

*Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell-nedd*

*Democratic Services
Gwasanaethau Democrataidd*

Chief Executive: Stephen Phillips

Date: 16th June 2015

Dear Member

PLANNING COMMITTEE - TUESDAY, 16TH JUNE, 2015

Please find attached the following addendum reports/urgent items for consideration at the next meeting of the **Planning Committee - Tuesday, 16th June, 2015.**

Item

- a) Update Report - East Pit and Margam Open Cast Coal Sites
(Pages 108 - 109)
9. Amendment Sheet (Pages 110 - 123)

Yours sincerely

Gina Cirillo

P.P Chief Executive

Encs

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Agenda Item 8a

PLANNING COMMITTEE

16th JUNE 2015

REPORT OF THE HEAD OF PLANNING – N. PEARCE

Chairman's Urgent Item

Update Report : East Pit and Margam Open Cast Coal Sites

The following is an urgent item allowed at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

Reason for Urgent Item

The reason for the report being tabled as an Urgent Item is due to the need to ensure Members are fully aware of the current status at the above sites.

Report

Margam Open Cast Coal Site

Members will recall that a report was placed before this Committee in November 2014 outlining the current position regarding Margam Open Cast Coal Site and identifying a number of potential next steps. Members of the Committee resolved to pursue negotiations with the former operator (Celtic) and the owners of the site (Oak Regeneration) with a view to securing an acceptable form of restoration of the site. Should these discussions fail then Members resolved that appropriate enforcement action be pursued.

Since that resolution was made, discussions have taken place with the former operator and current owner with officers from both this Authority and Bridgend being in attendance. It has been agreed that a working group will be established which will comprise of the following:

- Relevant officer(s) and one Elected Member from Neath Port Talbot
- Relevant officer(s) and one Elected Member from Bridgend
- Representative(s) from Celtic Energy

- Representative(s) from Oak Regeneration
- Up to four representatives from the local community
- Representatives as and when required from other regulatory organisations

The group will be tasked with identifying an alternative restoration scheme for the site having regard to the sums available within the escrow account and potentially seek additional sources of funding to supplement that fund.

Work will commence to establish this group within the next few weeks.

East Pit Open Cast Coal Site

Members will be aware that a planning application seeking consent for the regularisation of works undertaken on the site since December 2012, together with an amended restoration scheme, an extension to the area of coaling and a tourism led regeneration scheme was considered by this Committee on the 28th April 2015 where the following resolution was made:

“To grant planning permission subject to a number of conditions and upon the signing of a S106 legal agreement. This permission to be issued only in the event the Welsh Government withdraws the Article 18 holding direction issued on the 27th April 2015. “

The holding direction effectively allowed the Council to continue to assess and consider the application but prevented the issuing of a decision until such time as the Holding Direction was lifted.

Written confirmation was received from the Welsh Government on the 2nd June 2015 that they were not intending to ‘call in’ the application and as such they lifted the Holding Direction. As a consequence the Council, once satisfied that an acceptable Section 106 agreement has been secured and signed by all interested parties, is able to determine the application and issue the planning permission in accordance with the resolution of the Planning Committee.

Detailed discussions have taken place since the Committee meeting in April to secure an acceptable S106 agreement. It is anticipated that the legal agreement will be signed shortly, immediately following which the planning permission will be issued.

Recommendation

That the contents of this report are noted.

Agenda Item 9

PLANNING COMMITTEE

16TH JUNE 2015

AMENDMENT SHEET

ITEM 5

<u>APPLICATION NO:</u> P2014/0333	<u>DATE:</u> 11/04/2014
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, NEATH PORT TALBOT SA8 3JT
APPLICANT:	Mr Jonathan Jones
TYPE:	Vary Condition
WARD:	Rhos

The agent has submitted a letter which also includes a lengthy response from the applicant to the report. The letter is available to view in full on the file, and in any event has been circulated by the agent to all Members of the Planning Committee by email, but given the circumstances of this case a copy is attached to the amendment sheet for Members to read in full.

This amendment sheet therefore seeks to respond in general terms to the submissions.

Agents Covering Letter

The agents letter considers the officer's report to contain "significant errors of fact that are capable of misleading the Committee in a material way" and claims that it has been written in such a way as to suggest that there is a "predetermined view giving rise to apparent bias". Accordingly they have "grave concerns as to whether the officer has correctly applied the statutory test enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004, which would render any decision by the Committee as *Wednesbury* unreasonable".

In response, Officers do not consider the report to have significant errors or to mislead the Committee, and are satisfied that there has been no

‘predetermination’ or ‘bias’ in the Officers assessment. It is factual, however, to note that there has been a considerable planning and enforcement history associated with this property, which is a material planning consideration.

In respect of the legal concerns implied by the agent, Members are advised that legal advice has been taken, and it is not considered that there are grounds to justify that any decision taken would be *Wednesbury* unreasonable¹.

Mr Jones (applicant) letter

The applicant has submitted a letter which seeks to respond to the Officer’s report, and highlight “numerous errors and misinformation” in the report and requests, to ensure this application has a fair hearing, that the application be deferred from the planning committee. The basis for his request is identified in 27 points within his letter.

In response to these representations (which should be read in full as attached), the following points are made (after a brief summary): -

Planning application P2011/0553 was not subject to a site visit by the Planning (Site Visits) sub-committee.

- It is accepted that the Sub-Committee site visit was undertaken in 2009, not on application P2011/0553 (point 1).

The applicant has never set out to 'abuse' the planning system through repeated appeals covering the same issue. The applicant has endured 6 years of significant distress and their aim is to safeguard the family's future.

- While it is noted that the applicant has been distressed by the ongoing planning issues at the site, these are as a result of unauthorised development, with the Council being consistent in applying and enforcing the policies governing such new development in the countryside. In this respect it has not been stated that the applicant has been seeking to abuse the planning system, although Officers were initially seeking to decline to determine the application to prevent further delay in enforcing the terms of the Enforcement Notice previously upheld by an independent Inspector. (point 2)

¹ A standard of unreasonableness used in assessing an application for *judicial review* of a public authority's decision. A reasoning or decision is *Wednesbury* unreasonable (or irrational) if the Authority has not called its attention to matters which it is bound to consider and/or it has considered matters which are irrelevant and the Authority must not reach a decision so unreasonable that no reasonable Authority could ever come to it (*Associated Provincial Picture Houses Ltd v Wednesbury Corporation (1948) 1 KB 223*).

Policy ENV8B states that applicants proposing to convert rural buildings to dwellings should provide a statement explaining the marketing efforts made over a period of 2 years and at a price reflecting the market for such business use. There are no requirements for specific marketing modes i.e. selling and/or letting. The appeal considered in April 2013 was not based upon the marketing exercise at the property as the appeal was based upon the grounds of the structural instability of the original building and the subsequent re-building. The applicant did not propose any formal evidence on marketing. Therefore, the material consideration to assess is as a result of the ongoing marketing exercise that has been ongoing since January 2012. It is plainly wrong to state that the Inspector has considered any marketing exercise undertaken by the applicant.

- The 2013 Inspector made it clear that the marketing considered at that time was insufficient (para 19 of his report), and also that there had been no attempt to let the Building as holiday accommodation. While the level of evidence now before the Council is greater than that heard at the previous appeal, nevertheless the appeal Inspector did consider and conclude on such matters. In this respect, a detailed analysis of the submissions has been made within the Committee report and appropriate conclusions reached on the basis of an assessment against UDP. (points 4 and 5)

The applicant is concerned that the planning officers deem the refusal of Savills to market the property as being of no significant relevance.

- The report deals with the involvement of Savills in appropriate detail, but places different weight upon such evidence, with the applicant considering their failure to market the property as being of relevance. (point 7)

The property can only be solely considered for sale as it is held within different legal ownership to the nearby holiday cottages.

- The report does not state that the property should be sold as part of a group of cottages, given acknowledged different ownership (albeit in the same family), but instead emphasises that the property should not be considered in isolation from the 'group' of cottages. (point 8)

Commercial properties are marketing on various circumstances and include 'new builds', 'investments' and 'business sales'.

- Valuation of commercial property can be based on a number of things , however it is maintained that the absence of any letting history would only result in the value of the property being significantly reduced, while in a case like this - where the owners are claiming that such a use is unviable – this can only further reduce the likelihood of someone taking a risk on purchasing the property. (point 10)

The applicant did not instruct Wyndham vacation Rentals as referred in the officer's report. The agents inspected the property and provided comments, however, they have not marketed the property.

- It is noted that the applicant advises that the property was never placed on any website operated by Wyndham Vacation Rentals, and that this decision was (it appears) due to the %age of letting income/sales that any letting agent would retain. A small percentage of some revenue, however, is better than 100% of no revenue. In addition, the applicant has not covered why other less expensive options of using well-known companies/ websites to supplement private websites have not been considered. (point 11)

The reference to offering accommodation for 'larger parties or just individual bookings' is relating to the applicant's father's holiday cottages which comprise of 3no. smaller units nearby. The flexibility promoted by the letting agent and Visit Wales does not exist at the subject property

- Discounting the adjacent 3 no. holiday units and the opportunity for combined marketing, just because they are owned by the applicant's father, is considered to undermine the applicant's case, especially since these were themselves justified on the basis of tourism need, and the applicant himself is stated within the supporting documentation as being involved in that business (which is to be run by his sister). (point 12)

Pricing information on the property website has been available for over 12 months

- Although dates or evidence of the same has not been provided, it is accepted that the availability of information on pricing has been available longer than stated in the report. Nevertheless, while the applicant considers this is misleading and 'goes to the heart of the issue' as to whether the applicant has made all reasonable attempts to let the property,

it is considered that the quality and information on the website is but one part of a much bigger picture, and this does not materially affect the conclusions within the report. (point 14)

The marketing of the property has not been compromised by the occupation of the building and the marketing material is clear, concise, open and honest. The report sets out to openly attack the applicants character and integrity which may cloud the judgement of the Committee.

- Officers have not, in any respect, sought to “openly attack the applicant’s character and integrity”, rather the report has sought to assess the submissions and come to a balanced planning judgement. Officers remain of the view that the continued occupation of the building has undermined the applicant’s submissions that all reasonable efforts have been made to let the property as holiday accommodation. The report is therefore not ‘manifestly inappropriate’, nor could it reasonably be considered to cloud the judgement of the Committee such that their view on the application will be predetermined. (point 15)

The reference to Swansea Valley Holiday Cottages is factually incorrect.

- The comments and statements included in the report relating to Swansea Valley Holiday Cottages remain material to this application. Allegations in respect of a ‘fifth cottage’ will be reviewed as part of recent submissions at that property. (point 18)

The basis of any construction work would be the same be it as holiday cottages or as dwellings. The applicant is willing to request a further quote or a detailed quote from the builder.

- Availability of additional quotation(s) for building work for conversion of 2 units would not materially affect the conclusions within the report, which are based on the submissions made by the applicant. (point 20)

The applicant wishes to clarify that the proposed retention of the building as a holiday let in 2009 was not put forward by him

- It is noted that the retention of the building as a holiday let in 2009 was not put forward by the applicant. It is not accepted that this was “aggressively proposed by the planning officer at the time as the planning officer threatened to ‘up the ante’ ”. It was suggested by the planning officer that the Applicant may wish to consider it as a preferable option to

the alternative which would have been the demolition of a wholly unauthorised building. (point 21)

The agent who provided the report to the applicant has 30 years experience in commercial property in this area.

- The applicant's views in respect of marketing for other commercial uses are noted. However, the report is factually correct in identifying that the property has not been marketed for such an alternative use, albeit also acknowledging that the demand for such uses *may* not be great. (point 22)

The applicant fails to understand that the Highways department is now objecting, having not raised any objection in the past 6 years.

- Although the highway Officer has raised some issues in respect of additional movements and the impact on the local highway network, there is no reason for a deferral, with the application not being recommended for refusal on highway safety grounds (although it is on sustainability grounds, having regard to appeal Inspector's previous decisions). Copies of consultations and responses are available to view on file. (point 23)

Whilst the personal circumstances of the applicant and family have been discussed, there appears to be no reference made to discussions held between the applicant and the authority's housing officer

- The applicant refers to the lack of comment on the discussions held between the applicant and the authority's housing officer held on the 6th June 2014. In response it is noted that these discussions were suggested by officers as part of ongoing discussions over the requirement for the applicant to comply with the terms of the Enforcement Notice. These included his concerns over an ability to fund alternative accommodation, following which it was suggested that he contact the Housing Department to discuss potential housing solutions. (point 25)

Following these discussions, the Housing Officer advised that he was finding barriers to all the potential housing solutions, and got the impression that the applicant I didn't really want to consider the options to remaining where he was.

While it is acknowledged that such discussion took place, they are only considered material to this application insofar as they relate to the continued occupation of the property. Members may, however, wish to consider them also as part of their consideration of the enforcement element of the report.

The Housing section remain open, however, to further discussions in the event that the applicant is unsuccessful with either this application or any subsequent appeal (if members refuse), and the Enforcement Notice

The applicant fails to understand why the proposed S106 agreement fails to meet the criteria listed in the officer's report since it is in draft form and would, with the input and agreement of the Local Planning Authority, overcome any planning harm occasioned by the application and be legally sound.

- The views expressed in the report in respect of the Section 106 legal agreement remain factually accurate, and the lack of discussions on this point relate to the inability of such an agreement to overcome the clear planning objections (such a view having been expressed to the applicants agent prior to submission of a draft s106 agreement). (point 26)

The appeals should be properly considered and afforded significant weight.

- All planning applications should be considered on their own merits. Accordingly, the views expressed in the report in respect of the submitted planning appeals cannot be deemed to be perverse. (point 27)

In light of the above, it is considered that the report amounts to a reasonable and fair assessment of the submitted information, having regard to all material considerations, and that it has reached an appropriate conclusion based upon the relevant Development Plan Policies in force. Accordingly, there are no reasonable grounds on which to defer this application, and moreover, in the event Members choose to accept the Officer's recommendation, all of the matters raised can in any event be considered at appeal by an Independent Planning Inspector, should the applicant choose to appeal the decision.

For the attention of Steve Ball

Neath and Port Talbot County Borough Council
DX 135228
Port Talbot 2

Also by email

12 June 2015

Your Reference: P2014/0333
Our Reference: AM/lcl/J2334-1

Direct Line: 0117 9309575
Direct Fax: 0117 9293369
Email: amadden@thrings.com

Dear Sirs

Our Client/Applicant: Mr Jonathan Jones of Coed y Nant Barn, Hendrelas Farm, Rhos, Pontardawe, Swansea SA8 3JT

Application Ref: P2014/0333 - 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 (the "Application")

Town and Country Planning Act 1990

We refer to the above Application.

Having considered the officer's report we are extremely disappointed to note that it contains significant errors of fact that are capable of misleading the Committee in a material way.

Moreover, the officer's report is written in such a way as to suggest that he has approached the merits of the Application with a predetermined view giving rise to apparent bias.

Furthermore, we have grave concerns as to whether the officer has correctly applied the statutory test enshrined in section 38(6) of the Planning and Compulsory Purchase Act 2004, which would render any decision by the Committee as *Wednesbury* unreasonable.

The report also raises the issue of a Highway objection to the Application, that has neither been properly assessed, nor has the Applicant had the opportunity to address the Council's concerns. Although this is unsurprising given the Council has singularly failed to engage with either the Applicant or this firm (as agents) at all.

Whilst writing, we enclose a copy of our client's unsigned letter of 11 June 2015 which further expands upon the points we have identified above.

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In the circumstances, we respectfully request that the Application be deferred until such time that all of the above issues have been addressed.

Please do not hesitate to contact the writer, Alex Madden, on 0117 930 9575 should you have any queries.

Yours faithfully

Thrings LLP

Thrings LLP

Enc.

cc: Nicola Pearce, Steve Jenkins, Iwan Davies and Committee Members via email only

Mr J Jones
Coed Y Nant Barn
Rhos
Pontardawe
Swansea
Castell-nedd Port Talbot
SA8 3JT

11 June 2015

Neath Port Talbot County Borough Council
Civic Centre
Port Talbot
Neath Port Talbot
SA13 1PJ

Dear Sirs

Planning Application Ref: P2014/0333

Site Address: Hendrelas Farm, Rhos, Pontardawe, Swansea, SA8 3JT

Proposal: Removal of Conditions 1 and 2 of planning permission P2009/0406 approved on the 21/07/2009 to allow the property to be used as a residential dwelling house

I refer to the above and to the officers report which was published yesterday afternoon (10th June 2015). I must highlight the numerous errors and misinformation that has been identified in the said report and request that to ensure this application has a fair hearing, that the application be deferred from the planning committee to be held on the 16th June 2015 until such time that the errors within the report are properly addressed. The basis for this proposal is highlighted in the points below -

1. Planning application P2011/0553 was not subject to a site visit by the Planning (Site Visits) sub committee. To suggest otherwise is simply misleading. A site visit by the sub committee occurred in 2009 but there has not been one since.
2. The applicant has never set out to 'abuse' the planning system through repeated appeals covering the same issue. This is disingenuous and simply untrue. Such a suggestion is grossly misleading. The applicant has endured 6 years of significant distress and their aim is to safeguard the family's future.
3. The challenge submitted in respect of the Authority's decision to decline to determine the application in April 2014 was based upon solid legal grounds and highlighted the errors of the local planning authority. As a result, the Authority were liable for the applicants legal fees in the sum of £10,000. This in the view of the applicant is a mis-use of local tax payers money and would be better allocated to the provision of local facilities.
4. Policy ENV8B states that applicants proposing to convert rural buildings to dwellings should provide a statement explaining the marketing efforts made over a period of 2 years and at a price reflecting the market for such business use. The applicant has undertaken this exercise through the advertising of the property as a holiday cottage at an asking price supported by professional agents. There are no requirements for specific marketing modes i.e. selling and/or letting.
5. The appeal considered in April 2013 was not based upon the marketing exercise at the property as the appeal was based upon the grounds of the structural instability of the original building and the subsequent re-building. The applicant did not propose any formal evidence upon marketing. Therefore, the material consideration to assess is as a result of the ongoing marketing exercise that has been ongoing since January 2012. It is plainly wrong to state that the Inspector has considered any marketing exercise undertaken by the applicant.
6. The reference to the marketing of Plas, Cilybebyll, is relevant as the previous Planning Officer - Robert Bowen, made specific reference to this property during the appeal inquiry in 2012 and classed the applicant's property to be similar to the Plas. As such, the Plas has been marketed for several years with little interest in its previous use as holiday accommodation.

7. The applicant is concerned that the planning officers deem the refusal of Savills to market the property as being of no significant relevance. Savills are an international firm of residential, commercial and rural agents and they would not simply accept instructions with little prospect of obtaining any sales for their client. This is a clear sign of their professionalism and their comments cannot be simply dismissed.
8. The property can only be solely considered for sale as it is held within different legal ownership to the nearby holiday cottages. The applicant is actively marketing the property for sale in an attempt to both secure a business re-use and to recoup funds to support any alternative accommodation.
9. As mentioned above, the appeal considered in April 2013 was not based upon a marketing exercise i.e. ENV8B.
10. Commercial properties are marketing on various circumstances and include 'new builds', 'investments' and 'business sales'. The values of commercial properties can be assessed through an assessment of the likely income that could be generated and not any history of income. This is relevant to such a scenario where an office building is converted to a retail unit and thereafter is marketed for sale. Obviously, there would be no history of income as the building had been in use as an office.
11. The applicant did not instruct Wyndham vacation Rentals as referred in the officers report. The agents inspected the property and provided comments, however, they have not marketed the property. The applicant is conscious that the % of letting income/sales that any letting agent would retain would have a detrimental impact upon their income, sustainability and objectives of the business. This has heavily influenced the development of their own websites rather than instructing a letting agent.
12. The reference to offering accommodation for 'larger parties or just individual bookings' is relating to the applicant's father's holiday cottages which comprise of 3no. smaller units nearby. The flexibility promoted by the letting agent and Visit Wales does not exist at the subject property.
13. Thresholds Property Management were appointed to attract long term corporate lets. They are not holiday cottage agents and the idea was to market within a different market to secure some income.
14. Pricing information on the property website has been available for over 12 months and not only very recently. Such a statement is wholly misleading in a material way and goes to the heart of the issue as to whether the applicant has made all reasonable attempts to let the property as a holiday let.
15. The marketing of the property has not been compromised by the occupation of the building and the marketing material is clear, concise, open and honest. The applicant is concerned that the planning officers report sets out to openly attack the applicants character and integrity which is manifestly inappropriate on any view and is capable, in my view, of clouding the judgement of the Committee such that their view on the application will be predetermined.
16. Within the business assessment, the projected income in August is not based upon 96% occupancy as this would be very difficult to achieve due to the size of the accommodation and limited market i.e. large parties. Once again, the officers report indicates a dishonest approach by the applicant which is unacceptable And I repeat my concerns set out in paragraph 15 above.
17. The running costs such as oil and electric are fixed prices agreed with the suppliers. It cannot be expected to agree varying monthly payments with suppliers as this is not the basis of their accounts. The outgoings would need to be covered by the applicant if the property was occupied or not.
18. The reference to Swansea Valley Holiday Cottages is factually incorrect. The owner have developed the business to provide 4no. holiday cottages and as mentioned, following planning application P2015/0355, approval exists for the conversion of additional holiday accommodation. However, within the supporting information submitted with the said application, reference is made to 5no. existing holiday cottages. However, clearly only 4no. cottages are marketed via their website. I would suggest the local planning authority investigate the basis of the fifth holiday cottage as it appears that they have been misled by the business owners and therefore, all reference to the comments and statements included in the officers report should be afforded no weight by the Committee members. And are, in any event, not accepted by the applicant.
19. Any business must have an objective or business plan and it can be assumed the majority of such objectives is to be financially sustainable. Business operators have outgoings to meet and the applicants business is no different in having its aims and objectives to be sustainable and to support the applicant financially.

20. Conversion to 2no. units - The contractor simply called the conversion as 'two separate dwellings' as the basis of any construction work be the same be it as holiday cottages or as dwellings. The builder is experienced in the conversion of buildings and the separation of such items as oil supply, electrical supply and external staircase are seen as essential to develop 2no. units to meet an expected standard. The applicant is willing to request a further quote or a detailed quote from the builder.
21. The applicant wishes to clarify that the proposed retention of the building as a holiday let in 2009 was not put forward by him and was aggressively proposed by the planning officer at the time as the planning officer threatened to 'up the ante' at the time. I strongly suspect that the recommendation to refuse the application stems from the Local Planning Authority's historic view and that the application has not been considered in a fair and reasonable manner.
22. The agent who provided the report to the applicant has 30 years experience in commercial property in this area. The applicant considers the views of the Local Planning Authority to be unreasonable in light of this and the fact that the Local Planning Authority accepted that there was no market for office, retail or industrial in the initial planning application in 2008. The applicant suggest that the local authority's Estates team may wish to comment on the viability of the property for an alternative commercial uses. In addition, the applicant only legally owns a limited parking/yard area and this would impact upon the suitability for any alternative business.
23. Highways - The applicant fails to understand that the Highways department is now objecting, having not raised any objection in the past 6 years. The applicant requests a copy of the formal consultation undertaken between the planning and highway department for clarity. The basis of the impact that 2no. cars would have on an existing junction is totally unreasonable. The council road known as Tyn Y Cwm lane is heavily used by 9no. dwellings with circa 1- 6 cars per property plus a haulage yard with heavy vehicles. The impact of 2no. cars and possible visitors vehicles would have little impact upon the current traffic flow. Perhaps the council may wish to assess the impact other properties have through undertaking a full highways assessment of the junction. The applicant would be willing to defer the application to allow the said assessment to be completed. As the highway objection is a new objection to this matter, it would be very sensible that this is fully investigated and discussed between the parties. Otherwise, it simply gives the unhelpful impression that such an objection is not based on sound argument.
24. The applicant considers the property to support social inclusion as the applicant and family are active walkers and regularly walk the public footpaths to undertake social activities in Rhos and beyond.
25. Whilst the personal circumstances of the applicant and family have been discussed previously, there appears to be no reference made within the officers report of the discussions held between the applicant and the authority's housing officer held on the 6th June 2014. The applicant submitted a file note as part of this submission and this seems to have been ignored. It should be noted that the meeting was arranged by the planning department,, therefore, the applicant fails to understand why this point has been ignored. Again, the applicant would be willing to defer the application for this point to be addressed.
26. The S106 agreement is incomplete as the applicant submitted to assist with ongoing discussions with the planning department. The planning department have totally failed to consult with the applicant/and or it agent in relation to the submitted application and updated supporting information. This approach flies in the face of the principles enshrined in the Measure set out in at paragraph 1.3.3 of PPW (Edition 7) dated July 2014 which acknowledges that planning authorities are to consult with applicants and that participation is an essential part of the planning process . This has clearly not be done in this matter as the applicant despite numerous phone calls to the planning officer has not been asked to clarify any of the points now raised in this report. Surely, if the planning department had discussed the relevant points, this report would be fully in order and would provide a balanced report even if the same recommendation were to be reached. As it stands, the report has a clear negative undertone towards the efforts of the applicant leading to the inescapable conclusion that the through the officer's behaviour he had a predetermined view as to the merits of the application that has resulted in apparent bias. The applicant fails to understand why the proposed S106 agreement fails to meet the criteria listed in the officers report since it is in draft form and would, with the input and agreement of the Local Planning Authority, overcome any planning harm occasioned by the application and be legally sound. To suggest it does not satisfy the legal test set out at Regulation 122 of CILR 2010 is disingenuous (even more so where the Local Planning Authority has categorically failed to engage with my agent) and demonstrates a fundamental misunderstanding of the procedure by which section 106 agreements are negotiated. Again, the applicant would be willing to defer the application to allow detailed discussions to be held between the parties.
27. The applicant submitted the said appeals as they were in his view relevant to the application and included relevant considerations such as sites being considered within sustainable locations despite

being located further from settlements than the applicant's property. On this basis the appeals should be properly considered and afforded significant weight. Any other approach would be perverse.

On the basis of the significant points raised above which would require clarification in advance of the planning committee and the information that is missing from the report, the applicant requests the application be deferred from the planning committee to allow for discussions to be held between the parties in respect of the report as there has been no communication from the planning department to request clarification and additional information which is clearly essential in this matter.

I look forward to receiving your agreement to defer the planning application.

Yours faithfully

J.O.Jones

ITEM 6

<u>APPLICATION NO:</u> P2014/1137	<u>DATE:</u> 16/02/2015
PROPOSAL:	Detached dormer bungalow with associated car parking.
LOCATION:	LAND TO THE FRONT OF 23 HEOL WENALLT, CWMGWRACH, NEATH SA11 5PT
APPLICANT:	Mr Craig Taylor
TYPE:	Full Plans
WARD:	Blaengwrach

The following email has been received from Councillor Alf Siddley: -

Dear Planning committee Members;

This letter is in regard to the above application for a three bedroom bungalow at Heol Wenallt, Cwmgwrach, which is recommended for refusal at the Planning Committee to be held on 16th.June.

It has been recommended for refusal on the grounds of being out of keeping with the street scene as a contrived form of development.

The scheme has been well advertised around the village and no objections have been received, and there are no objections from Highways, Blaengwrach Council, Drainage, Welsh Water. the Biodiversity Unit, or the Coal Authority, nor have the neighbouring properties objected.

It is my contention Members, that in this instance the Planners have made a wrong decision, and it would be in the interests of fairness, if the Committee would undertake a site visit to familiarise themselves with the actual layout of the proposal.

I also believe that after viewing the site, the Committee would reverse the decision of the Planners.

I will not be able to exercise my right to attend the meeting due to my health, so I beg your indulgence.