats using the property. Whilst it was established that it was not a maternity roost, it is still classified as an active bat roost, and is therefore afforded protected under the Wildlife and Countryside Act (1981) and also the Conservation (Natural Habitats &c.) Regulations (1994). Furthermore, a License will be required from The Countryside Council for Wales prior to any demolition works commencing. Before such a licence can be granted, the following tests (specified in Article 16 of the EU Habitats Directive and in regulation 44 of the 1994 Regulations) must be satisfied:

- (i) There is “no satisfactory alternative” to the derogation;
- (ii) The derogation is “not detrimental to the maintenance of the populations of the species concerned at a favourable

- conservation status in their natural range”;
- (iii) The derogation is “in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment”.

Planning Policy Wales states that to avoid developments with planning permission subsequently not being granted a licence in relation to a European Protected Species (EPS), planning authorities should take the three requirements for derogation into account when considering development proposals where a EPS is present.

With regards to Test 1, the two options would be to either do nothing and retain the existing building, or demolish the building and re-develop the site. However, as the current building is currently vacant and has been for a couple of years, and the applicant has indicated that it is in a poor dilapidated state, it is considered that it would not be economically viable to refurbish and if the building was left unused, it would lead to further deterioration and opportunities for vandalism. This would therefore threaten the suitability of the building to continue to be used by bats, and it is therefore considered that the best option would be to demolish and re-develop.

In respect of Test 2, the number of bats recorded at the site suggests a very small roost size or opportunistic roosting, not a maternity roost. Therefore, it is unlikely that the loss would have a significant impact on the conservation status of these species of bats. In addition, the mitigation provisions will replace the roost space lost and will provide a more long-term solution for the bats in the area. It is therefore considered that the second test is met.

With regards to Test 3, as previously stated the applicant has indicated that the building is in a dilapidated state and would be uneconomical to repair. It is therefore considered that the proposal to demolish the existing building would be the best option in the interests of public health and public safety, as if the pub is left vacant it could pose a health and safety risk. Furthermore, due to the low number of bats on site, it is considered that the mitigation measures would provide an acceptable solution.

As the Head of Policy and Administration (Biodiversity) offers no

objection to the proposal, subject to conditions, the three tests can be satisfied and the bat population is unlikely to be significantly affected by the proposal, it is considered that the proposal would be acceptable in this instance.

Flooding:

Not Applicable.

Pollution (air and ground):

It was highlighted from local residents and the Environment Agency that contamination may be present on the site. The applicant was therefore required to undertake a survey of the site and submit a comprehensive report of the findings. The report was analysed by the Authority's Pollution Section who offered no objection to the proposal, subject to conditions. It is therefore considered that the issue of contamination can be addressed via suitably worded conditions.

Others (including objections):

16 letters of objection were received, together with a petition of 249 signatures, which can be summarised as follows:

- (1) Objection to the principle of development of the site as it would result in the loss of a valuable community facility serving a social function contributing to the community needs of the village.
- (2) The pub is important as it has formed the focal point of the village and provides a hub and social glue that knits a small community together for meetings, events etc.
- (3) The existing community hall is not accessible for all as it is access via a steep footpath adjacent to the site and the pub acted as a more accessible alternative and provided additional car parking.
- (4) The Campaign For Real Ale's research showed that 84% of people believe a pub is as essential to village life as a shop or post office and the Institute of Public Policy Research's paper also supports residents concerns.
- (5) A pub also leads to community cohesion, community and civic participation and cultural value.
- (6) Although the pub has been vacant for a few months and it

might be argued this it is unviable, this was because it was tied to Punch Taverns and the constraints that went with it. It hasn't been given a chance to make a profit, and it could be operated as a viable business if all constraints were removed and it was a fee-house.

- (7) This is a similar situation to the Bryndulais Hotel in Seven Sisters which was closed but has now re-opened and is making a profit.
- (8) Marketing – two individual people were interested in buying the property but their offers were received too late or ignored for commercial reasons. If a more extensive marketing is undertaken it could turn up further interest.
- (9) The nearest alternative pub was the Dulais Rock in Aberdulais, but this has recently closed. The nearest pub is now 8 miles away in Seven Sisters.
- (10) The proposal would be considered contrary to the Policies contained within the UDP such as H3 and CS1.
- (11) There is no need for more housing in the village of Cilfrew and there are better and less sensitive site available should more housing be required.
- (12) The site offers stunning open views across the Neath and Dulais valleys and makes a positive contribution to the character and appearance of the village. The development proposed would mean the permanent loss of this significant view.
- (13) The council has previously refused permission for four dwellings (P2004/0370) utilising the same access onto Main Road as it is a steep, narrow and sub-standard access with restricted visibility. Consent was granted at appeal with restrictive condition requiring remedial work. No details of this remedial work have been submitted with this application.
- (14) Material has been imported on the site to form the top car park and site investigation is required to ensure any contaminated material is dealt with properly. There is also evidence of a spring on site which could affect foundations.
- (15) The proposal to re-develop the site would be contrary to the Western Valleys Strategy, which encourages 'sustainable communities'.
- (16) The methodology of the contamination report needs investigating as only a superficial amount of investigative work was done.
- (17) When the application is presented to committee, the application

should not be deferred to allow discussions between the owners and villagers who wish to buy the pub, as the application should be refused on policy grounds and force the owners to enter into discussions.

- (18) Residents have taken legal advice in respect of their use of the upper car park for parking vehicles. The legal opinion is that they have the right to use the upper car park. If planning is granted and the owners seek to obstruct the use, the resident will pursue the matter further.
- (19) The Hotel has been part of the village for over 100 years and is now free from brewery ties and could be a profitable venture.
- (20) There is no need for additional housing as there are empty properties within the village. There is one shop and one post-office yet the council tax rates are one of the highest in NPT.
- (21) Access to the lower level of the site is via the old pub lane which has restricted visibility. The proposed steps would be of no use to parents with prams or push-chairs using the Public Footpath to the community centre or play area.
- (22) The upper site is made-up ground covering the main sewer and it may be contaminated. There may also be a seasonal spring under the site.
- (23) The previous owners paid for the top area to be landscaped and surfaced as a car park and made assurances that the site would not be sold for housing. If the new owners can apply for planning permission they should also ask NPTCBC to authorise the removal of the unregistered landfill.
- (24) There is currently noise and disturbance from the existing bus stop and bus shelter, and the siting should remain unchanged.
- (25) There is concern about the proposed semi-detached units adjacent to Number 1 Pleasant Hill, as the proposal would be in close proximity to the kitchen window and have a detrimental impact in terms of loss of light and outlook causing material harm to the living conditions.
- (26) No details of boundary treatment have been submitted, and these are required to ensure privacy is not undermined.
- (27) Should any windows be proposed in the North elevation, these should be fitted with obscure-glazing.

With regards to the above concerns, the following comments are made:

- With regards to the objections concerning the loss of community facility (pub) and that a pub is important to village life, this issue

has been considered previously in the report. Due to the fact that the property is in a poor state of repair and marketed unsuccessfully and could also be demolished without planning permission, or the use changed to an A1 or A2, it is not considered that the proposal would not be contrary to Policy CS2.

- Turning to the comments that the pub was unviable due to brewery ties, and would have a better chance of being successful if it was a free-house, this is not a matter for the Local Planning Authority to decide, and is up to the respective owners of the property. Similarly, the comment that the property was not marketed enough and there are local residents interested in buying the property, the applicants advises that it was marketed extensively both nationally and locally since March 2007.
- In respect of the fact that the nearest pub to the Cilfrew Hotel (Dulais Rock) has now closed, it should be noted that this is due to market forces and outside of the control of the Local Planning Authority. The nearest pubs to Cilfrew would now be located in Cadoxton and Tonna not Seven Sisters.
- Regarding the issue that the proposal is contrary to the Policies in the UDP, again, this has been fully considered previously in the report, and it is considered that it would comply with the UDP.
- Turning to comments questioning the need for more housing in Cilfrew, the application site is located within a residential area so the principle of a residential development at this location is acceptable.
- Concerning the loss of views from the site, it should be noted that the loss of a view is not a material planning consideration and as such, cannot be taken into consideration in determining this application.
- With regards to the concern over the access, this issue has been dealt with previously in the report. Due to the fact that the access is existing and serves a large car park, it is considered that the proposal for three detached dwelling off this access would be acceptable in terms of highways safety and would not require any improvement measures similar to those required by the appeal. It is also considered that the new stepped pavement proposed would improve the current situation for a number of users, although it is acknowledged that it would not be suited to wheelchair or pushchairs specifically.
- In relation to the objection that there is imported material on the site which is built over a spring, and the material should be removed, it should be noted that the applicant has provided the

required land survey. This has been fully assessment by the Authority's pollution section, and the offer no objection to the proposal, subject to conditions. In addition, the Environment Agency and Authority's Drainage Officer both offer no objection to the proposal.

- Turning to the comment that the proposal would be contrary to the Western Valleys Strategy, it is considered that the proposal to re-develop the site would not be contrary to the general aims and principle of sustainable development and regeneration as it would re-develop a vacant and dilapidated property.
- With reference to the comments that the application should not be deferred for further discussion with the owners and just refused, the application would only be recommended for refusal if there are sound planning reasons for refusal, and in this instance, there are no such issues.
- Concerning the issue that the residents have a legal right to park on the upper car park, this is a civil matter between them and the owner and not a material planning consideration.
- Regarding the issue of the bus shelter, it should be noted that this will be untouched and remain as existing.
- Turning to the concern over the side-facing window of Number 1, this has been addressed previously in the report.
- Finally, the issues regarding boundary treatments and obscure glazing to the side-elevation facing Number 1, it should be noted that these issues will be fully addressed at reserved matters stage when details of appearance and scale are agreed.

With regards to the comments from Blaenhonddan Community Council specifically, the following comments are made:

Firstly, the issue regarding surface water run-off. This has been considered by the Authority's Drainage Officer, who offers no objection to the proposal subject to conditions. The land-drainage is proposed to soakaways and foul drainage is proposed to be connected into the main sewerage system. Welsh Water also raise no objection, subject to conditions.

Secondly, the issue regarding the Public Right of Way. This has been considered by Head of Policy and Administration (Footpaths), who raise no objections. In addition, the existing lane will be improved with the introduction of a new stepped pavement with handrails.

Finally, the issue regarding highway access. It should be noted that this has been fully addressed previously in the report.

Members should be aware that an additional letter of objection was received relating to the report to the December 2009 meeting of this Committee. This can be summarised as follows:

1. “..due to the fact the property has been vacant for approximately 3 years and was marketed nationally and locally unsuccessfully for 2 years, it is considered that the loss of this pub would be acceptable...”

This statement is flawed. The first for sale sign went up on the property, we believe in August 2008, and that is when the community first became aware it was up for sale. The sale was we believe finalised in Oct 2008, when 2 local residents, who had both made offers with plans to reopen as a pub, lost out to the applicants. The planning application was submitted in June 2009.

Even when the last tenants left and the pub closed I am aware that at least 3 people phoned the Brewery enquiring about its availability for purchase as a pub. The brewery said that it was not for sale. It only came onto the market due to the economic situation in the UK and my understanding that the Brewery were having difficulties servicing their debt.

It is not necessarily the length of time a property has been marketed but how widely it has marketed. It is commendable that as soon as local residents became aware that it was on the market 2 people were passionate enough to come forward and make offers to reopen as a pub.

2. “..the unsuccessful marketing has shown there is a low chance of a suitable re-use.”

There were two separate local people making offers for the pub to continue the use. I define that as successful.

3. “This is supported by the fact that the applicant has indicated that the property is in a current state of dilapidation which would necessitate the building being gutted and rebuilt/restored.”

If the applicants view is accepted that the building is in a dilapidated

condition internally and externally then this would have to be reflected the market value of the property. If the property were to be put on the market then the value would be considerably lower than if the building was in a good state of repair. This cost saving on the purchase price could be used for refurbishment so in effect the net effect is no different for the purchaser.

It is the applicants who are responsible for letting it get to this condition. When they took it was fully fitted and furnished for pub use. It is they who gutted it. To now accept this argument is to reward them for seeking to improve their chances of getting permission and lessening the chance of continued use.

4. One of the local residents is still even now interested in buying the property to use as pub. This is not mentioned at all in the report for balance.
5. You have no chance of an A2 or A1 use opening in this location particularly in the current climate. There is already one retail unit in the Village and the Post Office neither of which are doing well. Similarly with an alternative A3 use. The chance of another A3 use opening is negligible. It is only a pub use which could be sustained in our view given its valuable social function and the support which would be given by the community.

In response to the above the following comments are made:

- (1) The information relating to the amount and length of marketing has been provided by the applicant's agent as set out above.
- (2) Whilst it is noted that two offers were submitted by local residents, the acceptance of these offers or otherwise is a commercial decision for the owners, and is not an issue for the Local Planning Authority.
- (3) Whilst it is acknowledged that the property may be in poor state of repair due to neglect by the previous/current owner's, the application needs to be considered on its merits at the time of the application and the site visit confirmed that it is in a current state of disrepair. The sale price of the property is for the owners to decide not the Local Planning Authority.
- (4) Members will note that current offers from local residents on the

property. However, it is considered this was detailed previously in the main report under Bullets Points 8 and 17 respectively.

(5) With regards to this issue, it is acknowledged that the current economic climate may limit the chance of another commercial enterprise from opening at the site. Nevertheless, the fact that the use of the property could change into an A1 or A2 at some point in the future without planning permission is a consideration in determining this application.

Finally, Members should be aware that a late letter of objection relating to the Report for 2nd February's Committee has been received. This can be summarised as follows:

1. Marketing

Only the applicants have been asked to comment on the marketing history of the premises. Local residents have not been given this opportunity. This is notwithstanding that 2 local residents made offers to buy the pub as a going concern.

Also, the statement made by officers in the report is incorrect. It states that “..due to the fact that the property has been closed since March 2007 and marketed nationally and locally unsuccessfully from March 2007 to October 2008, it is considered that the loss of this pub would be acceptable in planning policy.”

If the applicants comments concerning the marketing timeline are taken as read then we have the following comments to make:-

- i) Between July 2007 and July 2008 the property was only available for let and not to buy.
- ii) Between July 2007 and July 2008 the property was only marketed to let as a small entry on the respective owners website. No sign was put up on the premises and no other marketing was undertaken.
- iii) The property was only put up for sale from July 2008
- iv) It is only in August 2008 that the local residents recall a for sale sign first going up on the premises
- v) The property was only marketed locally with estate agents from October 2008.

Even when the last tenants left and the pub closed at least 3 people,

phoned the Brewery enquiring about its availability for purchase as a pub. How can the marketing exercise be deemed to be unsuccessful when at the first opportunity when the property was first put up for sale and a sign erected on the premises 2 local residents made offers.

There is at least one of the local residents who is still even now interested in buying the property to use as a pub. This is not mentioned at all in the report for balance.

2. Condition of the Building

If the building is in a dilapidated condition internally and externally then this would have to be reflected the market value of the property. If the property were to be put on the market then the value would be considerably lower than if the building was in a good state of repair. This cost saving on the purchase price could be used for refurbishment so in effect the net effect is no different for the purchaser.

One of the local residents who made an offer to purchase as a pub lives close to the premises and is very familiar with its physical condition. This individual is still interested in buying it and reopening it as a pub. It is the applicants who are responsible for letting it get to this condition. When they took it over it was fully fitted and furnished for pub use. To now accept this argument is to reward them for seeking to improve their chances of getting permission and lessening the chance of continued use.

3. Other Uses

You have no chance of an A2 or A1 use opening in this location particularly in the current climate. There is already one retail unit in the Village and the Post Office neither of which are doing well. Similarly, with an alternative A3 use. The chance of another A3 use is opening is negligible. It is only a pub use which could be sustained in our view given its valuable social function and the support which would be given by the community. A business case, based on the evidence provided by another pub operating successfully in the Dulais Valley, has been submitted with our original letter of objection.

There is therefore a valid and strong planning reason to refuse this application:-

“Redevelopment of the site would result in the loss of a valuable

community facility serving a social function contributing to the social and community needs of the Village the loss of which would be to the detriment of the quality of life of residents. This is contrary to the provisions of Policy 11, CS1 and CS2 of the Adopted UDP which seek to protect existing community facilities and services.”

In response to the above concerns, the following comments are made:

- Firstly, the issues regarding the marketing. It should be noted that this information has been provided by the applicant and agent for the application and under normal practice additional information is only requested from the applicant not the local residents, albeit the consultation exercise which has been undertaken often results in such information being submitted. Whilst it is acknowledged that there may have been offers submitted from local residents to re-open the property as a pub, it is considered that this is a matter for the previous and/or current owners to determine and not the Local Planning Authority. Furthermore, it should be noted that whether the property was marketed to let or to buy is not the main concern. The main issue is whether attempts were made to continue the use of the property as a pub which has been demonstrated in this instance.
- Secondly, the comments regarding the condition of the building. The property was inspected by the Planning Officer in January 2010 and it was noted to be in a poor state of repair. Whilst it is acknowledged that this would be reflected in the potential sale price of the property, it is considered that the amount of repair work required could render any potential re-development unviable. Furthermore, Members should be aware that the application should be determined on the current state of the building.
- Thirdly, the comments regarding the other uses. It should be noted that the use of the property could change from A3 to A2 or A1 without the need for planning permission. This does not indicate the likelihood of an alternative use succeeding, as this would be down to market forces.
- Turning to the comments regarding the suggested reason for refusal. It should be noted that the Local Planning Authority do not consider this reason to be acceptable based on the submitted evidence, and the application is therefore recommended for approval with conditions.
- Finally, with regards to the comments in the main report concerning

the previous outline planning permission (P2004/0370), Members should be aware that this relates to a different site adjacent to the pub which was refused by the Local Planning Authority but granted at Appeal.

Conclusion:

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies GC1, T1, T10, ENV17, H3, H4 and CS1 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

Recommendation: Approval with Conditions.

CONDITIONS;

(1) Approval of the details of the scale and external appearance of the building(s), and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

The application was made for outline planning permission.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale and external appearance of any buildings to be erected, and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application was made for outline planning permission.

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years of the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with requirements of Section 92 of the Town and Country Planning Act 1990.

(5) No works of site clearance, demolition or construction shall take place unless a licence to disturb European Protected Species has been granted by the Welsh Assembly Government and submitted for approval in writing by the Local Planning Authority.

Reason

In the interest of biodiversity as there are bats located on the site.

(6) As part of the reserved matters required by Condition 1, details of the bat mitigation measures specified in the Bat and Owl Survey submitted in April 2009 shall be submitted for approval by the Local Planning Authority.

Reason

In the interest of biodiversity as there are bats located on the site.

(7) Unless otherwise agreed in writing, foul water and surface water shall be drained separately from the site.

Reason

To protect the integrity of the public sewerage system.

(8) Unless otherwise agreed in writing, no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.

(9) Unless otherwise agreed in writing with the Local Planning Authority, the foul drainage for the development shall be connected to the main sewerage system and surface water shall connect into soakaway systems in accordance with details which shall be submitted as part of the reserved matters required by Condition 1.

Reason

In order to ensure the provision of adequate drainage.

(10) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works detailed in the report submitted on 20/10/09 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other off site receptors.

(12) Unless otherwise agreed in writing, prior to occupation of any dwelling, two off street parking spaces shall be provided within the curtilage of the property (or three if the gross floor area of the dwelling exceeds 120 sq.m.) in accordance with a scheme to be submitted to and approved by the Local Planning Authority as part of the reserved matters application. These spaces shall be retained for such use thereafter.

Reason

In the interest of highway safety.

(13) Unless otherwise agreed in writing, prior to commencement of construction of any dwelling on the lower plateau, the access road shall be widened to a minimum of 5.5m in width and surfaced in binder course to a design and specification to be submitted to and approved by the Local Planning Authority as part of the reserved matters application. This scheme shall include improved drainage and lighting to the access road and a 2m wide footway with steps on the development side.

Reason

In the interest of highway and pedestrian safety.

(14) Unless otherwise agreed in writing, prior to occupation of any dwelling on the lower plateau, the access road shall be surfaced in wearing course and completed in accordance with the design and specification to be submitted to and approved by the Local Planning Authority as part of the reserved matters application.

Reason

In the interest of highway and pedestrian safety.

(15) Safe Pedestrian access shall be maintained at all times along the public right of way (Footpath 16 Community of Blaenhonddan).

Reason

In the interest of pedestrian safety.

(16) Unless otherwise agreed in writing, prior to first use of any dwellings fronting onto Main Road a vehicular footway crossing shall be provided to the Local Planning Authority Specification, and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(17) Unless otherwise agreed in writing, each drive shall be a minimum length of 6.0 metres from back of footway to garage door, 3.2 metres minimum width and prior to first use of the dwelling shall be hardsurfaced in concrete, tarmacadam or block paving to a maximum gradient of 1 in 9 and maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(18) Unless otherwise agreed in writing, no drive shall be closer than 2.5 metres to any boundary and pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway or edge of shared drive) shall be provided and maintained each side of each access within which nothing over 600mm in height shall be erected or allowed to grow.

Reason

In the interest of highway and pedestrian safety.

(19) Unless otherwise agreed in writing, any gates shall be of a type which open inwards only, can be seen through and maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(20) Unless otherwise agreed in writing by the Local Planning Authority, no material operation, as defined in Section 56 (4)(a)-(d) of the Town and Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission, on any development of 3 units or more until arrangements for the provision of affordable housing social rented and/or low cost home ownership within the development site, in accordance with Policy H4 of the Neath Port Talbot Unitary Development Plan of not less than 20% of the total number of residential units provided within the development site, or a commuted

sum for off site provision has been submitted to and agreed in writing by the Local Planning Authority.

Reason

In order to secure an appropriate level of affordable housing in accord with Policy H4 of the Neath Port Talbot Unitary Development Plan.

(21) As part of the reserved matters required by Condition 1, structural details and calculations of the proposed gabion walls shall be submitted to and approved in writing by the Local Planning Authority. Such walls shall be constructed in accordance with the approved details.

Reason

To ensure satisfactory stability of the retaining walls.

<u>ITEM 2.</u>	
<u>APPLICATION NO:</u> P/2007/500	<u>DATE:</u> 17/04/2007
PROPOSAL: DEMOLITION OF 179 YNYSMEUDWY ROAD AND CONSTRUCTION OF 1 PAIR OF SEMI DETACHED HOUSES (Additional information - Flood Consequences Assessment 27/3/09) (Revised plans showing amended location of the proposed dwelling and car parking and the external appearance of the dwellings)(Revised location plan showing corrected site area) (Additional information in support of flood risk issue)	
LOCATION: 179 YNYSMEUDWY ROAD, YNYSMEUDWY PONTARDAWE, SWANSEA NEATH PORT TALBOTS A8 4QJ	
APPLICANT: MR MICHAEL CONIFF	
TYPE: Full Plans	
WARD: Pontardawe	

BACKGROUND INFORMATION

Planning History

This application was originally discussed at the Planning and Development Control Committee of the 6 June 2008. The application was deferred to allow Members to carry out a site visit. The Site Visit Sub-committee recommended that the application be deferred to allow the applicant to submit a Flood Consequence Assessment (FCA) and that that assessment be submitted by a date to be agreed by the Head of Planning. Should the applicant decline to submit an FCA the sub-committee recommended that the application be refused for the reasons set out in the original officer's report.

The Head of Planning wrote to the applicant giving him until the 23rd July to respond to the sub-committee's request for a FCA to be submitted. The applicant contacted the authority to state that they did intend submitting a FCA but were having difficulty in finding a company to produce the assessment. The required report was finally submitted to the Authority on the 27 March 2009. Further information regarding the model that was used in the development of the FCA was requested by the Environment

Agency on the 27 April 09. The requested model information was received by the Environment Agency on the 13 May 09, who responded on the 9 June 09 stating that the submitted FCA does not provide evidence to demonstrate that the flood risk to the site can be acceptably managed in line with TAN15 and recommended that that determination of the application be deferred. A meeting was held with the Environment Agency and the Applicant's Flood Consequence Engineer on the 25 June 2009, to discuss the findings of the FCA and the applicant's statement within the FCA that the development could be located outside of the flood area. The Environment Agency outlined a number of criteria that any redevelopment of the site would have to comply with TAN15. These were that the development would have to have a minimum slab level set at the 1 in 100 year flood level; the development would be located within the north western corner of the site, in the area closest to the edge of the flood zone and that the applicants provide details of the flood water velocity at the point of entrance to the dwellings. However it was explained to the applicant that even if the development did comply with these criteria it may not be acceptable in terms of the impact upon the character or appearance of the surrounding area.

Publicity and Responses if applicable:

Number of properties consulted: 7

Number of replies received: 3 to the initial consultation and a further 3 letter were received to the subsequent revised scheme:

These objections can be summarised as follows:

- (1) The application site does not have right of access off the rear lane.
- (2) There is a water run directly under the application site and they are concerned about how the development would effect their water supply.
- (3) The existing dwelling at 181 was built pre 1900, was built in the gap which was formerly an alleyway between 179 and 181. This section of the property is not keyed into either of the existing structures. As such, he is concerned that the demolition of the property would cause major structural damage to his property.

(4) The rear of the proposed development would look directly into their rear bedroom and hallway.

(5) Siting the development at right angles to the road will alter the appearance of the street and village. This would be the only property sited this way including the new development.

(6) The location of the vehicle parking does not have any easement across the adjacent land and may interfere with his easement across the land in question.

(7) The raising of the land on which the development is to be built would take away flood water storage which will increase the flood risk to his property.

Statutory Consultees:

Pontardawe Town Council: No objection.

Head of Engineering and Transport (Highway): Recommend refusal.

Head of Engineering and Transport (Drainage): No objection subject to condition.

Public Rights of Way: No objection subject to condition.

Wales & West Utilities: No objection subject to informatives.

Environment Agency Wales: The site is located within zone C2 of TAN15's Development Advice Maps. The applicant has now submitted an Flood Consequence Assessment (FCA). However the FCA and supporting information make assumptions that the EA are unable to verify and as such are unable to state that the risk of flooding associated with the proposed development has been shown to be acceptably managed in line with TAN15 guidance and that in the absence of further evidence to demonstrate that the risk can be acceptably managed. As such their previous recommendation of refusal of planning permission still stands.

Dwr Cymru Welsh Water: No comment has been received.

Description of Site and its Surroundings:

The application site is located on the end of a short terraced row, with open land located to the west and a scout's hut located to the north west. The land appears level with a very shallow slope up from the south east to the north western corner of the site.

The existing building on site is in a very poor state of repair and appears to have been unused for a considerable number of years. The front portion of the building follows the line of the existing residential dwellings that make up the rest of the traditional terraced row of properties, with one first floor front facing window and a rendered finish.

The projecting rear portion of the building has the appearance of an extension with a brick and slate finish and a ridge height consistent with the raised eaves of the rear of the main structure. The western facing (side) elevation of the structure has two large openings within it with a central supporting pillar. There are also two ground floor windows within the rear elevation.

The land to the west of the application site is used as an informal parking area for the boys club building which is located to the north west, with open undeveloped land to the rear.

Brief description of proposal:

The application seeks permission for the demolition of the existing vacant shop and residential building and erection of a pair of semi detached dwellings.

The original proposed dwellings were shown as a semi-detached pair of two storey dwellings with a simple design which would be set a maximum of 3m back from the back-edge of the pavement. Each dwelling would have had a width of 6.5m, a depth of 7.6m and a height to eaves of 5.2m and to ridge of 7.5m. The dwellings were also shown to have hipped roofs. The accommodation in each would be a lounge, kitchen/diner and toilet at ground floor, with three bedrooms and a bathroom at first floor, with two parking spaces located to the rear of the dwelling and accessed from the open land to the western side of the site. This was the scheme that was previously presented to the Planning and Development Control Committee in June 2008, which was recommended

for refusal for two reasons. The first of which was due to the substandard size of one of the proposed garden areas (due to the proposed required car parking provision). Secondly, the development would be located within Zone C2 of the Development Advice Maps of TAN15 and would result in the increase of sensitive development within the predicted Q1000 flood event and the applicant failed to provide a valid FCA.

The Planning and Development Control Committee initially deferred the item to allow for a site visit by the Planning Site Visit Sub Committee, which recommended that the application be deferred to allow the applicant to submit a Flood Consequence Assessment and that that assessment be submitted by a date agreed by the Head of Planning.

Subsequent to the deferral, the Agent contact the Council to confirm their intension to submit and FCA but to ask for an extension of time, as they were having difficulty finding a consultancy to carry out the FCA. The FCA was submitted to the Council in March 2009. The Environment Agency considered the additional information and stated that the submitted FCA and Hydraulic model confirmed that the application site was within the 1 in 100 (1%) and 1 in 1000 (0.1%) year flood events. Their response stated that the FCA did not provide the evidence to demonstrate that the flood risk to the site could be acceptably managed in line with TAN15. Their response continued on to outline the type of further information that would be required; including evidence that the suggested repositioning of the development to higher land on the site could then ensure that the property remained flood free, as stated within the submitted FCA.

A meeting was held between the EA, the Local Planning Authority and the Applicant's Flood Risk Consultant at the end of June 2009. An outline parameter for the proposed redesign of the site in line with the submitted FCA suggestion was discussed. However it was stated that the redesigned proposal would have to demonstrate the FCA's claim that the development would then be flood risk free. The case office raised concerns that the revised design may not be acceptable in terms of the impact upon the residential amenity of the adjacent dwellings and upon the character and appearance of the streetscene.

The applicant has now chosen to submit an amended development scheme in an attempt to produce a flood risk free development in line with the statements within the originally submitted FCA. The revised scheme shows the proposed pair of semi-detached dwellings located at a

90 degree angle to the main road. As such, the side of one of the dwellings would now face towards the main road. The side elevation of the dwelling is shown to have two ground floor windows and one first floor window looking out onto the road frontage. The side elevation of this dwelling is shown to be located 2.5m away from the back edge of the pavement with the area in between being used for two parking spaces. The proposed layout is handed for the other dwelling.

The driveways/parking areas would still be accessed via the unmade informal parking area to the western side of the application site, which the proposed dwellings would now also face onto.

Material Considerations:

The main issues for consideration in the determination of the application are the principle of the redevelopment of the site, the impact upon the residential amenity of the occupiers of the adjacent dwellings, the impact upon the character and appearance of the surrounding area, flood risk and the impact upon the flood plain and the impact upon the highway safety of the existing road network.

Policy Context:

Neath Port Talbot Unitary Development Plan:

- GC1 General Considerations.
- ENV11 Proposals in Areas of Flooding.
- ENV17 Design
- H3 Infill and Windfall Development Within Settlements
- T1 Location Layout and Accessibility of New Proposals

The site is designated within the Neath Port Talbot Unitary Development Plan as being located within the identified settlement, where the principle of development is acceptable subject to the development complying with the requirements of the other policies within the UDP.

Visual Amenity:

Regarding the impact of the proposed development upon the character and appearance of the surrounding area, the proposed development would take the appearance of a modern built form of development, with a

hipped roof. However as the proposed dwellings would flank onto the main road, the hipped roof would mean that the roof pattern of the new dwellings would follow the slope of the existing terraced row; sloping away from the road, back in towards the site.

The side facing elevation of the proposed dwelling, which would flank onto the main road would have a simplistic design that would reflect the appearance of the existing dwellings within the terrace row, which have a very simple form. The proposed front elevations of the dwellings, which would now face the informal open land/parking area to the western side of the site would have canopy porches and bow windows to reflect the detailing of the new dwellings further to the west of the application site, while also attempting to create a sense of place and identity of its own to this small informal area. It is considered that due to the existing rights of access for the adjacent properties over the informal parking area, it is unlikely that this area of land could be successfully redeveloped in the future, other than as land for access and parking. As such, it is considered that the proposed development of the application site would not prejudice future redevelopment within this area.

Whilst it is acknowledged that the proposed layout of the semi-detached dwellings would not be directly in keeping with the rest of the remaining terrace dwellings, this is only a very short row of terraced houses with no other original terraced dwellings within the immediate area. It should also be noted that while numbers 184 and 186 on the opposite side of the road, are located adjacent to the highway (at a slight angle to the road); the other dwellings within the surrounding area are all either semi-detached or detached dwellings that are set well back from the highway with large gaps between the buildings.

However, due to the proposed orientation of the dwellings and their relationship with the informal area to the west and the main road frontage of Ynysmeudwy Road, together with the proposed raising of the slab level of the dwellings to 44.28 compared to the adjacent ground level of 43.64 (which is an attempt to compensate for the risk of flooding on the site), it is considered that the proposed development would result in a contrived form of development that would represent an obtrusive feature to the detriment of the character and appearance of the immediate area.

Residential Amenity:

The existing building on the site is currently attached to number 181. The

proposed development would result in the demolition of the existing building and the erection of a pair of semi-detached dwellings. Issues relating to the demolition of the existing structure and potential damage to the adjoining property are a civil matter covered under the Party Wall Act, but the finish to the exposed party wall would be covered by condition in order to ensure an acceptable appearance is achieved.

The proposed dwellings are shown to each have only one first floor window within the rear elevation, which would face towards the rear amenity areas of number 181-185. However these windows are shown to serve bathrooms and as such could be obscure glazed, thereby preventing any overlooking and loss of privacy. There are no dwellings located to the rear of the application site and the dwellings located further to the west would be over 21m away from the application site. As such it is considered that the proposed development would not result in any overlooking or loss of privacy to the residents of the adjacent dwellings.

The proposed dwellings would be located approximately 6m from the boundary with number 181. However the existing structure currently adjoins the side of number 181 and projects approximately 5m beyond the rear elevation of the neighbouring property. As such, it is considered that due to the orientation of the proposed development and the siting relationship with the existing properties, the proposed development would not result in any overbearing or overshadowing of the adjacent properties. Hence the proposed development would have no detrimental impact upon the residential amenity of the occupiers of the neighbouring dwellings.

Highway Safety (Access, Parking and Traffic flows):

The previously proposed scheme showed the dwellings fronting onto the main road with the parking spaces being located to the rear of the dwelling and accessed off the informal area to the western side of the site. The Head of Engineering and Transport (Highways) raised no objection to the proposed scheme subject to the imposition of suitable conditions to ensure the provision of a vision splay, for vehicles and pedestrians and the provision of suitably sized parking spaces.

However in response to the revised scheme the Head of Engineering and Transport has stated that he recommends refusal of the proposed development. He considers that the proposed parking spaces located to

the side of the dwelling closest to the highway would have a substandard width of only 2.4m instead of the required 3.2m which is required for spaces that are located within confined areas, such as between the boundary wall of the dwelling and the side elevation of the house. There are also concerns regarding the informal nature of the parking area that would provide access for both pedestrian and vehicles to the proposed dwellings. The area has a rough, irregular surface with no lighting, marking or differentiation between parking spaces and access. The Highways officers are concerned that the lack of clarification between the uses and functions within this area, together with the close proximity of the driveways adjoining the rear lane and public highway, would result in conflict between manoeuvring vehicles trying to access the driveways of the proposed dwellings and those using the rear access lane to the existing dwellings. There would also be conflict between pedestrians accessing the houses and boys club building as well as vehicles that are manoeuvring to use the area as general parking.

As such, it is considered that the proposed development by reason of its substandard parking provision and the lack of definition of function and use of the informal area would result in an increase in the use and conflict between users of this existing informal and unmanaged area, to the detriment of highway and pedestrian safety.

Landscaping:

There is no significant existing landscaping on the application site at present. There is some overgrown ivy and shrubs, but nothing that would be worthy of retention. The proposed siting of the dwellings includes the provision of small garden areas to the front of the dwellings which would allow room for a small scale landscaping scheme, to soften the impact of the development. As such it is considered that the proposed development would have no detrimental impact upon the landscape amenity of the surrounding area.

Ecology (including trees & Protected Species):

A bat survey was carried out on site during the course of the application. However due to the nature of the site and its suitability for bat roosts the imposition of a condition requiring a future survey prior to the start of any site clearance or demolition is considered appropriate in the event that planning permission was to be granted.

Flooding:

As stated above the applicants have submitted a Flood Consequence Assessment (FCA) which showed that the originally proposed scheme was at risk from flooding. They subsequently redesigned the layout of the site in an effort to establish that the site could be developed to be free of risk from flooding, as stated within their submitted FCA. However the Environment Agency have stated that the revised scheme does not address the concerns that they outlined in their correspondence of the 9th June and at the meeting on the 25 June 09.

In addition to this, further correspondence has been received from the applicant in support of the revised scheme which makes a number of assumptions that the Environment Agency have stated that they are unable to verify.

While the Environment Agency accepts that the existing structure on the site is currently at risk from flooding, the proposed development would increase the number of dwellings at risk from flooding from one to two houses.

The Environment Agency therefore advise that they are unable to state that the risk of flooding associated with the proposed development has been shown to be acceptably managed in line with TAN15 guidance and that in the absence of further evidence to demonstrate that the risk can be acceptably managed their previous recommendation of refusal of planning permission still stands.

Pollution: (air and ground)

No issues identified.

Others (including objections)

While a number of the objections raised by the local residents have been addressed within the appraisal above, the following comments are made in response to those objections that have not yet been appraised:

In response to concerns raised regarding potential access to the site from the rear lane and easement to the proposed access, the proposed development shows that access will be gained from the informal area to

the west of the site and not from the rear lane. The applicant has confirmed during the consideration of the first scheme that they have right of access over this area. As there is no public right of way, this is not a material planning consideration and is a civil matter between the applicant and the third parties.

The issue of the water supply to the adjacent dwellings could be protected through the imposition of a suitably worded condition if the proposed development were to be recommended for approval of planning permission.

Conclusion:

The proposed development subject to the imposition of conditions would have no detrimental impact upon the residential amenity of the occupiers of the adjacent dwellings, but due to the proposed siting and the slab level of the proposed dwellings, the development would have a contrived and obtrusive appearance to the detriment of the character and appearance of the immediate area.

The Head of Engineering and Transport has stated that the proposed development would result in an increase in the level of conflict between the users of the rear access lane, the occupiers of the proposed new dwellings and the users of the existing parking area and boys club building thereby having a detrimental impact upon highway and pedestrian safety.

Finally, the proposed development fails to demonstrate that the proposed development would not be at risk from flooding or that the flood risk for the development could be acceptable managed in line with the guidance within TAN15.

Recommendation: To refuse planning permission.

REASONS FOR REFUSAL;

(1) The proposed development by reason of its siting at a right angle to the road frontage and the proposed raised slab level design would represent a contrived form of development that would represent an obtrusive feature to the detriment of the character and appearance of the streetscene. As such the proposal would be

contrary to policy GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and the planning guidance in TAN12 - Design.

(2) The proposed development would result in the formation of flood sensitive residential development within Zone C2 of TAN 15's Development Advice Maps. The applicant has failed to substantiate through the submission of a comprehensive Flood Consequence Assessment that the proposed development would not be at risk from flooding or that the flood risk for the development and access could be managed in line with TAN 15 Guidance. As such the proposed development fails to prove that it would not increase the amount of property and human life at risk from a Q1000 flood event, and would be contrary to policies GC1 and ENV11 of the Neath Port Talbot Unitary Development Plan and the guidance within TAN 15 Development and Flood Risk.

(3) The proposed development by reason of the lack of definition of function and use of the unmade, irregular surfaced, non-lit informal area that would provide access to the site, would result in an increase in the level of use and conflict between both pedestrian and vehicle users of this area, to the detriment of free flow of traffic and the highway safety of the existing road network. As such the proposal is contrary to policies T1 and GC1 of the Neath Port Talbot Unitary Development Plan.

(4) The proposed development by reason of the substandard width of the proposed parking spaces would result in additional on-street parking and congestion within the informal access and parking area to the west, to detriment of the free flow of traffic and highway safety of the existing road network. As such, the proposed development would be contrary to policies T1 and GC1 of the Neath Port Talbot Unitary Development Plan.