



PLANNING COMMITTEE

2.00 PM - TUESDAY, 11 NOVEMBER 2014

COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE

PART 1

1. To receive any declarations of interest from Members.
2. Minutes of the Last Meeting (*Pages 1 - 18*)
3. To Request Site Visit(s) from the Applications Presented.

Report of the Head of Planning

SECTION A - MATTERS FOR DECISION

Planning Applications Recommended for Approval

4. **Application No: P2011/1147** (*Pages 19 - 76*)
Outline application for mixed use development comprising of up to 60 residential units, up to 100 units of holiday accommodation, up to 350sq.m retail and up to 1000sq.m of leisure complex with associated access, footpaths, ecological improvements, landscaping, boundary treatments and services.(Additional information under Regulation 19 of EIA Regs with regard to an environmental statement addendum which incorporates a revised assessment of the landscape and visual, foul and surface water drainage, flood risk and ecology together with revised planning assessment and enabling statement) at Rheloa market, Glynneath Road, Glynneath, Neath, SA11 4DT
5. **Application No: P2014/0246** (*Pages 77 - 94*)
Gas-powered electricity generating station (20MW) and associated works (Amended Block Plan, Location Plan, Elevation Plan and Floor Plan plus

additional Construction Management Plan received on 15/10/14) at Ex Gas Works, Afan way, Port Talbot SA12 6HQ

6. **Application No: P2014/ 0843** (*Pages 95 - 104*)
Certificate of Lawful Development (proposed) for the incidental use of an existing single-storey rear extension as a dog day crèche for up to 5 dogs between the hours of 08:30 hrs and 16:30hrs Mondays to Fridays at 70 Neath Road, tonna, Neath, neath Port Talbot, SA11 3DJ
7. **Application No:P2014/0922** (*Pages 105 - 110*)
Removal of Conditions 2, 3 & 4 (Code for sustainable Homes) from Planning Permission P2013/1010 (Approved on the 3/12/13) at Land Adjacent To Glas Y Dorlan, 65 Cardonnel Road, Skewen, Neath, SA10 6BS

SECTION B - MATTERS FOR INFORMATION

8. Appeals Determined (*Pages 111 - 112*)
9. Delegated Applications between 14th October and 2nd November 2014 (*Pages 113 - 126*)
10. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Wednesday, 5 November 2014

Committee Membership:

Chairman: Councillor R.G.Jones

Vice Chairman: Councillor E.E.Jones

Members: Councillors Mrs.A.Chaves, D.W.Davies,
Mrs.R.Davies, Mrs.J.Dudley, S.K.Hunt, D.Keogh,
Mrs.S.Paddison, Mrs.S.M.Penry, R.Thomas,
Mrs.L.G.Williams and A.J.Taylor

Plus 1 Vacancy

Cabinet UDP/LDP Councillor A.J.Taylor
Member:

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PLANNING COMMITTEE

Members Present:

21 October 2014

Chairman: Councillor R.G.Jones

Councillors: Mrs.A.Chaves, D.W.Davies, Mrs.R.Davies, Mrs.J.Dudley, M.Ellis, J.S.Evans, S.K.Hunt, A.Jenkins, Mrs.D.Jones, E.E.Jones, S.Jones, D.Keogh, J.D.Morgan, Mrs.S.Paddison, Mrs.S.M.Penry, H.G.Rawlings, C.E.Richards, R.Thomas, D.Whitelock, Mrs.L.G.Williams and A.J.Taylor

UDP/LDP Member: Councillor A.J.Taylor

Invited Members: Councillors P.A. Rees and A.N.Woolcock

Officers In Attendance Mrs.N.Pearce, S.Ball, Mrs.N.Pearce, K.Davies and Miss.G.Cirillo

1. **MEMBER'S DECLARATIONS**

The following Member made a declaration at the commencement of the meeting:-

Councillor S.Jones	Report of the Head of Planning Item No:1.2 – Planning Applications Recommended for Approval – Application No: P2014/0713 – as he is an Agent for the application and also an employee of the Company.
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2. **MINUTES OF THE LAST MEETING**

RESOLVED: That the Minutes of the Planning and Development Control Committee held on the 30th September 2014, be confirmed as a correct record.

3. **MINUTES OF THE PLANNING (SITE VISITS) SUB COMMITTEE - 9TH OCTOBER 2014**

RESOLVED: That the Minutes of the Planning (Site Visits) Sub Committee held on the 9th October, 2014, be confirmed as a correct record.

Report of the Head of Planning

(Note: An Amendment Sheet, attached and agreed, was circulated at the commencement of the meeting, as detailed in Appendix A hereto).

Planning Applications Recommended for Approval

4. **APPLICATION NO: P2014/0402**

Variation of Condition 1 of Planning Permission P2007/1413 (Granted on Appeal on the 07.05.09) to allow for the extension of time for the commencement of development and variation of conditions 3 (reference to all works in Environmental Statement and to allow a maximum tip height of 100m and maximum blade diameter of 82m), 9 (borrow pits), 14 (highway improvement works to facilitate revised access route) and 15 (internal access tracks) at MYNYDD Y GWRHYD, North of Pontardawe, East of Cwmgors.

RESOLVED: that the application be approved in accordance with the Officer's recommendation, as detailed in the circulated report, and subject to the following amendment to the wording of Condition No.16 in respect of the required Traffic Management Scheme (TMS) to clarify the need for the TMS to incorporate details of all delivery routes (including abnormal loads and stone deliveries), as stated in the circulated amendment sheet:-

(16) Notwithstanding the submitted information, no development shall take place until a Traffic Management Scheme (TMS) has been submitted to and approved in writing by the Local Planning Authority. The TMS shall set out all proposed delivery routes, timings of works and include details of any alterations/amendments to the existing A474 on route through Pontardawe and up to the

site location. This shall include temporary speed reduction measures (if applicable), give way markings, times of operation, removal of existing street furniture, roundabouts, kerb alignments etc. that allows safe delivery of the wind turbines. The development shall be carried out in accordance with the approved Traffic Management Scheme including the reinstatement / restoration of temporary works necessary to allow for the deliveries associated with this development.

Reason: In the interest of highways safety

5. **APPLICATION NO: P2014/0713**

(Councillor S. Jones re-affirmed his interest in this item and withdrew from the meeting during the discussion and voting thereon).

Change of Use from Sports Club (Sui Generis) to Public House (A3)
Croeserw Working Mens Club, Brynheulog Road, Croeserw, Cymmer,
SA13 3RS

RESOLVED:

That the above application be approved, in accordance with the Officer recommendation, as detailed in the circulated report, and subject to the following amended Condition, in respect of opening hours, as stated in the circulated amendment sheet:-

2) The operating hours of the Public House hereby approved shall be between 08:00 and 00:30 only.

Reason

In the interest of residential amenity.

Planning Application Recommended for Refusal

6. APPLICATION NO: 2014/0496

Retention of self contained residential dwelling and associated car parking - Crosswinds, 39 Cimla Common, Cimla, Neath SA11 3SU.

RESOLVED: that the above application be refused in accordance with the Officer's recommendation, as detailed in the circulated report.

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

7. PROPOSED CONFIRMATION OF TREE PRESERVATION ORDER - TPO NO: T328

Land at rear of 5 Channel View, Bryncoch, Neath.

RESOLVED: that Tree Preservation Order T328 be confirmed as an opposed Tree Preservation Order, and that all people previously served with the made Order be notified of the Order's confirmation; the date it was confirmed; the time within which an application may be made to the High Court; and grounds on which an application to the High Court may be made, as detailed in the circulated report.

8. APPEALS RECEIVED

RESOLVED: that the following Appeal received, as detailed within the circulated report, be noted:

Appeal Ref: A2014/0010

Two storey detached dwelling (Outline with details of access not reserved) – Land part of 1 Quarry Place, Gwaun-cae-Gurwen.

9. **APPEALS DETERMINED**

RESOLVED: that the following Appeal determined, be noted as detailed in the circulated report.

Appeal Ref: A2014/0008

Demolish and replace the existing 8 industrial units with up to 34 residential units – Lon Hir, Alltwen, Pontardawe, SA8 3DE

Decision: Dismissed

10. **DELEGATED APPLICATIONS DETERMINED BETWEEN 23RD SEPTEMBER AND 13TH OCTOBER 2014**

Members received a list of planning applications which had been determined between the 23rd September and 13th October 2014 as detailed within the circulated report.

RESOLVED: that the report be noted.

Urgent Report of the Head of Planning

11. **URGENT ITEM**

Because of the need to deal now with the matter contained in Minute No. 12 below, the Chairman agreed that this could be raised at today's meeting as an urgent item pursuant to Section 100B(4)(b) of the Local Government Act 1972.

Reason:

So that the Delegated Arrangements are amended in order to allow the Authority to discharge its duties in responding to the Tidal Lagoon Nationally Significant Infrastructure Project (NSIP), in a timely manner in accordance with deadlines prescribed by the Planning Inspectorate.

12. **DELEGATED ARRANGEMENTS**

The Head of Planning informed Members that the urgent report being tabled today was in respect of the need for the Delegated Arrangements to be amended as attached at Appendix 1, to the circulated report in order to allow the Authority to discharge its duties in responding to the Tidal Lagoon Nationally Significant Infrastructure Project (NSIP) in a timely manner in accordance with deadlines prescribed by the Planning Inspectorate.

RESOLVED: that the changes to the delegated arrangements approved by Council on 15th October 2014, and as amended by the circulated urgent report, (such changes being identified in bold within Appendix 1 attached hereto), be approved and incorporated into the Constitution with immediate effect.

CHAIRMAN

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

21 OCTOBER 2014

AMENDMENT SHEET APPENDIX A

ENVIRONMENT

SECTION A – MATTERS FOR DECISION

1. Planning Applications

1.1	APP NO: P2014/0402	TYPE: Full Plans	Page Nos: 29-70	Wards Affected: Gwaun-Cae- Gurwen
PROPOSAL:	Variation of condition 1 of Planning Permission P2007/1413 (Granted on Appeal on the 07.05.09) to allow for the extension of time for the commencement of development and variation of conditions 3 (reference to all works in Environmental Statement and to allow a maximum tip height of 100m and maximum blade diameter of 82m), 9 (borrow pits), 14 (highway improvement works to facilitate revised access route) and 15 (internal access tracks)			
LOCATION:	Mynydd Y Gwrhyd, North of Pontardawe, East of Cwmgors			

Agents Submissions

In response to the officer's report, the following additional comments were received from the applicant's agent:-

1. The report talks about changing the hub height and blade length by 1m. Given that the Certificate of Lawfulness has already confirmed this could have been done under the original consent this is not a change. What we instead wanted is flexibility by setting a maximum tip height, but not specifying hub height and blade length, or submitting 'maximums'.

In response to the above comments, it is noted that the application description and contents set out the parameters of the turbine which have been assessed in the determination of this application. Irrespective of the Certificate of

Lawfulness, this will form a new planning permission and, accordingly, it is appropriate to consider the minor change to the turbine as part of the assessment. Furthermore, condition 2 of the planning permission sets out that the maximum height to the blade tip of the turbine shall be 100 metres.

2. The report does not mention that there are benefits of not using the borrow pits- i.e. no significant extraction in a location not previously used for this purpose, further environmental impacts.

The Local authority accept that there will be some benefits from not using on site borrow pits including reducing the environmental and visual impact of the proposed development. In the absence of consent for such borrow pits, however, the assessment was unable to provide a comparative assessment.

3. Further information on electro-magnetic interference was supplied with the ES Addendum (May 2014) please see section 9 that is not mentioned in the report. This included repeat consultation. Therefore we do not consider that condition 27 is necessary and does not need to be reapplied.

In response to the above comments, firstly it is condition 32 rather than condition 27 that requires details in respect of electro-magnetic interference. At this time, Officers are not currently satisfied with the level of information provided and in the absence of a full assessment of this detail, it is considered appropriate to re-impose a condition (no.32) which requires a scheme to alleviate any interference with electro-magnetic signals

Amendment to Proposed Condition

Following further consideration, the wording of condition 16 in respect of the required Traffic Management Scheme is proposed to be amended as follows to clarify the need for the TMS to incorporate details of all delivery routes (including Abnormal Loads and stone deliveries): -

(16) Notwithstanding the submitted information, no development shall take place until a Traffic Management Scheme (TMS) has been submitted to and approved in writing by the Local Planning Authority. The TMS shall set out all proposed delivery routes, timings of works and include details of any alterations/amendments to the existing A474 on route through Pontardawe and up to the site location. This shall include temporary speed reduction measures (if applicable), give way markings, times of operation, removal of existing street furniture, roundabouts, kerb alignments etc. that allows safe delivery of the wind turbines. The development shall be carried out in accordance with the approved Traffic Management Scheme including the reinstatement / restoration of temporary works necessary to allow for the deliveries associated with this development.

Reason: In the interest of highways safety

1.2	APP NO: P2014/0713	TYPE: Change of Use	Page Nos: 46-50	Wards Affected: Glyncorrwg
PROPOSAL:	Change of Use from Sports Club (Sui Generis) to Public House (A3)			
LOCATION:	Croeserw Working Mens Club, Brynheulog Road, Croeserw, Cymmer, SA13 3RS			

Following further consideration, and having regard to information in respect of the authorised licensing hours of the existing Club, condition 2 in respect of opening hours of the premises is amended as follows: -

(2)The operating hours of the Public House hereby approved shall be between 08:00 and 00:30 only.

Reason

In the interest of residential amenity.

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APPENDIX 1

Proposed New Delegated Arrangements Delegated Matters (para 17 of Annex J to the current Constitution)

17. Planning

(i) General Planning Delegation

A. Determination of Applications / matters by the Planning and Development Committee

The Planning & Development Committee will determine all applications / matters which fall within the following criteria: -

1. Where an application is considered to be of strategic importance, or where it is considered by Officers to be appropriate to be determined by Members, taking into account the views of Members where they have requested an application to be considered at Committee (*note: the member process agreed is set out in the Appendix*).
2. Where an application is to be recommended for approval, and where it is considered by Officers that the proposals would materially depart from Policies within the Development Plan.
3. Where an application has been submitted by a Member of the Council or close relative of a Member.
4. Where an application has been submitted by an employee of the Council who is directly involved in the Development Management process or in a post identified below: -
 - Director of Environment
 - Head of Planning
 - All posts under the direct responsibility of the Head of Planning
 - Head of Engineering and Transportation
 - Highways Development Control Officers
 - Drainage Officers
 - Head of Regeneration
 - Head of Streetcare
 - Head of Legal and Democratic Services
 - Committee Clerk (Planning)
 - Principal Solicitor (Planning)

Except as listed above, the Director of Environment and the Head of Planning are granted Delegated Powers for the determination of all planning and other related matters / applications, including the preparation of screening and scoping opinions, discharge of conditions, tree preservation orders, hedgerow and high hedges applications, appeals and enforcement matters, in accordance with the following procedures: -

B. 'Delegated Panel' Procedure

To determine applications relating to the following matters and following agreement with local Ward Members and subject to the provisions of the Planning Code of Conduct: -

- Refusal of Applications
- Developments in excess of 5 dwellings (including approval of reserved matters and/or the discharge of conditions in respect of the same);
- Developments creating new floorspace in excess of 500 sq.m. in respect of industrial, agricultural, commercial or non-commercial buildings (including approval of reserved matters and/or the discharge of conditions in respect of the same)
- Deeds of Variation, seeking to vary the terms of an existing Section 106 legal agreement
- Planning Enforcement Procedures, including: -
 - (a) To serve a Planning Contravention Notice;
 - (b) To serve a Breach of Condition Notice;
 - (c) To serve an Enforcement Notice;
 - (d) To serve a Stop Notice
 - (e) To serve a Notice under s215 (Amenity of Land) of the 1990 Act (as amended)
 - (f) To initiate prosecution action or injunctions
 - (g) To withdraw or amend any formal Notice under points (a) – (e)
- Felling of trees covered by Tree Preservation Order

C. 'Normal' Delegated Matters (subject to no objections being received)

- (i) to approve (but not to refuse) with or without conditions in respect of all other planning applications or matters not covered by point (i)

above, subject to there being no objections, including (but not limited to): -

- Development of up to 5 dwellings (including approval of reserved matters and/or the discharge of conditions);
- Developments creating new floorspace up to 500 sq.m. in respect of industrial, agricultural, commercial or non-commercial buildings (including approval of reserved matters and/or the discharge of conditions)
- Applications to determine whether or not an Environmental Statement is required on any submitted or proposed planning application (“Screening Opinion”)
- Applications to determine the scope of an Environmental Statement (“Scoping Opinion”) on any submitted or proposed planning application.
- Applications for a Certificate of Lawful Use of Development (Existing and Proposed)
- Decisions on applications made under section 73 to develop land without compliance with conditions previously attached to a consent.
- Discharge of conditions imposed on a planning consent.
- the topping, lopping or carrying out of other works, excluding felling, of trees the subject of tree preservation orders or of planning conditions.
- Determination of ‘Prior Approval’ (“Prior Notification”) applications, including determination of subsequent applications for such prior approval
- Making of Tree Preservation Orders
- To approve Hedgerow Removal Notices, under the Hedgerow Regulations 1997 where a hedgerow is not "important"
- Applications under the Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992 including:- determination of applications for hazardous substances consent (HSC) (s9); deemed HSC: established presence (s11); applications for removal of conditions attached to HSC (s13); general power by order to revoke or modify HSC (s14) and determination of applications for continuation of HSC (s18).

(ii) Section 106 Agreements: To authorise the entering into of Section 106 Agreements under the Town and Country Planning Act 1990

- (iii) to determine all applications in respect of the Building Regulations.
- (iv) to authorise the issue of infringement notices and any enforcement action with respect to Building Regulations.
- (v) Building Act 1984
- (a) Delegated powers for the elements of the Planning Service covered by legislation under the Building Act 1984.
 - (b) To authorise individual Officers to act as Inspectors/Authorised Officers/Enforcement Officers under legislation contained in the Building Act 1984.
 - (c) In consultation with the Director of Finance and Corporate Services, to approve legal proceedings on behalf of the Council in respect of any offence under the above Act. (This delegation also applicable to the Principal Officer (Building Control)).
- (vi) Safety at Sports Ground Act 1975: To issue and sign the relevant Safety Certificates under the Safety at Sports Ground Act 1975 (as amended) and to take any enforcement action (the latter to be reported to the Planning Committee for information)
- (vii) Forestry Authority - Consultations on Felling Proposals
- (a) where there are no objections, the response to the Forestry Authority is delegated to the Director;
 - (b) where objections are raised by local Members, relevant Community Councils, or by Officers, that the Director be delegated the power to request that this Authority be granted an extension of time, or to submit an objection to the Forestry Authority. The matter would then be reported to the next available Planning Committee for consideration and that Committee be given plenary powers to resolve the Authority's formal decision. Relevant local Members would be invited to attend the Committee and any site visits, but would not be entitled to vote, in the same manner as in the determination of planning applications;
- (viii) Neath and Port Talbot Local Access Forum

To determine future changes to the membership of the forum in consultation with either the Leader or Deputy Leader.

(ix) Rights of Entry

To authorise rights of entry to relevant Officers in respect of the following legislation:-

- (a) Town and Country Planning Act 1990 (as amended) – Section 324;
- (b) Wildlife and Countryside Act 1981 (as amended) – Section 51;
- (c) Planning (Listed Building and Conservation Areas) Act 1990 (as amended) – Sections 88 – 88B;
- (d) Planning (Hazardous Substances) Act 1990 (as amended) – Sections 36-36B;
- (e) Highways Act 1980 – Section 293;
- (f) Road Traffic Regulation Act 1984 – Section 71.
- (g) Anti Social Behaviour Act 2003 (High Hedges) – Section 74

(ix) Developer Contributions (Supplementary Planning Guidance)

To determine issues of arbitration between different needs prior to any form of decision by the Planning and Development Control Committee (this in consultation with the relevant Cabinet Member).

(x) Affordable Housing Contribution

The Head of Planning is granted delegated authority to review and make any necessary amendments to the charge levied for the negotiation of the Affordable Housing Contribution

(xi) Safety of Stands for Spectators – Section 42 West Glamorgan Act 1987

The powers to the Authority under Section 42 are delegated to the Director of Environment and the Head of Planning.

(xii) Retaining Walls – Section 26 West Glamorgan Act 1987

The powers of the Authority under Section 26 are delegated to the Director of Environment and the Head of Planning

D. ‘Normal’ Delegated Matters

(i) Nationally Significant Infrastructure Projects (NSIPs)

Submission of all responses in respect of Nationally Significant Infrastructure Projects (NSIPs), with the exception of the Authority’s

Local Impact Report and initial Written Representations, which shall be reported to Committee.

APPENDIX A

Delegation Process (Development Management Matters / Applications)

1. To maintain accountability and transparency, detailed reports will be prepared for all delegated matters / applications outlining the material issues for consideration together with a recommendation.
2. In the case of 'Normal' Delegated Matters (para 17 (i) C of Annex J), each report is to be signed by the Case Officer and Development Control Manager / Team Leader or in their absence the Head of Planning, prior to issuing the decision notice
3. Where applications are being dealt with under the 'Delegated Panel' procedure (para. 17 (i) B. of Annex J), a panel of Officers (a minimum of three, including the Head of Planning and/or the Development Control Manager) will consider and sign off the report and its recommendation, in addition to which the following additional process will apply:-
 - (a) Where following consultation with officers the relevant Ward Member(s) have agreed that the application can be determined the delegated decision can be made.
 - (b) if any Ward Member considers that it would be more appropriate to report the application to Committee for decision, Officers will put the matter before Committee provided a valid planning reason has been given by the Ward Member (such reason to be clearly indicated within the subsequent report to Committee);
 - (c) In the absence of any agreement under (a) or representation under (b) that the relevant Ward Member(s) be advised of the proposed decision via e-mail, giving 7 days to respond to a named officer(s) within the Department. Responses will be dealt with in accordance with (a) or (b), but if no response is received, it will be assumed that the relevant Members are satisfied that the application can be continued to be dealt with under delegated powers and the decision notice will be issued.

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PLANNING COMMITTEE

REPORT OF THE HEAD OF PLANNING – N.PEARCE

11TH NOVEMBER 2014

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2011/1147	<u>DATE:</u> 02/03/2012
<p>PROPOSAL: Outline application for mixed use development comprising of up to 60 residential units, up to 100 units of holiday accommodation, up to 350sq.m retail and up to 1000sq.m of leisure complex with associated access, footpaths, ecological improvements, landscaping, boundary treatments and services.(Additional information under Regulation 19 of EIA Regs with regard to an environmental statement addendum which incorporates a revised assessment of the landscape and visual, foul and surface water drainage, flood risk and ecology together with revised planning assessment and enabling statement).</p>	
LOCATION:	Rheola Market, Glynneath Road, Glynneath, Neath SA11 4DT
APPLICANT:	Mr Howard Rees
TYPE:	Outline
WARD:	Glynneath

Relevant Planning History:

- P2004/0050 Request for formal screening opinion in respect of an environmental impact assessment for recycling centre. EIA not required 30/7/2004.
- P2006/1140 Variation of condition on appeal reference 189 to permit an extension of hours to include Wednesdays (8.00 to 14.00) for an antiques market / car boot sale. Planning permission granted 21/11/2006.
- P2010/1175 Request for a screening opinion for proposed mixed residential, leisure, retail and commercial development. EIA required 20/12/2010.

- P2011/0114 Scoping opinion under Regulation 10 of the Environmental Impact Assessment Regulations 1999 for a mixed use development comprising residential, holiday accommodation, tourism and recreation and hotel / restaurant together with associated works. Scoping opinion issued 13/4/2011.
- P2011/0514 Proposed reconstruction of former estate building to be used as a training facility in association with existing community garden. Planning permission granted 30/5/2012.

Publicity and Responses:

The application was advertised on site and in the press as a departure to the development plan, a major development and a development which may affect the setting of a listed building and one which is accompanied by an Environmental Statement.

In response, to date two letters of objection have been received, which can be summarised as follows:

1. The environment and species must be protected.
2. The boundaries of Craigarth Farm need to be secure and screened due to the presence of livestock.
3. Residential dwellings and holiday lets are totally incompatible in such close proximity.
4. The B4242 has previously been unstable and needed immediate repairs in some areas. Should the planned development proceed, will this road be monitored again especially in those areas not previously reinforced with concrete anchors, and by whom will they be monitored?
5. How and where will the sewerage be disposed of ? There is no main sewer between Rheola, Glynneath and Resolven and there is limited capacity in the existing system.
6. Domestic pets brought onto the site would have an effect on wildlife. Would pets be banned?
7. What would be the letting arrangements for the holiday accommodation? Are there to be restrictions? How will they be rated?

Resolven Community Council: Raises no objection to the scheme but hopes that access is via Glynneath not Resolven.

Gynneath Town Council : No reply, therefore no observations to make.

West Glamorgan Branch

Welsh Historic Gardens Trust: Raises no objection to the scheme and advises that the demolition of the industrial building is to be welcomed and the development could make a big improvement to the overall appearance of this registered park and garden.

Natural Resources Wales:

Initial Representations

NRW advised originally that there is no objection in principle, provided some possible impacts are avoided.

There are deficiencies in the landscape assessment of the ES and as such a full assessment of the impacts on the landscape character cannot be assessed. Further detail is therefore required on the content of the proposed Landscape Conservation Management Plan and the potential mitigation measures across the Estate to ensure that the setting of the registered park and garden is not compromised.

It is further considered that additional information could be provided in respect of bus and cycle route connections in terms of assessing the sustainability of the development.

Following a review of the FCA and associated hydraulic model, the principal concern is that there is significant overland flow routing that has not been modelled or finalised to a degree that can be commented upon. However, it is considered that the FCA has not calculated the flood risk to a sufficient accuracy to determine whether it can be managed and mitigated effectively.

In respect of contaminated land, there has been limited sampling of the area of the former aluminium works due to the presence of a considerable area of concrete and a former works building. The controlled waters are of high environmental sensitivity and it is recommended that the applicant undertake a site investigation in line with British Standards. Ideally, in order to gain a full understanding of the risks posed to controlled waters, this information should be provided prior to determination. It is likely that extensive remediation and / or monitoring will be required and consideration should be given to the need for a planning obligation to ensure this.

In terms of drainage, there is a lack of information relating to the foul sewerage disposal options. Regarding surface water drainage, the rational method has been used, which is not considered appropriate for setting flow rates which should be controlled to greenfield run off rates. The drainage proposal is to use the existing system, with attenuation only to ensure run-off will not exceed the

capacity of the existing drainage system. The Authority is reminded that current planning guidance advocates the use of SUDS for all new development proposals.

Turning to ecology, whilst the ES states that the development will have a neutral effect, every opportunity should be taken to improve the ecology of the site through enhancement and mitigation. Detailed suggestions are therefore made in respect of the watercourses, Rheola Lake, pond 2, the wet woodland and invasive species.

Finally, robust pollution prevention control methods would need to be deployed during demolition, remediation and construction.

Additional Representations

Following the submission of an ES Addendum, NRW raises no objection subject to the imposition of a number of conditions in respect of flooding, surface water drainage, construction management plan and land contamination.

Dwr Cymru Welsh Water: originally advised that the proposed development would overload the existing public sewerage system. Dwr Cymru therefore objected to the development.

To overcome the objection the developer commissioned a hydraulic modelling assessment of the public sewer network in order to identify the infrastructure works required to accommodate the foul flows from the proposed development. In response, DCWW have raised no objection to the proposed development on these grounds. A water supply can be made available to serve this proposed development. However, the developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can only be calculated upon receipt of detailed site layout plans.

South Wales Police- Crime Prevention Officer: No objection subject to detailed comments in respect of security, CCTV, lighting, vehicle parking areas, landscaping and planting, site layout and boundary identification.

Mid and West Wales Fire and Rescue Service: The developer should consider the need to provide adequate water supplies for fire fighting purposes. The applicant should be advised to contact Building Control when determining issues concerning means of warning and escape, internal and external fire spread, access and facilities for the fire and rescue service.

Head of Engineering and Transport (Highways): No objection subject to conditions in respect of a design code, construction method statement, surfacing / drainage / lighting of estate roads, driveway widths, conversion of garages and improvements to the existing junction with the B4242

Head of Engineering and Transport (Drainage): No objection subject to conditions in respect of SUDS, the submission of a drainage scheme as part of the first reserved matters, the use of water butts, interference of watercourses and the disposal of surface water and land drainage run off.

Arboriculture Officer: A detailed survey has been carried out. There are a large number of visually important trees in this area. To prevent irreversible damage to these trees the recommendations and guidance in the survey should be followed at all times. The erection of suitable and correctly positioned protective fencing prior to any works is of particular importance.

Biodiversity Unit: No objection subject to conditions.

Land Contamination: No objection to the proposed development; however the submitted reports have highlighted a number of land contamination issues that will require further investigation and/or assessment. As such, conditions in relation to contaminated land will need to be attached to any decision.

Cadw (Historic Parks and Gardens): Originally Cadw advised that they were unable to fully comment on this application as it is in outline form only. An application of this scale and complexity should be a full application to enable a full and detailed assessment. It is considered that detailed information is lacking regarding the layout, density and treatment of the plateau area, aluminium works and hardstanding, detained design and scale of residential development, landscaping and treatment of the treatment of the entrance and drive, and details of the treatment of Rheola Brook.

Further comments have been received following the submission of an addendum to the ES which states that the intention behind the proposed enabling development is the conservation of the historic estate, which will be beneficial to the registered historic park and garden at Rheola and secure its long term future. The size, scale and design, including landscaping of any future proposal will be crucial to ensure it sits sympathetically along the design of the historic landscape at Rheola. From the proposed use of the registered parkland area by residents/visitors to the proposed development is unclear but should also be sympathetic to the historic character of Rheola. The Environmental Statement advises that a Conservation Management Plan, Tree Management Plan and Visitor Management Plan for the historic designed landscape will form

part of a detailed planning condition, which in their view is very important to ensure a holistic approach to the long term conservation of the historic designed landscape.

Glamorgan Gwent Archaeological Trust: No objection subject to conditions

The Georgian Group – The Georgian Group raise a number of concerns in respect of the proposed development:

1. The supporting information mentions a ‘conservation management plan’ and it is considered essential that this is prepared at the outset. It is recognised that there is a large factory on the site of the former aluminium works and that the site is allocated for employment use in the UDP. Careful redevelopment of the site may be appropriate but the whole site needs to be properly assessed.
2. The character of the estate has been compromised by its industrial use, however, it does not sit comfortably in the wider estate and it is important to consider the original landscape design. The density of the development shown on the masterplan is of concern and in particular the layout of the housing is extremely suburban and unsuitable for the character of the estate.
3. The proposal will have an impact on the setting of the listed building and the registered park and garden, and this should not therefore be considered as an outline application.
4. The proposed development is said to be required in order to enable the conservation of the estate. An enabling statement has been provided to this end but the costs are not sufficiently detailed, the enabling development should be necessary to resolve problems arising from the inherent needs of the historic asset rather than the circumstances of the owner, there is insufficient information to adequately assess the impact of the enabling development and it fails to avoid fragmentation of the management of the historic asset.

Description of Site and its Surroundings:

The Rheola Estate is located in the Glynneath Valley, between Resolven and Glynneath, extending to some 87 acres and consists of a large house and associated buildings, a pond, parkland and large areas of woodland.

Rheola House was designed by John Nash, and is Grade II* Listed. The ice house and stables are Listed separately, both Grade II. The grounds are included in the Register of Historic Parks and Gardens and the proposed development

lies partly within its essential setting and partly immediately adjacent to the registered park.

The application site covers an area of some 9.8ha and comprises of an area of hardstanding and plateau to the south and south west of Rheola House.

The area of hardstanding was previously occupied by an aluminium works, including the operation of a smelting and rolling mill. Following the closure of the works, an industrial unit was constructed on site to screen coal. This former building was subsequently used for architectural salvage and a market, however, the market has since been re-located. In terms of its topography, this part of the site is relatively flat and is bounded by the estate wall and fencing to the south, woodland to the east, parkland to the north and parkland and a pond beyond to the east. The land rises beyond the northern boundary of the application site.

The plateau area previously provided access into the estate from the south west and valley areas. However, the previous access road is overgrown and the area currently remains as a clearing, surrounded on all sides by dense trees or woodland. It is a relatively level site, but is on higher ground than the hardstanding area.

Access to the site is derived from the B4242 via the entrance drive to the Estate. The driveway runs north into the centre of the estate before turning in a westerly direction towards the plateau. A spur off the entrance drive currently provides a separate access to the hardstanding area.

The Rheola Brook extends into the site at its north western boundary and acts as a natural barrier between the application site and the Historic park and Garden to the North East. The brook diverts the run off from the high catchment of the hills beyond the application site into an artificial concrete channel which runs through the estate, past Rheola House towards the pond to the north east.

Brief Description of Proposal

Outline planning permission is sought for a mixed use development comprising of up to 60 residential units, up to 100 units of holiday accommodation, up to 350sq.m of retail and up to 1000sq.m of leisure complex with associated access, footpaths, ecological improvements, landscaping, boundary treatments and services.

Whilst the application is in outline form, details of the access are to be agreed at outline stage, with all other matters reserved for subsequent consideration. The illustrative Masterplan is shown on Figure 1 below.

The proposal is for an ‘enabling development’ to facilitate the restoration and repair of Rheola House, Ice House and Stables. Enabling development is development that would normally be unacceptable in planning terms but for the fact it would bring public benefits sufficient to justify it being carried out, which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long term future.

The residential element of the scheme is proposed in the north east of the existing hardstanding area, with access from the main drive. Whilst the application originally proposed an area of over 2.5ha for residential development, the applicant was subsequently advised that the maximum number of units needed to be specified, and to this end, has confirmed that the application is for up to 60 residential units. However the indicative site layout shows 46 dwellings sited around a central green space forming a crescent shape, and will be composed of detached dwellings set within generous plots, achieving a medium to low density. The boundaries of the residential area are formed by existing trees to the north and new tree planting to the south and west, which will separate the residential area from the surrounding uses on the Estate.

The submitted scale parameters are:

Minimum height: 2.5m

Maximum height: 10.5m

Minimum width/length : 5m

Maximum width/length : 10m

Holiday accommodation is proposed in two locations; one on the western section of the hardstanding area, the other in the clearing on the plateau to the west of Rheola House. The indicative layout shows that the lodges on the hardstanding area will have a more uniform arrangement, permeated by landscaping and pedestrian routes, with a central open green space forming a central feature and potentially containing play equipment. The holiday accommodation in the plateau area will be of a more organic form given the more secluded, wooded and enclosed character of this part of the site.

The submitted scale parameters are:

Minimum height : 2m

Maximum height :4m

Minimum width: 3m
Maximum width 10m

Minimum length: 8m
Maximum length: 13m



Figure 1: Indicative Masterplan

The indicative layout shows that the leisure facilities will be located at the front of the site, in a central position. It is anticipated that the design of the leisure complex will be such that the functions are accommodated over several buildings as opposed to one large building to ensure it is appropriate for its location and mirrors the ancillary buildings in the Estate. Proposed uses within the complex include a swimming pool, gym, restaurant, bar and shop.

The submitted scale parameters are:

Minimum height :2.5m

Maximum height :4m

Minimum width: 8m

Maximum width 50m

Minimum length: 8m

Maximum length: 50m

In terms of the site boundaries, it is proposed that the palisade fencing adjacent to the B4242 is removed and replaced with a parkland / estate railing. Additional tree planting is proposed alongside the holiday accommodation to provide screening from the main road. Boundaries within the site are largely formed by wide swathes of tree planting, with the exception of the individual properties rear boundaries, which will be secured by a fence or wall.

The long term aspiration is to develop the wider estate as a sustainable and commercially viable holiday and leisure destination whilst conserving and enhancing the historic assets and landscape. However, it is important to note that this application is for the development of the area of hardstanding and plateau only, and any future development would need to be assessed on its own merits.

The application is accompanied by an Environmental Statement (ES) which deals with a range of issues, but primarily deals with the following:-

- 1) Introduction.
- 2) Description of development
- 3) Agriculture
- 4) Planning Framework
- 5) Cultural Heritage
- 6) Cumulative Effects
- 7) Ecology
- 8) Ground Conditions

- 9) Landscape and Visual
- 10) Planning Policy and Land Use
- 11) Socio-Economic and Community
- 12) Sustainability
- 13) Traffic and Transport
- 14) Waste
- 15) Water Resources

Supplementary Environmental Information (SEI) has also been submitted to clarify issues raised by consultees which provides additional information in respect of flooding, foul and surface water drainage, ecology, landscape and visual, and an enabling statement.

This additional information was the subject to further publicity under Reg 19

Material Considerations:

The main issues for consideration in the determination of this application relate to the acceptability of the proposed development, having regard to the national planning policy guidance and prevailing Development Plan policies, and any other material considerations, and whether the Environmental Statement demonstrates that the development would have no significant environmental effect that cannot be mitigated. Other primary issues concern the impact on the setting of Listed Buildings and the registered Historic Park, whether the development is acceptable in terms of visual amenity, highway safety, ecology, pollution, flooding and archaeology.

Policy Context:

National Planning Policy:

Planning Policy Wales (Edition 7, July 2014).

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2014)

Technical Advice Note 13: Tourism (1997)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 16: Sport, Recreation and Open Space (2009)

Technical Advice Note 18: Transport (2007)

“Conservation principles for the sustainable management of the historic environment in Wales” (CADW) which endorses Enabling Development and the Conservation of Significant Places (English Heritage)

Local Planning Policy:

The Adopted Development Plan comprises the Neath Port Talbot Unitary Development Plan, within which the following Policies are of relevance: -

Policy ENV1	Development in the Countryside
Policy ENV3	Impacts on the Landscape
Policy ENV5	Nature Conservation
Policy ENV11	Proposals in areas of flood risk
Policy ENV13	Brownfield, Derelict And Wasteland
Policy ENV16	Contaminated land
Policy ENV17	Design
Policy ENV19	Proposals within conservation areas or which would affect the setting of a listed building
Policy H4	Affordable housing
Policy EC1	Employment landbank
Policy EC7	Criteria for consideration of proposals for tourism facilities and other attractions
Policy T1	Location, layout and accessibility of new proposals

Supplementary Planning Guidance

Biodiversity
Developer Contributions
Landscape
Open Space
Affordable Housing (Revised 2014)

Principle of Development

The application site lies outside the defined settlement limits and is partially allocated for employment use under Policy EC1 /9 in the Neath Port Talbot Unitary Development Plan, with the remainder of the site having a history of industrial use. This policy states that A2 (Financial and Professional Services), B1 (Business) and B2 (General Industry) uses are acceptable.

Residential Development

Given its countryside location, and in the absence of any agricultural or forestry justification, the proposed residential development is contrary to Policy ENV1 of the UDP. Similarly the proposal would not be supported by the advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities.

Accordingly, the proposed residential development would represent a departure to the Development Plan, and it is therefore pertinent that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”. Such material considerations are addressed later in this report.

Loss of employment

National planning policy asserts in terms of development plans that it is necessary for allocations to be underpinned by an up to date and appropriate base to support policy allocations. An Economic Assessment and Employment Land Provision for Swansea and Neath Port Talbot was prepared in 2012. This study reviewed the availability of employment land in the counties against the anticipated demand. The Report identified that there was an oversupply of such land and recommended that the Council prioritise the best sites in terms of commercial attractiveness and achievability.

Although the Local Development Plan (LDP) has been submitted to the Planning Inspectorate for Examination, it is yet to be adopted and is therefore to be accorded little if any weight. It is pertinent, however, that the LDP has omitted the employment allocation at the site, both insofar as it is not considered necessary to meet the employment needs of the County Borough, but also because the buildings on site have been demolished with a view to redeveloping the site through this application as part of a strategic proposal to enhance the condition and setting of the adjacent Rheola House as part of a tourism- and regeneration-led enabling development. The benefits and weight to be given to such enabling development and historic environment grounds are discussed below in detail.

Accordingly, there are no objections to the development of the site on loss of employment grounds.

Tourism Development

Policy ENV1 is relevant with regard to development being located in the countryside and seeks to protect the countryside, but which also acknowledges that certain development, by its very nature, can be accommodated there.

With regard to tourism facilities and attractions, it should be noted that Policy EC7 is particularly relevant. It states that new or extended tourism facilities including hotels and other visitor accommodation will be permitted provided that certain provisions are met. These include the need for the applicant to provide sufficient justification that this type of development can not be accommodated within a local settlement and that it is shown the development is directly related to an appropriate countryside, leisure and recreational activity.

The justification to the Policy emphasises that “the Authority is committed to the encouragement of tourism and an improvement in tourist facilities, maximising the economic and employment benefits, promoting geographical and seasonal spread and encouraging the development of non-traditional destinations, while safeguarding the environment, and the interests of local communities”

The justification further states that: -

“Provision of tourist facilities provides a means of strengthening and adding variety to the economy, creating employment opportunities, and enhancing conditions for both the local community and visitors. Where proposals for tourist accommodation are approved in the countryside, conditions will be imposed to ensure that they are used only for tourism purposes and not residential use”.

These policies are supported by Planning Policy Wales 2014 which acknowledges that, “In rural areas, tourist development is an essential element in providing for a healthy, diverse, local and national economy”.

It further states that: -

“The Assembly Governments objectives for tourism are: - to encourage sustainable tourism in Wales, maximising its economic and employment benefits, promoting tourism in all seasons, and encouraging its development in non-traditional destinations, while safeguarding the environment, and the interests of local communities”.

Technical Advice Note (Wales) 13 relates specifically to tourism and, in particular, where it relates to seasonal and holiday occupancy states:-

“The planning system can respond to changes in tourism without compromising policies to safeguard the countryside and, in exceptional cases, holiday occupancy conditions can reconcile these two objectives”.

It goes on to state: -

“Such permissions may be granted with a condition specifying use as holiday accommodation only. A holiday occupancy condition would seem more appropriate than a seasonal occupancy condition where there is a need to reduce pressure on local services. Authorities should continue to use seasonal occupancy conditions to prevent the permanent residential use of accommodation which, by the character of its construction or design, is unsuitable for continuous occupation especially in the winter months. Seasonal occupancy conditions may also be appropriate to protect the local environment, for example where the site is near a habitat which requires protection at particular times of the year”.

Within this generally positive tourism context, it is clear from viewing the supporting information that by the very nature of the planning application that this is not the kind of development associated or indeed encouraged within nearby settlements. At this stage, however, it is not “directly related to an appropriate countryside, leisure and recreational activity”, and would therefore not technically meet the criteria within Policy EC7. Nevertheless, the positive benefits of introducing a new tourism use, including the associated facilities, as part of a wider strategic aspiration for the Rheola Estate and this part of the Neath Valley are clear, as is the fact that the development would largely be undertaken on previously developed land, which is positively encouraged both by the justification to Policy EC7 and by Policy ENV13 (Brownfield, derelict and wasteland).

Accordingly, the Tourism element of the proposal is technically considered to depart from Policy EC7. Nevertheless, the benefits associated with the tourism proposal on this previously-developed site are considered to be such that there are no objections to the principle of introducing this tourism use in the countryside, subject to an assessment of its impacts.

Notwithstanding the above, should this application be successful the occupation of such units would need to be strictly controlled by means of condition to enforce the use of each unit to ensure they do not become a permanent source of residential accommodation. In view of the advice given in TAN 13, it is not

considered that seasonal restrictions need to be implemented at this site as there are no existing habitats which are particularly at risk at certain times of year and need extended time periods to regenerate. Similarly the recreational activities proposed by this application to justify the erection of the holiday units are very much year round.

Having regard to the above conclusions, it is clear that as a whole the proposal would be contrary to the Policies in the Unitary Development Plan and, accordingly, there needs to be material considerations of sufficient weight which outweigh the potential harm caused by such a departure. These matters are considered in details below.

Other Material Considerations

In this instance, the historic importance of the wider estate is a material consideration. As noted previously, Rheola House was designed by John Nash, and is Grade II* Listed. The Ice House and Stables are Listed separately, both Grade II. The grounds are included in the Register of Historic Parks and Gardens and the proposed development lies partly within its essential setting and partly immediately adjacent to the registered park. The estate as a whole, while not included in the application site boundary, is nevertheless in the control of the applicant. The proposal will result in the removal of Non-Conforming Industrial Uses which themselves have had an unacceptable adverse impact upon the Setting of Listed Buildings and the character and appearance of the wider Historic Park and Garden.

Although the site has recently been cleared of previous built development, with the uses having relocated to an existing industrial estate, part of the site has an allocated employment use (Classes A2, B1 and B2) and as such the principle of employment uses returning to the site would be acceptable in policy terms under the current UDP.

Under section 66 of the Planning (Listed Building and Conservation Area) Act 1990, the planning authority must have “special regard” to preserving the setting of listed buildings. Recent case law has emphasised that this is more than a straightforward balancing exercise, and this must not be treated as just one among a large number of material considerations.

Having regard to this legal requirement, it is considered that the removal of an industrial site which has the potential to negatively impact on the wider historic estate could be justified where the proposed development contributes to the conservation of that estate and the appropriate redevelopment of the site for an

alternative use. This therefore weighs in favour of allowing the development, subject to the impact of the proposed new development on this setting being acceptable. Such impacts are addressed in detail later in this report.

Enabling Development

Having regard to the above policy context and the nature of the applicant's submissions, it is considered that the central basis for assessing this application is the guidance set out in Cadw's Conservation Principles for the Sustainable Management of the Historic Environment in Wales, which endorses the English Heritage document: Enabling Development and the Conservation of Significant Places. However, while Cadw endorses the document, the detailed guidance in the English Heritage document technically is not applicable in Wales, rather it is the criteria based section that is repeated in Cadw guidance, which specifically comprises the relevant guidance for the purposes of assessing such applications in Wales.

This Cadw document explains that:

Enabling development that would secure the future of a significant place, but contravenes other planning policy objectives, should be unacceptable unless:

- a) It will not materially harm the heritage values of the place or its setting.
- b) It avoids detrimental fragmentation of management of the place.
- c) It will secure the long term future of the place and, where, applicable, its continued use for a sympathetic purpose.
- d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.
- e) Sufficient subsidy is not available from any other source.
- f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests.
- g) The public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

It goes on to state that if the above criteria are satisfied, planning permission should only be granted if:

- a) The impact of the development is precisely defined at the outset.
- b) The achievement of the heritage objective is securely and enforceably linked to it.

- c) The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation.
- d) The planning authority closely monitors implementation, if necessary acting promptly to ensure obligations are fulfilled.

The development is therefore assessed against these criterion in turn below: -

- a) *Will the development materially harm the heritage values of the place or its setting*

Whilst the proposed development would be located on the western fringe of the registered park and some 140 metres to the south of Rheola House it is considered that the form of development subject to appropriate controls being imposed over future design, siting and landscaping would not unacceptably affect the heritage values of the place over and above the former industrial use of the site. Notwithstanding this, the submissions proposed up to 60 dwellings, with illustrative plans submitted showing only 46 dwellings. While the illustrative plan shows a form of suburban development which would require amendments to ensure that it was of a very high standard and bespoke in character to reflect the historic setting (for example including the use of variations in house types and sizes and use of appropriate design code), it is considered that it has not been satisfactorily demonstrated that a scheme including more than 46 could be appropriately designed to protect the wider setting of the estate and Listed Buildings. Accordingly, subject to a condition limiting the number of dwellings to a maximum of 46, and requiring the submission of a design code prior to the submission of the first reserved matters, it is considered that the development would meet this test.

- b) *Would the development avoid detrimental fragmentation of the management of the place*

As part of the assessment of the application, it is considered reasonable and necessary to assess whether there are any less harmful alternatives to the proposed dwellings, which may also adequately fund the necessary works to the listed buildings. Those are considered below, however, purely in respect of this criteria b), it is considered that the development would not result in a detrimental fragmentation of the place. Given that the land in question is at a more peripheral part of the land holding, it is considered that there would not be a harmful fragmentation of the land which comprises the historic core of the place. The development of this parcel of land would also not adversely impact upon the management of the holding as a whole, or the management of the

group of buildings and its historic setting. Any associated legal agreement would also involve the wider Estate, as opposed to just Rheola house itself, and therefore additionally satisfy this test.

c) It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose AND

f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests

Since criteria c and f are similar, the two issues are considered together. The applicant is seeking to demonstrate that the proposed enabling development is necessary to facilitate repairs to the Rheola House, Ice House and Stables. Therefore, the detail contained in this section of the report relates to the enabling proposals as a whole.

The application was initially not accompanied by sufficient information to judge whether the proposed enabling development was founded upon a sound financial basis or whether the amount of development sought was justified. Further information was requested and the applicant has now provided an updated enabling statement detailing the full schedule of required works, a full cost schedule associated with those works, valuation for the site with planning permission and site preparation costs.

All of this information was deemed necessary to enable an assessment to be made as to whether the development would secure the long term future of the place and whether this was the minimum necessary to secure its future.

In order to be deemed acceptable, the application needs to demonstrate that there is a 'conservation deficit' and that the enabling development covers that deficit. In essence, the conservation deficit in this case is considered to be the difference between the value of the land post-repair and the value of the land pre-repair plus the repair costs i.e. the deficit that would otherwise render the works financially unviable.

The enabling statement sets out essential and additional repair costs that are required for each of the buildings, the statement includes a schedule of costs for all essential works to facilitate the necessary works which threaten their long term security. The Cadw guidance makes clear that the enabling development will only be justified if it will secure the long term future of the place and if the amount of enabling development is the minimum required to secure the future of the place. It is considered that seeking to fund works which are not fundamentally necessary to secure the long term future of the place would be

contrary to this guidance since they would go beyond the minimum that is required.

In terms of the remainder of criterion c), it is considered that while there are clear advantages from finding a beneficial new use of Rheola House as part of a wider tourism aspiration for the site, nevertheless the continued use of Rheola House as a dwelling would constitute a sympathetic use of the building and the place as a whole especially given that the public are to be permitted access as a consequence of this proposal.

The schedule of restoration costs totals £696,573, the pre-repair valuation of the land is £630,000 (reasoned in a valuation report by the District Valuer) and verified by the Council's Valuer. Therefore, the total of the pre-repair valuation and restoration costs is £1,326,573. This leaves a conservation deficit of £696,573.

The development of the land for a mixed use development of dwellings, holiday accommodation and leisure would generate a total projected revenue of £3,700,000. This means that minus essential site preparation costs and facilitation fund, the conservation deficit referred to above is met together with a 'Conservation and Repair Fund' of £1,034,320.

Although there are complexities in understanding the economics of any development, which in this case include the need for substantial site preparation and infrastructure costs which would most likely need to be met by a developer, negotiations with the applicant have secured a contribution to a 'Conservation Management Fund' equivalent to the £1,034,320 detailed above, plus a £250,000 owners contribution from the 'value of the land', totalling approx. £1.28 million. This Fund would be paid in phases to the Council to hold and would be paid out to fund works detailed within a 'Conservation Management Plan' which would be prepared by the applicant and agreed by the Local Planning Authority and would cover in detail the works necessary to restore Rheola House, and additional works to the Ice House and Stables.

The criterion above states that the development should secure the long term future of the place, therefore as demonstrated above the revenue this proposed development would generate, facilitated through the Conservation Management Fund, would secure the long term future of the place. It is also considered that the area of land associated with the proposed residential development is not excessive, since the layout indicates that an appropriate form of development can be accommodated within this rural setting.

Criterion (f) also requires the applicant to demonstrate that the development minimises harm on other public interests. Other options have been considered as an alternative to the proposed dwellings, including the conversion of the buildings into a restaurant, event venue or visitor accommodation. However, it is considered that converting existing buildings could potentially fragment the ownership and management of the place, contrary to the aims of the Cadw guidance. Similarly, it is considered that selling land within the holding would both fragment the place and would diminish returns from that land that have been identified as part of the future maintenance stream.

The assessment of the harm associated with new dwellings in the location proposed is assessed under (g) below.

d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.

The proposed enabling development is required to facilitate repair and restoration of the listed buildings, such works being extensive. It is considered that the baseline survey report sufficiently details that there are fundamental issues with each of the buildings that require attention to enable their long terms preservation. Consequently, it is considered that these are inherent needs of the place and not reflective of the needs of the owner or reflective of a purchase price.

e) Sufficient subsidy is not available from any other source

The application does not indicate the availability of funding, but it is considered that the costs of restoration are substantial and could not reasonably be expected to be met by subsidy from other sources. Furthermore the applicant has indicated that the costs of the immediate and essential repairs which amount to circa £250,000, will be met by him rather than as a consequence of the enabling development. The proceeds from the enabling development will therefore secure its long term future.

g) Does the public benefit of securing the future of the significant place through such enabling development decisively outweigh the dis-benefits of breaching other public policies?

It has already been concluded above that the development as a whole would be contrary to Adopted UDP Policies including ENV1 and EC7. In addition the site lies within a LANDMAP character area recognised as of high or outstanding value in terms of landscape classifications. It is, therefore,

necessary to consider whether the proposed benefits in relation to Rheola Estate would outweigh the harm caused by a development that would also have an impact on the wider landscape. It is also necessary to consider the benefits relative to any other harm, such as highway safety and residential amenity.

What degree of harm is caused by the development?

Whilst it is acknowledged that the proposal will replace an industrial use it would fundamentally alter the character of the area. Therefore, in terms of the contribution the site makes to its rural setting and the desirability of preserving the openness of the site itself it is considered that there would be an adverse impact as a consequence of the development. To this end, it is considered that the residential element of the proposal would be unlikely to gain planning permission in its own right, should an enabling development case not be made.

However, in the context of this application, it is necessary to consider the degree to which the development would be harmful to the landscape character of the area and, if so, ultimately whether that harm outweighs the benefits of the proposal. In this respect it is considered that the scale and massing of the proposed buildings together with the extensive planting will be less obtrusive within the wider landscape than the former industrial buildings which previously dominated the hardstanding area. This coupled with the existing woodland cover means that the site would be less visible within the Neath Valley. Furthermore, it is clearly evident that the hardstanding area upon which the dwellings and part of the tourism development are proposed, is visually divorced from the wider area which includes the Historic park and Garden, together with the countryside beyond, and displays a wholly different character to its immediate surroundings. As a result it could be argued that the redevelopment of this hardstanding area will not further impact upon the character and appearance of this area.

It is however acknowledged that part of the tourism development will be located on a plateau to the West of the site which displays a more natural rural character. However the illustrative plan for this part of the site indicates a very low density organic form of tourism accommodation which is surrounded and interspersed by trees effectively creating a development which for all intents and purposes nestles discreetly within its semi rural location.

Furthermore it is noted that the land forms part of wider LANDMAP character areas which recognise the site as being high or outstanding in respect of geological, historical and cultural landscape classifications, however, it is nevertheless considered that the site is still materially less prominent than other large swathes of the Neath Valley.

Therefore while, as noted above, there would be a limited harmful impact to the character of the land which would be likely to render the development unacceptable without an enabling justification, it is considered that those impacts can be mitigated against to an acceptable degree.

The public benefit associated with the works at Rheola Estate

The Rheola Estate is considered to be a significant heritage asset within the Neath Valley. Rheola House is a Grade II* listed building. The Ice House and Stables are Grade II listed in their own right. The grounds are included in the Register of Historic Parks and Gardens. Together, they form an important heritage asset and their long term preservation is considered to be a conservation priority. A baseline condition survey report has been submitted, and this provides in some detail the poor condition of the House and the outbuildings, which are all in need of relatively significant repair and restoration works to prevent further degradation and to secure their long term preservation. It is also not disputed that in the absence of the repair works listed in the report, the buildings will degrade further and this would seriously jeopardise not only their quality as a heritage asset but also their long term future.

It is considered that the repair and long term preservation of the buildings is fundamentally in the public interest. The further degradation or ultimate loss of some or all of these buildings would detract significantly from the historic value of the place and this would detract from the setting and the intrinsic value of the Estate. Even if the site were not publically accessible or visible, it is considered that there is nevertheless a public interest to the long term retention of such an important heritage asset and high quality group of listed buildings. However, the buildings are visible from the public highway and, therefore, it is considered that the works proposed would represent a significant public benefit in terms of their condition/appearance and their long term retention.

Public Access

The site will be accessible to the public and it is considered that the adverse degradation of the site would also impact negatively on tourism and the rural economy in the Neath Valley.

Consequently, it is considered that there would be a substantial additional public benefit to the proposals, in that the site would become a strategic tourist destination. It is considered that a scheme of public access to Rheola House and the surrounding Estate can be secured and controlled by way of condition and as part of a Legal Agreement, and whilst the proposal would not amount to full

access to the site throughout the year, it is nevertheless considered that it would represent a significant public benefit, which would open up an exceptional heritage asset to much greater public use than has previously been available. It is considered that this access, in addition to the improvements to the condition of the buildings (and their long term security) represents a significant and meaningful public benefit.

Tourism Benefits

Where this development differs from ‘usual’ enabling development is that the proposal doesn’t simply seek to deliver development to fund the conservation and regeneration aspects of the works to Rheola Estate, but also seeks to provide the opportunities for Tourism-led regeneration. This would strongly accord with the Council’s aspirations for the Neath Valley, tie in closely with the potential of Rheola House and Estate as a publicly accessible tourist location, while also (primarily) utilising a previously-developed site.

As part of this aspect of the proposals, any approval would require the clearance and preparation of the site for development, including key infrastructure and services, and result in a site which would be ready for a tourism use or developer to bring forward their own development. The development would also provide £100,000 funding to ‘prime’ the tourism infrastructure works required to that site, thus enhancing the attractiveness of the site to deliver a strategic tourism destination, which has clear benefits to the local community.

Weighing the harm against the public benefit

Planning Policy Wales advises throughout that it is for the decision maker to determine what weight to give to the respective material considerations, when balancing issues. In this case, the balance is between the public benefit of the works at Rheola Estate, including the new tourism development, versus the harm caused by the development.

While harm has been identified in that the proposal would be contrary to the development Plan as it represents an unjustified form of development (such that permission would be unlikely to be granted without enabling justification), that harm has to be balanced against the significant public benefits delivered as part of the proposal.

In this respect, it is considered that the works would fundamentally secure the long term security of the buildings which are integral to the historic value of the place as a whole, and would open up the site to beneficial public use. Furthermore it will result in the removal of a non-conforming use and the

introduction of a new development which can be sympathetically designed to ensure the historic setting of the House and wider Estate is protected at worst and enhanced at best. It would also provide a site which would be attractive to new developers interested in bringing forward a tourism development which has clear benefits to the community and wider County Borough economy.

Having regard to all of the above, it is considered that the public benefit would decisively outweigh the harm, such that this criterion of the above stated guidance is satisfied. In reaching this decision it should be noted that this is an exceptional case and the quality and historic importance of the place is fundamental to determining that there is sufficient public benefit. It is extremely unlikely that such a justification could be made for a 'typical' listed building, where the public importance of its retention is less (and if there is no public access to it). It is therefore considered that the instances where such a public benefit would arise would be very few.

In light of the above, and given it is considered criteria a-g are satisfied, the second series of criteria must be assessed.

a) is the impact of the development precisely defined at the outset, normally through the granting of full, rather than outline, planning permission

It is noted that where the appearance of enabling development is crucial to its acceptability, outline planning applications are not usually appropriate. It is considered that this is particularly relevant to forms of enabling development which are closely physically related to the significant place and in the same visual context. A full application is necessary in those cases to judge the impact on the setting and character of the significant place.

The current application has been submitted in outline form which, while not ideal, is nevertheless in this case considered to be acceptable. In particular, whilst the detail of any reserved matters application would still be critical to ensure the development was as sympathetic as possible to the character of the surrounding area, that level of detail is not fundamentally necessary at this stage to ensure the character and setting of the significant place is protected. It is also considered that the amount of information submitted is sufficient to allow the Local Planning Authority to establish and quantify need.

b) The achievement of the heritage objective is securely and enforceably linked to it.

The proposed development and the revenue from it can be securely tied to the heritage objective through a Section 106 Legal Agreement, which would require

the agreed Conservation Management Fund to be used for the restoration works detailed within a Conservation Management Plan the extent of which the required legal agreement would define. The agreement would also allow for site preparation and clearance works to be undertaken before first beneficial occupation of any dwelling, and allow for such works to be undertaken by the Council using the Fund if necessary.

Members are advised that should a resolution to approve the application be made, planning permission would not be granted until a Legal Agreement is signed which sufficiently and robustly protects the Council and local community's position, in terms of ensuring that any receipt from the development were used to implement the listed repairs and works, and that the phasing of works ensure that the Fund is able to initially undertake the essential repair costs in a timely fashion, with subsequent works undertaken in accordance with an agreed timetable.

- c) *The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation*

The submitted baseline condition survey provides an assessment of the condition of the buildings and the works required to make the necessary repairs. In order to give the Local Planning Authority sufficient control over this issue, it is considered reasonable to impose a condition (and legal agreement) which requires a plan/statement to be submitted and agreed, which sets out the involvement of the architect and Cadw and how the works will be carried out to the agreed standard.

In terms of the funding of such works, the initial £250,000 (for essential repairs) will be paid upfront (prior to commencement) with the remaining £1.035m paid in phases with the first 40% being released when 50% of the houses are occupied, a further 40% released when 80% are occupied and the balance when the penultimate house is occupied.

While it would clearly be ideal to have the fund available at an earlier stage of the development, it is considered that this is a reasonable compromise since it would deliver the necessary funds to carry out the essential repairs, and then the second payment should be sufficient for the majority, if not all, of the additional repair costs necessary, with the remainder largely utilised for specified and agreed repair works to the other Listed Buildings in the estate. It would therefore satisfy this test.

d) The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

Given the fund and importance of the development, as well as the need for Listed Building Consent for many of the works, the Local Planning Authority would closely monitor the implementation of the works on site, including most likely through regular meetings. This issue can also be controlled by condition, requiring details to be submitted/approved to confirm progress in respect of the implementation, subsequent phases and completion of the works.

Brief Conclusions on Enabling Development

Having regard to the above assessment, it is considered that the applicant has demonstrated a justification for the enabling development to secure the restoration of the estate and that any harm associated with the development from a failure to accord with the Development Plan would be outweighed by the public benefit. The proposed development would also significantly benefit the aspirations and key principles for socio-economic growth in the region as set out within the Wales Spatial Plan, acting as a contributor to the local economy through the provision of a strategic tourist destination. As such, it is considered that the opportunity that this scheme offers is of such importance that the principle of the development justifies departure from the Development Plan, subject to the analysis below of the specific impacts of the development.

Impact on Flooding

In respect of flood consequences, the site is partially identified by the Development Advice Map as being within Zone C2. Accordingly, the Applicant has submitted a Flood Consequences Assessment (FCA) to accompany the application which concludes that the site is at risk of flooding.

Following detailed hydraulic modelling work, flood alleviation measures are proposed to reduce the risk of flooding to the development to an acceptable standard and in accordance with the requirements of Planning Policy Wales & Technical Advice Note 15. These comprise measures including construction of a bund within the northern end of the site and a wall/bund along the road to the south (which lies outside the application boundary).

It is noted, however, that the flood alleviation measures increase flood risk elsewhere and is shown by hydraulic modelling to remove the increased flood risk outside the development and contain it within the boundary of land owned by the developer but outside the development land. As part of the above mitigation works, flood water flows across land within the developers

ownership but outside the development site. It is important to accept that any change in the topography in this area could change the flood risk to the development site. A suitably worded condition is suggested to manage any flood risk.

It is accepted, however, and agreed by NRW, that the FCA has shown that flood risk described above can be managed and mitigated, and accordingly provided the requested conditions are imposed on the application accordingly, it is concluded that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy Wales.

Other Policy Matters - Affordable Housing

In terms of other planning policy matters, it is acknowledged that Policy H4 of the UDP requires the provision of affordable housing on sites of 3 or more dwellings. The suitability of the site for this provision takes into account its size, the economics of the site and any prejudice to the realisation of other planning objectives which may constitute a priority on the site. In this case, the priority would be the conservation of the wider Rheola Estate and associated listed buildings.

Given that the whole application is required to demonstrate the minimum necessary amount of enabling development is being sought, it is considered that in this context it would be contrary to the Cadw guidance to require a financial contribution which would increase the amount of enabling development proposed. It is also evident from the submitted financial information that such a contribution could threaten the viability of the development. Consequently, on balance it is considered that a financial contribution from the sale of the land is not required in this case to render the development acceptable.

Visual Amenity:

In considering the impact of the development on the character and appearance of the site and its surroundings, it is recognised that the wider estate is included in the Register of Historic Parks and Gardens and the proposed development lies partly within its essential setting and partly immediately adjacent to the registered park.

The significant landscape features of the estate include the combination of a range of landscape features (including water features, open parkland and wooded hillside), the presence of the former main carriageway road through the Vale of Neath running directly alongside the house and through the estate, the

woodland plantations and watercourses / water utilization (e.g. the cold plunge bath, waterfalls, cascades and ponds).

Both National and Local planning policy and guidance in the form of Planning Policy Wales 2014, TAN 12: Design and Policies ENV3, ENV17 and ENV19, advocate quality design which is contextual and respects the landscape and features of importance that are either built or natural.

Whilst the submitted layout is indicative only, having been reserved for subsequent consideration, the scale parameters are fixed as part of the outline application and therefore provide a degree of certainty in respect of the impact on the landscape and character of the area.

In respect of the residential element, the submitted layout shows large dwellings fronting onto open space separated from the holiday accommodation by dense vegetation. It is considered that the submitted detail demonstrates the site can accommodate dwellings set in moderately sized plots which are screened and softened by landscaping. The height of the dwellings would be no greater than that of the existing industrial unit and would not be visible when viewed from Rheola House due to the change in levels and screening afforded by the existing trees / shrubs. However, as indicated previously, there are concerns regarding the density and suburban character of this element of the scheme, although it is acknowledged that much will depend on the detailed design at reserved matters stage. As a consequence it is considered that any consent should be subject to a condition which limits the number of dwellings to no more than 46 dwellings to ensure that a more organic layout is achieved which responds to the surrounding environment, the external appearance and architectural detailing must also be carefully considered to achieve an appropriate form of development.

In respect of the proposed holiday accommodation these are proposed in two locations; on the western portion of the hardstanding the illustrative layout indicates the siting of lodges permeated by areas of green open space. As this area will be enclosed by new parkland railings and landscaping adjacent to the B4242 and partially screened when viewed from the adjacent highway it is considered that the scale and siting of this element of the proposal will not adversely impact upon the character of this countryside location or the historic landscape. In respect of the holiday accommodation which is proposed for the plateau area to the west of Rheola House it is considered that despite its more elevated location it is more secluded in nature and heavily screened from public vantage points, this together with the moderate scale of the proposed development means that it will not have an adverse impact.

As identified earlier in this report, under section 66 of the Planning (Listed Building and Conservation Area) Act 1990, the planning authority must have “special regard” to preserving the setting of listed buildings. Recent case law has emphasised that this is more than a straightforward balancing exercise, and this must not be treated as just one among a large number of material considerations.

In this respect, in terms of the relationship with the listed buildings and consideration of their setting, it is notable that Rheola House itself is set at a higher ground level than the development site and the landscaped grounds immediately adjacent to the house will not be affected by the development. The Stables and Ice House are set a minimum of 200 metres away from the nearest part of the development site and, being detached self-contained buildings set apart from the application site, will not be adversely affected when viewed in the context of the development.

It is also important to note that part of the site has an allocated employment use (Classes A2, B1 and B2) and that there were large industrial buildings occupying the site. The fallback position must therefore be taken into account in the consideration of the visual impact of the proposed development. It is considered that the proposal would have no greater adverse visual impact than the former industrial scale building previously located on the site or the type of any future industrial building associated with the allocated industrial land use of the site.

Accordingly, it is concluded that the proposed development, while intensifying the level of built environment on the site, will result in the removal of a non-confirming and harmful use which has significantly detracted from its essential setting, and replace it with a development which, while different, can nevertheless be appropriately designed and landscaped such that it would not unacceptably detract from its essential setting. In addition the enabling works to the Listed Building comprise essential justification for this development, all of which results in a conclusion that the setting and character of Rheola House (and estate) would be both protected and enhanced.

In overall historic landscape terms, therefore, it is concluded that the proposal would have no unacceptable visual impact on the wider landscape, having particular regard to the principle and benefits attributed to such development as both a strategic tourism destination and as an enabling development to help secure the future of the Rheola Estate.

Residential Amenity (including noise, dust and vibration):

The nearest residential dwelling is the Gate House, which stands at the entrance to the estate and some 40 metres to the east of the residential element of the proposed development. Rheola House stands some 200 metres to the north.

Whilst the application is in outline it is considered that due to the separation distances between the proposed and existing properties there is not considered to be any adverse affect in terms of the overlooking of private space or distances allowable between habitable room windows, nor is there an unacceptable impact in terms of overbearing or overshadowing.

While the introduction of the new dwellings, tourism use and associated facilities would result in vehicular activities in close proximity to the Gate House, having regard to the previous authorised use of the site these are considered to be acceptable, and in any respects to be outweighed by the benefits of the development described in detail above. It is also noted that this property is in the applicants control.

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

Access to the proposed development will be via the existing junction on the B4242 (Glynneath Road). A new access route within the site will lead westwards to the leisure facilities and holiday accommodation. The main estate driveway will lead to the access to the residential area to the west and will be upgraded as a route to access the holiday accommodation proposed on the plateau.

Given that this access has previously been used to serve the previous industrial use of the site, together with a subsequent market and architectural salvage business, it is not considered that the proposed development would have any adverse highway safety impact over and above the lawful uses that could justify a refusal of planning permission, subject to junction improvements at the site entrance.

It is noted that the access to the residential area would be separate to that of the leisure / holiday accommodation once past the main entrance drive. It is proposed that all access roads in the site have a 20mph speed limit imposed. In view of the mixed use and nature of the development it is considered that such a speed reduction would be appropriate so as to minimise the potential vehicular / pedestrian conflict. A condition will be recommended to this effect.

In terms of parking provision, it is considered that adequate parking can be provided on site for the proposed holiday accommodation, leisure uses and residential element. Conditions are therefore proposed requiring the following:

- Residential : 3no. spaces per dwelling
- Holiday accommodation: 1 commercial vehicle and 1.5spaces per unit
- Shop: 1 commercial vehicle and 1 per 60sq.m
- Leisure: 1 commercial vehicle and 1 per 2 facility users
- Restaurant: 1 commercial vehicle and 1 per 3 non residential staff and 1 per 75sq.m of dining space.

It is considered that this provision would comply with the CSS Parking Guildelines, and the development would therefore be acceptable in parking terms.

It should also be noted that the site is in close proximity to an existing bus stop on Glynneath Road, and alternative means of transport such as cycling and walking are being promoted via the improvement of these links within the site. As such, despite its countryside location, it is also considered that the development will promote an alternative means of transport and would not rely solely on private car use.

It is considered that the development would be acceptable in highway and pedestrian safety terms and accords with the provisions of Policies T1, EC7 and ENV17 in this regard.

Ecology (including trees & protected species):

Technical Advice Note 5: Nature Conservation and Planning states that; Biodiversity conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and other adverse impacts.

But development can also present significant opportunities to enhance wildlife habitats and the enjoyment and understanding of the natural heritage. The planning system needs to be watchful of the cumulative effects of a series of small, perhaps occasional, apparently insignificant losses from the natural world, which can combine to seriously deplete the natural heritage, including essential hydrological and ecological systems; small scale opportunities for

habitat creation and enhancement can be significant and can build into major contributions over time.

In addition it states; the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW. The following can help to achieve these objectives:

- adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;
- ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation
- securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;
- carrying out effective planning enforcement;
- identifying ways to build nature conservation into the design of new development.

TAN 5 confirms that through the use of conditions, the delivery of a number of positive benefits to biodiversity beyond those of simply avoiding adverse effects are possible, including;

- The submission and agreement of a landscape scheme so that greater attention can be given to issues such as species composition;
- The maintenance of landscape planting for a five-year period, or longer, where the need for this can be justified;
- Habitat enhancement;
- The restoration and aftercare of a site where a positive approach to restoration and after-use required by conditions can produce significant biodiversity benefits in terms of habitat creation and enhancement.

Originally the Authority's Biodiversity Unit advised that the ecology chapter of the ES contained a number of inaccuracies and requested further clarification in respect of the baseline information and evaluation of ecological receptors, construction impact assessment, operational impact assessment, monitoring and landscape. Following the submission of the ES Addendum further comments have been received which advises that whilst there remain areas of concern, the baseline ecological information is adequate and appropriate conditions can be imposed to ensure that appropriate mitigation measures are provided to address the potential impacts.

The suggested conditions are in respect of a Construction Environment Management Plan, Landscape and Environment Management Plan, Visitor Management Plan, an ecological assessment of the walkway, pre-commencement checks for protected species, provision of bird and bat boxes, a scheme for the mitigation and conservation of reptiles, control and eradication of invasive species, retention of mature trees and provision of features to allow otter passage and hibernation/basking of reptiles to be included in the design of the flood prevention bund/wall.

NRW also welcome that given the amount of time passed since the original habitat and species surveys were conducted in 2010, a walkover of the site was undertaken in July 2013 to provide updated recommendations for any additional baseline information required to inform the ESA.

In considering the ecological impacts of the flood risk reduction measures during construction and operations stages, NRW note that Options 2 and B have been proposed as flood risk reduction measures which include construction of a bund within the northern end of the site and a wall/bund along the road to the south (which lies outside the application boundary). It is noted that Option 2 (bund) will lie adjacent to identified suitable reptile habitat. NRW welcome that impacts to reptiles will be minimised by following the Construction Environmental Management Plan (CEMP) and refer to previous responses regarding the content of this CEMP and reptiles.

Option B (wall/bund) will cross the Rheola Brook and lies adjacent to the Rheola pond. As identified in previous surveys, Rheola Brook is used by Otters and a holt was surveyed outside the site boundary. Measures are proposed to minimise disturbance to otters and that the construction of this wall/bund will be carried out according to the CEMP. Section 7.5.12 of the ESA states that where the bund/wall crosses Rheola Brook, a safe passage for otters underneath the B4242 will be provided that will remain effective during periods of high rainfall. No further details have been provided on the design of this passage, therefore details should be submitted as part of the Landscape and Environmental Management Plan (LEMP).

Having regard to the above, it is considered that the ecological impact of the development has been adequately considered within the submitted information. Through the imposition of conditions, the impacts of the development both during and post construction, and ongoing future management and monitoring can be mitigated so that that any adverse impacts can be dealt with.

In respect of arboricultural issues, there are a large number of visually important trees within or adjoining the application site which make an important contribution to the wider area. As such, a tree survey has been conducted and submitted in support of the planning application. The Authority's Arboricultural Officer has inspected the tree report and is generally happy with its findings subject to conditions ensuring the protection of trees during construction, it is considered that the development can be accommodated without having a harmful impact on the surrounding trees.

It is noted that the proposed flood risk reduction measures are of a relatively small scale in terms of height in the context of the overall estate. The 1m high wall/bund will replace existing metal palisade fencing and is considered to be an improvement to the frontage of the application site. The bund along the northern boundary of the development site has the potential to be incorporated into a screening function along with the Cypress boundary hedge as stated in section 8.6.7 of the ESA.

NRW agree with the conclusions of the additional landscape information included in the ESA and advise that the proposed Landscape Conservation Management Plan (LCMP) is updated to include these changes and new proposals.

The development is therefore considered to accord with Policy ENV5 of the Unitary Development Plan.

Pollution: (air and ground):

The Land Contamination Officer and NRW have raised no objections to the proposal subject to the imposition of conditions in respect of remediation strategy, submission of verification report, long term monitoring and maintenance plan and unexpected contamination.

Water Environment, Hydrology and Drainage:

Flooding matters have been dealt with previously. In respect of surface and foul water, Welsh Water offer no objection to this, requesting a condition preventing use/occupation of any development until improvement works have been completed, which can be dealt with by condition.

Surface water and land drainage is to be dealt with via a sustainable Urban Drainage System. (SUDS). These methods of drainage are supported by both national and local planning policy, and due to these methods not linking to any existing drainage systems Welsh Water again offer no objection.

In addition a standard condition for the comprehensive drainage/sewerage scheme for the site, together with any phasing for these works would be imposed, as well as the standard requirement that no surface water or land drainage connects directly or indirectly into the public sewerage system.

NRW note that the applicant proposes a SUDS system, and recommends that suitably worded conditions are imposed to secure the details of these schemes, and further conditions which protect controlled ground waters are imposed on any permission issued. The Authority's own Drainage Section raises no objection.

Consideration should also be given within the Construction Management Plan (CEMP) to surface water management and the treatment techniques required during the construction phase, focusing on mitigation to remove siltation. Careful phasing and timing of operations such as soil stripping should greatly reduce the generation of water contaminated with silt as will the early installation of cut off ditches in order to divert clean water around the construction area, ensuring that volumes of silt contaminated water are kept to a minimum.

Through the imposition of suitable conditions, the requirements of NRW and Welsh Water can be accommodated fully.

Cultural Heritage and Archaeology:

The application area is situated within an area of the Rheola Estate which became the Rheola Aluminium Works, the remains of which are an important part of the historic development of the estate and they provide a unique insight into the role of Rheola and the wider Neath valley in the development of this period of war time and post war industry. To mitigate the impact on the archaeological resource and that appropriate archaeological work is undertaken to lessen this impact GGAT recommends the imposition of two conditions ensuring that archaeological and architectural investigations are carried out.

Others (including objections):

In response to the concerns raised by third parties:

1. The structural stability of the road is a matter for the Highway Authority and any damage to the road during or post construction will be for the developer to resolve with the Authority should an issue occur. The Head of

Engineering and Transport has raised no objection to the application in this regard.

2. The specific letting arrangements for the holiday accommodation will be for the operator to decide in the event that planning permission is granted. However, in order to ensure the holiday accommodation is retained as such, a condition will be recommended limiting the use of the units to prevent permanent occupation as a dwelling.
3. Matters of drainage have been addressed above.
4. The rating of the properties for council tax purposes is not a material planning consideration.
5. The impact of the development on ecology has been addressed earlier in the report.
6. It would be for the operator to decide whether domestic pets would be excluded from the development through the imposition of a restrictive covenant.

Conclusion:

The Environmental Statement has adequately addressed and provided clarity on mitigation measures to ensure that the impacts of the development are minimised. The imposition of conditions ensure that the requisite level of controls are placed upon the development with regard to environmental impacts both during construction, and post construction including monitoring of these measures for the future.

This recommendation has been made in accordance with Article 24 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and Article 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations), and has taken into consideration the Environmental Information (as defined by the EIA Regulations), the comments of all statutory consultees on information supplied and the comments/observations provided by members of the public.

The decision to recommend planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

Having regard to Policies ENV1, ENV3, ENV5, ENV11,ENV16, ENV17,ENV19, H4,EC1, EC7 and T1 of Neath Port Talbot Unitary Development Plan 2008, Planning Policy Wales (Edition 7, 2014), The Cadw Guidance Document: Conservation Principles for the sustainable management of historic environment in Wales, Technical Advice Note 2: Planning and Affordable Housing (2006),Technical Advice Note 5: Nature Conservation and Planning (2009),Technical Advice Note 11: Noise (1997),Technical Advice Note 12: Design (2014),Technical Advice Note 13: Tourism (1997),Technical Advice Note 15: Development and Flood Risk (2004),Technical Advice Note 16: Sport, Recreation and Open Space (2009),Technical Advice Note 18: Transport (2007), it is considered that the applicant has demonstrated a justification for the enabling development to secure the restoration of the estate and that any harm associated with the development would be outweighed by the public benefit. The proposed development would significantly benefit the aspirations and key principles for socio-economic growth in the region as set out within the Wales Spatial Plan, acting as a contributor to the local economy through the provision of a strategic tourist destination. As such, it is considered that the opportunity that this scheme offers is of such importance that it justifies departure from the Development Plan.

RECOMMENDATION:

That the Council be minded to grant planning permission, subject to conditions, and the signing of a Section 106 Legal Agreement with the following draft Heads of Terms:

- Preparation by the applicant of a detailed Conservation Management Plan to secure the restoration of Rheola House and other essential works at Rheola Estate, to be delivered and managed through a Conservation Management Fund of no less than £1.28million to facilitate the restoration works, including agreed staged phasing of such payments.
- To undertake agreed site preparation and infrastructure works prior to the occupation of any dwellings
- To contribute a sum of £100000 to be made available for essential ‘tourism infrastructure’ works within the tourism site.
- To restrict the commencement of development until a Public Access Plan to the Rheola Estate has been approved
- That no less than 20% of any proceeds above an agreed figure is contributed towards the Conservation Management Fund
- That the existing consents, B1, B2, B8 and Lawful Development Certificates fall upon commencement of the development

CONDITIONS

(1) Approval of the details of the layout, scale and appearance of the building(s), hereto 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 layout, scale and appearance of any buildings to be erected, to the site 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 from 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 this permission, or before the expiration of two 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 the requirements of Section 92 of the Town and Country Planning Act 1990.

(5) The development hereby permitted shall be carried out in accordance with the principles and mitigation measures as set out within the Environmental Statement (January 2012) and the Environmental Statement Addendum (January 2014) unless provided for in any other conditions attached to this permission.

Reason

The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the the principal impacts of the development in the preparation of detailed design and the operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process.

(6) Notwithstanding the submitted document entitled Development Framework (March 2012) and prior to the submission of any application for the approval of reserved matters, the applicant shall submit to the Local Planning Authority a plan sub-dividing the overall site area into phased development areas together with strategic infrastructure phases and any temporary works, including any temporary car parking, to substantially accord with the Development Framework March 2012 and the parameters of development submitted to and approved as part of this application. This phasing shall include the timing of delivery of the development and of all land uses within the site, landscaping and open space. The development shall be carried out in accordance with these approved details.

Reason

To allow for the sub-division of the overall site into coherent areas of land and the submission of reserved matters pursuant to each development area.

(7) Prior to the submission of any application for Reserved Matters approval, a Design Code indicating the principles of development for the site shall be submitted to and approved by the Local Planning Authority. The site shall be developed in accordance with the approved details.

Reason

In the interest of good design and amenity.

(8) All applications for Reserved Matters approval shall be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Design Code referred to in Condition 7 above.

Reason

In the interests of good design and visual amenity.

(9) Notwithstanding the submitted plans and particulars, the consent hereby granted shall permit, and the reserved matters details referred to in Condition 1 above shall provide for a maximum of 46 dwelling houses.

Reason

In order for the reserved matters application development to comply with the assessments carried out at the outline stage and to protect the historic environment

(10) Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or reenacting that order) the holiday lodges/accommodation hereby permitted shall be used for holiday accommodation only and shall not be occupied as a person's sole or main place of residence. Occupation of any unit of holiday accommodation hereby approved shall be restricted to a maximum of twenty six weeks within a twelve month period for any individual.

Reason

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

(11) From the date of first occupation of any holiday unit, an up-to-date register shall be kept for each unit of holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason

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

(12)The development hereby approved shall be restricted to those parameters as set out within the application drawings and/or Design and Access Statement hereby approved.

Reason

To comply with the requirements of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012 (as amended), and in the interests of clarity.

(13) In support of the first reserved matters for each phase of development as agreed in regard to Condition 6 details of all external materials, finishes and permanent and temporary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details as approved.

Reason: In the interests of visual amenity.

(14) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 details of the existing and proposed ground levels and finished floor level of the development shall be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved levels.

Reason

In the interest of the amenities of the area and visual amenity

(15) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 a scheme for landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

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

(16) No development shall take place until details of both hard and soft landscape works for each phase of development as agreed in regard of Condition 6 have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vi) water features.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant)].

Reason: In the interests of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990.

(17) All planting, seeding or turfing comprised in the approved reserved matters applications shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the relevant phase of development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interests of visual amenity and to accord with S197 of the Town and Country Planning Act 1990.

(18) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 a Landscape Management Plan (LMP) including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

Reason

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

(19) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

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

(20) There must be no interference, alteration or diversion of any ditch, watercourse, alterations to ditches stream or culvert crossing or bordering the site unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of good land drainage

(21) Prior to beneficial use of the relevant part of the development water 'butt' or 'butts' to collect run off water from the roof areas shall be installed. Water collected from the butt(s) shall be used for non potable uses such as landscape irrigation.

Reason

In the interest of good land drainage

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

Reason

In the interest of good land drainage

(23) No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the gross floor space for retail shall not exceed 350 sq.m. and 1000sq m for leisure facilities.

Reason

In the interests of clarity and to ensure the overall sustainability of the development, and to consider the impact upon the vitality, viability and attractiveness of nearby retail centres.

(25) Prior to the submission of any reserved matters and any development (not including remediation) taking place a scheme for the comprehensive and integrated drainage of the site as a whole showing how the foul water and a Sustainable Urban Drainage System for surface water and land drainage will be dealt with, together with any phasing of these works, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure that no surface water or land drainage run off discharges directly or indirectly into the public sewerage system. The scheme as approved shall be fully implemented on site in accordance with these details.

Reason

To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

(26) None of the holiday homes or leisure facilities hereby permitted shall be occupied or used until facilities for the storage and collection of waste and recyclable materials from the site have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority, and such facilities shall be retained for the duration of the occupation or use of the site.

Reason

In the interest of highway safety

(27) Prior to any vegetation clearance on site a scheme for the mitigation and conservation of reptiles on site shall be submitted to the Local Planning Authority and carried out as agreed. The scheme shall include detail of an appropriate method of working for all areas of suitable habitat.

Reason

In the interest of ecology

(28) Prior to any vegetation clearance, felling or other works on site a scheme for the undertaking of pre-commencement checks for protected species shall be submitted to the Local Planning Authority for approval. This should include full details of methods and scope of all checks, along with details of appropriate mitigation if any protected species are discovered. The scheme should be implemented as approved.

Reason

In the interest of ecology.

(29) Prior to any construction works on each phase of the development as agreed in regard of Condition 6, a Construction Environmental Management Plan (CEMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements listed under appendix G1 of the ES Addendum dated April 2014 and the following:

- (i) Nesting Birds
- (ii) Programming of pre commencement protected species checks
- (iii) Requirement of an Ecological Clerk of Works

- (iv) Detail of any monitoring requirements and commitments to undertake remedial action, when necessary.
 - (v) surface water management and treatment techniques during construction focusing on mitigation to remove siltation.
 - (vi) provision for means of escape for otters and other animals
- The Plan shall be implemented as approved.

Reason

In the interest of ecology and pollution prevention.

(30) Prior to commencement of any work on site a Landscape and Environment Management Plan (LEMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements listed under Appendix G2 of the ES Addendum dated April 2014 and the following:

- (i) Details of all methods of creation, survey and monitoring
 - (ii) Details of on-going management requirements
 - (iii) Details of monitoring to assess the success of measures implemented under the Plan
 - (iv) Commitment to undertake remedial measures in light of the results of the monitoring
 - (v) A programme of works
 - (vi) A Breeding Bird Survey should be undertaken to inform any specific bird habitat requirements to be included
 - (vii) A habitat balance should be presented detailing losses and gains of LBAP and S42 habitats. This should be based upon up to date information, so if works do not commence within 2 years a further update to the Phase 1 Habitat Survey should be undertaken.
 - (viii) details of the safe passage for otters underneath B4242
- The Plan shall be implemented as approved for the life-time of the development (15 years minimum).

Reason

In the interest of ecology

(31) Prior to commencement of any work on site a Visitor Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements listed under Appendix G3 of the ES Addendum dated April 2014 and the following:

- (i) Programme of works
- (ii) Details of monitoring to assess the success of the plan
- (iii) Commitment to undertake remedial measures in the light of the results of the monitoring.

The Plan shall be implemented as approved for the life-time of the development (15 years minimum).

Reason

In the interest of ecology

(32) Prior to the design of the walkway/footpath through the Wet Woodland/Ancient Woodland in the western part of the site, a detailed ecological assessment shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall be implemented as approved.

Reason

In the interest of ecology.

(33) Together with the first reserved matters for each phase of development as agreed in regard of Condition 6, a scheme for the provision of bird and bat boxes for each new building and on trees within the woodland area on site shall be submitted to and approved in writing by the Local Planning Authority to accord with the following specifications:

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs.

To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs,

at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

The scheme shall be fully implemented in accordance with the agreed timescale and retained as such thereafter.

Reason

In the interest of biodiversity

(34) If an invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is identified on site, a methodology for the control and eradication of this/these species shall be submitted to the Local Planning Authority for approval. The treatment of this/these species should be conducted prior to the re-commencement of any development works on the site.

Reason

In the interest of ecology

(35) No garages shall be converted to residential use unless a scheme for a replacement car parking has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to commencement of any conversion works and shall provide for one additional car parking space for each space lost by any conversion works.

Reason

To ensure adequate off street parking is provided and retained

(36) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6, a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). And shall be submitted as a written report which shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(37) Prior to each phase of development as agreed in regard of Condition 6, a remediation strategy to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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.

(38) No occupation of any part of the relevant phased development shall not take place until a verification report demonstrating completion of works set out in the approved remediation strategy carried out in accordance with Condition 36 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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.

(39) No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that longer term remediation criteria relating to controlled waters have been met.

(40) 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. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, 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.

(41) Prior to the commencement of work on site for each phase of development as agreed in regard of Condition 6,a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and material
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of a security holding including decorative displays and facilities for public viewing, where appropriate
- e) Prevention of material discharge onto the public highway
- f) Measures to control the emission of dust and dirt during construction
- g) Wheel washing facilities
- h) A scheme for recycling /disposing of waste resulting from construction works
- i) The number and frequency of lorries entering and leaving the site per day, vehicle routes and frequency of road sweeping.

The scheme shall be implemented as approved throughout the construction period.

Reason

In the interests of highway safety

(42) During each phase of site preparation, construction and landscaping the guidelines and recommendations in BS5837 1991 'Trees in relation to construction' shall be followed at all times.

Reason

In the interests of the existing environment.

(43) Prior to work commencing on each phase or development area, a Design Code for each road serving the site and including the following:

- a) Carriageway widths varying between 7.3m to 5.5m depending on what part of the development it serves;
- b) Footways width of a minimum of 2m, 2m wide verges can be used where no footway is deemed required;
- c) Street lighting scheme;
- d) Highway drainage scheme including discharge point;
- e) Longitudinal and vertical carriageway alignment;
- f) Cross-sections of each road every 20m detailing the tie in of land either side of the extent of the highway.
- G) All roads designed for a 20mph or less speed limit with bends having a centre line radius not less than 20m and any necessary bend sight line shown as being within the proposed footway with a maximum gradient of 1 in 12 and a minimum gradient of 1 in 150;
- h) A scheme detailing a strategy to facilitate the local kerbside refuse and recycling collection;
- i) surfacing materials of proposed roads and footpaths.

The details as approved by the Local Planning Authority shall be fully implemented on site, in line with a schedule of works to be submitted as part of the above information.

Reason

In the interest of highway safety.

(44) All drives shall have a minimum of 3.6m in width (7.2m for adjacent drives) , a gradient not exceeding 1 in 9 and a minimum of 6m length between back of footway and garage door. Each drive must have an unobstructed pedestrian vision splay of 2.4m by 2.4m (behind footway) which must be under the control of the drive owner with nothing over 600mm in height above back of footway level erected or allowed to grow within these areas.

Reason

In the interests of highway safety.

(45) Prior to the commencement of development a scheme detailing improvements to the existing junction into the site on the B4242 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) a lighting scheme for 200m to cover the full extent of the junction
- b) provision of new bus shelters
- c) a reduction in speed to 40 mph along the frontage of the site.

The scheme shall be implemented prior to the first occupation and/or beneficial use of the development.

Reason

In the interest of highway safety.

(46) Prior to the occupation of each phase of the development as agreed in regard of Condition 6 , the associated roads and footways shall be completed with surface course, drainage, lighting and road markings.

Reason

In the interest of highway safety

(47) In support of the submission of the first of the reserved matters for each phase of development, a scheme detailing the phasing approach for the development reflecting the car parking requirements on site for that phase shall be submitted to and approved in writing by the Local planning Authority prior to any works commencing on site. The details as approved shall be implemented prior to beneficial use.

Reason

In the interests of highway and pedestrian safety.

(48) Prior to the commencement of development, a comprehensive Heritage Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include (but not limited to):

- a phasing plan for the implementation of the repair and renovation works set out in Conservation Report 2013 and Emergency Repairs Survey (January 2014)
- a maintenance plan to demonstrate how the buildings will be maintained in perpetuity
- a public access plan, to detail the areas of the buildings which will be publicly accessible, the timings of when they will be accessible and how the public access will be managed, regulated, provided and advertised;
- an appropriate programme of historic building recording and analysis; and

- a 'statement of involvement' of a RIBA registered architect to be appointed and retained throughout the duration of the repair works to the buildings and the involvement of CADW throughout the duration of the repair works.

The Heritage Management Plan as agreed shall be implemented in accordance with a phased programme of works as agreed under condition 6 and as supplemented within a programme of works included within the Heritage Management Plan.

Reason

In order to ensure the appropriate implementation of the repair works to Rheola House and associated buildings, to ensure that public access to the wider site is appropriately managed.

(49) The Local Planning Authority shall be notified in writing of the completion of each element of the works set out in the Heritage Management Plan referred to in Condition 48 within one month of their completion. The notification shall take the form of/be accompanied by a comprehensive plan/checklist, which is updated at the time of each notification to confirm the implementation position in respect of the works as a whole.

Reason

In order to enable the Local Planning authority to monitor the implementation of the repair work, in the interests of sustainable management of the historic environment.

(50) The subsequent reserved matters application for each phase of development as agreed in Condition 6 shall include detailed plans and particulars for any areas of open space to be located within the reserved matters site (which shall be to the adopted standard of 2.8 hectares per 1000 population in accordance with the requirements of Policy RO3 of the adopted Unitary Development Plan). As a minimum the details shall include cross-sections and details of hard and soft landscape materials, boundary treatments and access points, surface and path treatments, furniture (including seating, bollards, bins, cycle stands), structures, signage, play equipment, public art, trees, lighting, management and maintenance regime.

The development shall be carried out strictly in accordance with the approved details.

Reason

In order to fully consider the proposed provision of open space and in the interests of visual amenity.

(51) No development shall commence until the flood risk reduction measures identified in the Rheola Estate Flood Consequences Assessment (2014) and the Environmental Statement Addendum April 2014 submitted as part of this application have been implemented and completed . These measures shall be permanently retained as such thereafter.

Reason:

To ensure the risks of flooding are satisfactorily managed manage flood risk and in the interests of amenity.

(52) The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

(53) Prior to commencement of any work on site a Landscape Conservation Management Plan (LCMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements stated in the ES and ES Addendum.

The Plan shall be implemented as approved.

Reason

To ensure the long term-term health of the historic resource.

(54) Prior to commencement of any development on site a detailed lighting strategy designed in consultation with an ecologist and consistent with the proposals stated in section 8.8.31-32 of the ES and sections 2.2.1.1 and 2.2.1.2 in the attached Annex shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented as approved

Reason

In the interests of ecology.

(55) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fences, gates or walls shall be erected without the prior grant of planning permission.

Reason

In the interests of visual amenity.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

Having regard to Policies ENV1, ENV3, ENV5, ENV11, ENV16, ENV17, ENV19, H4, EC1, EC7 and T1 of Neath Port Talbot Unitary Development Plan 2008, Planning Policy Wales (1), The Cadw Guidance Document: Conservation Principles for the sustainable management of historic environment in Wales, Technical Advice Note 2: Planning and Affordable Housing (2006), Technical Advice Note 5: Nature Conservation and Planning (2009), Technical Advice Note 11: Noise (1997), Technical Advice Note 12: Design (2014), Technical Advice Note 13: Tourism (1997), Technical Advice Note 15: Development and Flood Risk (2004), Technical Advice Note 16: Sport, Recreation and Open Space (2009), Technical Advice Note 18: Transport (2007), it is considered that the applicant has demonstrated a justification for the enabling development to secure the restoration of the estate and that any harm associated with the development would be outweighed by the public benefit. The proposed development would significantly benefit the aspirations and key principles for socio-economic growth in the region as set out within the Wales Spatial Plan, acting as a contributor to the local economy through the provision of a strategic tourist destination. As such, it is considered that the opportunity that this scheme offers is of such importance that justifies departure from the Development Plan.

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<u>APPLICATION NO: P2014/0246</u>	<u>DATE: 15/10/2014</u>
PROPOSAL: Gas-powered electricity generating station (20MW) and associated works (Amended Block Plan, Location Plan, Elevation Plan and Floor Plan plus additional Construction Management Plan received on 15/10/14).	
LOCATION:	Ex Gas Works, Afan Way, Port Talbot SA12 6HQ
APPLICANT:	Mrs Sarah Ward
TYPE:	Full Plans
WARD:	Sandfields East

BACKGROUND INFORMATION

Cllr T Latham requested on 6 May 2014 that the application be determined via the Planning and Development Control Committee, due to the potential safety implications with the development given proximity of the application site to the PDR/Afan Way, and the fact it would be predominately un-manned.

Following discussions at the Planning and Development Control Committee on 30th September 2014, Members resolved to **DEFER FOR A SITE VISIT** to assess the acceptability of the proposed access to the site having regard to highway safety.

At the 9th October 2014 Planning (Site Visits) Sub-Committee Members resolved to recommend to the Planning and Development Control Committee that the application should be **REFUSED** for the reasons set out below:-

- (a) *The development would be harmful to highway and pedestrian safety by reason of the increased vehicular movements, notably by the larger vehicles to be used for the construction of the development in and out of an access in close proximity to traffic lights and a bus stop on a busy highway and due to increased conflict with users of the adjacent footbridge*

Members should note that following the sub-committee site visit, and having regard to the resolution of the Site Visits Sub-Committee, the applicant chose to submit a revised scheme re-locating the access point from the rear of Number 1-2 Victoria Road, to the former main access serving the Gas Works site. The revised scheme has been re-consulted with statutory consultees, together with neighbours and via site notices. The report which follows has therefore been amended to reflect the revised scheme.

Planning History:

03/0170	Retention of tank for storm water. <u>Note:</u> This relates to the existing covered reservoir to the south of the application site.	Approved 15/04/03
03/0661	Submission of details under Condition 2 of P03/0170 re. landscaping	Approved 08/08/03

Publicity and Responses

5 neighbouring properties were consulted and site notices were displayed on site. To date, 7 letters of objection have been received, with the main points raised summarised as follows:

- (1) The submitted documentation states that the nearest residential property is in Addison Road adjacent to Port Talbot Workshops. This is not the case, as the properties in Victoria Road are much nearer.
- (2) There are concerns regarding the access, as it is not suitable on safety grounds for HGVs, and will restrict access to the rear of the properties adjacent to the access.
- (3) The documentation states that the site will not generate noise or emissions when not working, as it is only used for a low number of hours per year. However, it also states that it could be used continuously if National Grid requests it.
- (4) The documentation states that there would be periodic reviews after 1 year, but will it be done by their own employees?
- (5) There is a contradiction in the documentation as some parts refer to a 3m fence, and other parts a 2m fence.
- (6) The proposed should not be allowed in view of local residents' homes and in a residential area close to residential properties.
- (7) There is enough dust and air pollution in and around Port Talbot without adding to it.
- (8) The proposal would affect property values in the area.
- (9) Local residents should be better informed of the proposals by letter.
- (10) The turbines will create a noise pollution problem and there is evidence to support environmental pollution.
- (11) The design and access statement refers to 8MW facility, whereas the air quality assessment refers to 20MW facility.

In addition, a petition of 97 signatures has been received stating that the undersigned "*object to the proposed gas-fired electricity generation plant to be*

sited on the old gas works at Victoria Road, due to the close proximity of residential properties”.

Air Pollution Unit: No objection, subject to conditions.

Wales & West Utilities: No objection.

Welsh Water: No objection.

Coal Authority: No objection.

National Grid: No reply, therefore no observations to make.

Contaminated Land Unit: No objection, subject to conditions.

Head of Business Strategy & Public Protection (Environmental Health - Noise): No objection, subject to conditions.

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

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

Natural Resources Wales: No objection, subject to conditions.

Glamorgan Gwent Archaeological Trust: No objection.

Description of Site and its Surroundings:

The application site is located on the site of the former Victoria Road Gas Works, adjacent to Afan Way, Aberavon, Port Talbot.

The application site is an irregular parcel of land measuring a total of 0.67 hectares in area. It is relatively flat in profile and comprises existing hardstanding areas. It relates to two separate portions. The first area relates to the access track into the site, and the second area relates to the site for the proposed generating station/compound. Access to the site is now proposed off Victoria Road, utilising an existing vehicular access into the former Gas Works site opposite the junction with Addison Road.

The site is bounded by Afan Way to the east, an electricity sub-station and Victoria Road to the north, residential dwellings and the former Gas Works site to the west, with a covered reservoir to the south.

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 full planning permission for the erection of a gas-powered electricity generating station (20MW) and associated works.

The proposed development involves the erection of a new detached building. It will be rectangular in shape and measure 50m in length by 22m in depth, and will reach a height of 10m to ridge level. A total of 8 ventilation stacks are proposed within the roof of the building reaching a total height of 12.3m (2.3m above ridge height). The building is proposed to be constructed with dark green metal cladding.

A small outdoor compound measuring 7m long by 5m in depth is also proposed to the north side of the building, which would be enclosed by a 2m high palisade fence. The overall site compound would also be enclosed with a 2m high palisade fence. A total of 4 car parking spaces are proposed within the compound area, together with a small kiosk, measuring 2.5m high by 5m wide and 2.5m in depth. Access to the site is proposed off Victoria Road via the existing access serving former Gas Works site. The applicant has indicated that the site, once operational, would be predominately un-manned and operated remotely, with the exception of ad-hoc visits by service and maintenance engineers.

The proposed generating station would contain 8 gas generators in their own sound-proofed engine cells, which would generate up to 20MW of electricity as part of National Grid's Short Term Operating Reserve (STOR). The applicant has stated this initiative provides power to the National Grid during unexpected periods of high demand. The average number of STOR calls in a day would be less than 1, with the average running time for a STOR call being approximately 83 minutes. The average operational time per annum for a STOR is less than 300 hours. They have also indicated that over the last four years there has only been one STOR call over the night time period (23.00hrs to 06.00hrs). This lasted for 30 minutes.

The applicant has indicated that surface water would connect to a soakaway system, with an on-site toilet being connected into a septic tank. They have also

indicated that external lighting would be provided only for use when operatives visit the site. However, no specific details have been provided in support of the application.

EIA Screening/Scoping Opinion & Habitat Regulations:

With regards to Environmental Impact Assessment (EIA), it should be noted that the proposal is a Schedule 2 type of development that requires the Local Planning Authority to determine whether an Environmental Impact Assessment needs to be carried out and an Environmental Statement produced to accompany the application. This is called a 'Screening Opinion'.

A screening opinion was undertaken in accordance with Schedule 3 of the EIA regulations. It concluded that the development is not likely to have significant affects on the environment by virtue of factors such as nature, size or location, and it was determined under delegated powers that an Environmental Impact Assessment was therefore not required.

In addition, a Test of Likely Significant Effects (TLSE) was undertaken for the application. This concluded that the proposed development would by itself, or in combination with any other development/project be unlikely have a significant effect on the Kenfig SAC or Crymlyn Bog SAC/Ramsar. As such, an Appropriate Assessment, as set down within the Conservation and Habitats and Species Regulations (2010) was not required.

Material Considerations:

The main issues for consideration concern the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

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

H3 Infill and Windfall Development within Settlement Limits

ENV13 Brownfield, Derelict and Waste Land

ENV15 Air Quality

ENV16 Contaminated Land

ENV11 Proposals in Areas of Flood Risk

IE2 Infrastructure Facilities (not including drainage)

Technical Advice Note (TAN) 15: Development and Flood Risk (2004).

Port Talbot Harbourside and Town Centre Development Framework Supplementary Planning Guidance (SPG).

As the application site is brownfield land located within the settlement limits defined by Policy H3 in the UDP, the principle of the development at this location is generally acceptable under the above policies, provided there are no overriding issues in terms of highway safety, visual or residential amenity or environmental quality (including pollution, flooding and ecology).

In respect of the Harbourside SPG, it should be noted that the former gas works site is identified as potential residential and light industrial uses. However, further work has been undertaken as part of the emerging Local Development Plan (LDP) which proposes that the site is allocated for light industrial use, not residential, due to potential flooding issues and the fact that a residential use is 'highly vulnerable' where light industrial is not. Due to this, it is therefore considered that the proposal would not, if approved, sterilise potential future development of the gas works site.

Visual Amenity:

It is noted that the application site is located on a brownfield site that was previously utilised as a gas works. Although the proposed building would reach a height of 10m to ridge, and 12.3m to the top of the flues, it is partly screened by the PDR's 3m high acoustic fencing. Furthermore, as it would be located adjacent to an electricity sub-station and reservoir, it would not be out of context with the locality. It is therefore considered that the proposal would not impact upon the character and appearance of the surrounding area to warrant refusal of the application on visual grounds.

Residential Amenity:

In respect of potential overlooking, overshadowing or overbearing issues, it should be noted that the proposed electricity generating station would be located a minimum of 48m away from the nearest dwellings at Glenavon Street. These properties are located to the east of the site on the opposite side of the PDR. There are also residential dwellings at Victoria Road to the west of the site. These are located a minimum of 89m from the generating station. Due to this separation distance and the fact that the site is relatively flat in profile, it is

considered that the proposal would not create any unacceptable overbearing, overshadowing or overlooking issues.

Turning to potential issues in terms of noise and disturbance, it should be noted that a detailed noise survey has been submitted in support of the application. This has been assessed by the Head of Business Strategy & Public Protection (Environmental Health Section) who offers no objection, subject to conditions, and notes that the applicant has also confirmed that plant operations during the quiet night time hours will be minimal. Accordingly, he confirms that he is satisfied that there will not be significant noise impacts from this proposed development.

In respect of the piling works proposed to construct the building, it should be noted that this does have the potential to create some noise and disturbance, albeit it would be temporary in nature during the construction phase only. In the absence of any specific details on the type of piling methods proposed, the Head of Business Strategy & Public Protection (Environmental Health Section) offers no objection to the principle of piling, subject to a condition requiring the submission of a Piling Method Statement. This would include control over the timing of any such works in the interests of residential amenity.

As the development would be operated on a short term basis, during peak times for electricity consumption, and given the fact that the noise assessment demonstrates that the proposed development will not give rise to noise disturbance during the times when the developer states that it is most likely to be in operation, it is therefore concluded that the overall development would have no unacceptable impact on terms of any potential noise disturbance.

Health and Safety:

Cllr Latham has expressed concerns with the proposal in terms of the potential to create health and safety issues, due to the fact it would be unmanned and in close proximity to Afan Way and residential dwellings.

Having regard to these concerns, the developer has provided additional information in support of the application in respect of their health and safety procedures, to demonstrate how they would respond to any potential incident at the proposed development site. This is in the form of Accident Management and Hazard Awareness documents for an existing operational UKPR site in North East Lincolnshire. The Accident Management Plan in particular demonstrates how UKPR would respond in the event of an incident, by covering a range of key points including; who to inform, mitigation measures, follow-up measures

and the relevant Environmental Management System procedures for incidents and emergencies.

The Health and Safety Executive (HSE) have also been contacted regarding the proposal. They responded to state that they would only be involved if a need has been identified through their PADHI+ system, or if there would be a requirement for Hazardous Substances Consent. In response to a further request they have clarified that the developer appears to have done what it needs to have done at this stage; to have thought about the potential impact it might have off-site and how that might be managed. They advise that HSE would not normally review such an assessment ourselves at this point, although once operational it could be subject to inspection or investigation by HSE (in the same way that many workplaces are also subject to occasional inspection). The HSE has also confirmed that the proposal would also need to comply with other legislation outside of the remit of the Local Planning Authority, such as the Health and Safety at Work etc Act 1974.

The proposed development has been assessed through the HSE's PADHI+ system with a response that they "*Do Not Advise Against*" the proposal.

In respect of the potential for Hazardous Substances Consent, the developer has confirmed that the development would be feed by medium pressure gas pipelines and there would be no storage of gas on site. As such, there would be no requirement for Hazardous Substances Consent, which is the same situation as the 14 operational sites the developer has across England and Wales.

Finally, it should be noted that the developer has confirmed that the threshold for an Environmental Permit is in excess of 20MW of electrical output or in excess of 50MW of thermal output. As such, they have confirmed that this particular development would not require an Environmental Permit from Natural Resources Wales.

Having regard to the above, it is concluded that the proposed development would not create any unacceptable risks to the health and safety of nearby residents or to the users of Afan Way, with a condition recommended for submission of an Accident Management and Hazard Awareness plan, which will ensure appropriate controls are in place to manage such risks in the public interest.

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

As previously stated, Members should be aware that access to the site was originally proposed off Victoria Road, which is a classified highway (C290), via an existing access to the rear of Numbers 1, 1A and 2 Victoria Road.

Following the sub-committee site visit, at which time Members resolved to recommend to the Planning and Development Control Committee that the application should be **refused** on highway grounds, the developer opted to amend the scheme so that all traffic would enter and exit the site via an alternative access arrangement.

The 'red line' boundary has since been amended to omit access off the existing access to the rear of Numbers 1, 1A and 2 Victoria Road, with all access and egress now proposed off Victoria Road via the former main entrance to the Gas Works site.

The developer has also submitted a Construction Management Plan (CMP) in support of the application, detailing the vehicle route and movements to and from the site. The submitted information states that the vehicles most likely to visit the site will consist of flatbed lorries, concrete trucks, a crane and a small piling rig. The piling rig would only be used briefly upon commencement of the construction programme to complete any necessary piling works. The crane would be used for a relatively brief time in aggregate over the construction period to erect steelwork, to place the flues and radiators into position and briefly near to completion of the construction programme to lift the generators into position. Following the construction phase and once fully operational, the site would be un-manned, with the exception of sporadic maintenance. As such, the operational vehicle movements would be relatively low with visits by personnel in small vans.

This amended information has been fully assessed by the Head of Engineering & Transport (Highways Section), who offers no objection to the development, subject to conditions. These include the need for the submitted CMP to be amended to make specific reference to routes to be adopted during peak times due to the closure of M4 Junction 41 (westbound on slip). Provided that the requested conditions are imposed on the application, it is therefore considered that there would be no detrimental impact upon highway or pedestrian safety.

Ecology (including trees & protected species):

A biodiversity survey was submitted in support of the application, which notes that the site is of low biodiversity value. This survey was assessed by the Biodiversity Unit, who offer no objection to the proposal, subject to a condition

in respect of Japanese Knotweed. It is therefore considered that the proposal is acceptable in terms of ecology.

Flooding:

It should be noted that the application site is located within a C1 flood zone. A Flood Consequences Assessment was submitted in support of the application, and has been assessed by Natural Resources Wales. They note that although the site is at risk from tidal flooding, mitigation is proposed in the form of raising critical instruments above the predicted tidal level, which they are satisfied with. Having regards to the tests in Technical Advice Note 15, and given the low occupancy of the building, it is therefore considered that the proposed development would be acceptable in terms of flood risk.

Pollution (air and ground):

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit and Natural Resources Wales both offer no objection to the proposal, subject to conditions, it is considered that the proposed development would be acceptable in terms of pollution.

With regards to potential air pollution, it should be noted that an air quality assessment was submitted in support of the application. This has been assessed by the Air Pollution Unit, together with Natural Resources Wales. They note that dispersion modelling has been carried out in order to assess the impact of carbon monoxide (CO) and nitrogen dioxide (NO₂). They note that the location of the receptors look acceptable, and CO₂ levels are expected to be well below the air quality objective. However, a condition should be imposed on the application requiring a scheme for NO₂ diffusion tubes at a handful of locations for the first year of operation, to ensure that the concentrations are not exceeded. Provided these conditions, and a condition in respect of a dust management plan, are imposed on the application, it is therefore considered that the proposed development would be acceptable in terms of air pollution.

Others (including objections):

In response to the 7 letters of objection and petition received, the following comments are made.

- Firstly, the concerns regarding the nearest residential properties. It is acknowledged that the nearest residential dwellings are located at the access point along Victoria Road and at Glenavon Street. The developer has provided an email and plan to confirm that there was a typographical error in

the Design and Access Statement (DAS), and also illustrating the respective distances to the nearest dwellings.

- Secondly, the concerns relating to the use of the existing access and highway safety issues have been addressed previously in the report. It should be noted that all traffic (including construction) is now proposed to access the site off Victoria Road via the former Gas Works site. This has been fully assessed by the Head of Engineering and Transport (Highways Section) who offer no objection to the submitted scheme.
- Turning to the issue regarding noise, and the fact that it could be used continuously if National Grid request it, it should be noted that the proposed facility is intended to be used on a short-term basis (i.e. an average of once per day or less) and is not intended to be used on a full-time 24 hour a day basis. This will be conditioned as part of the application, to ensure there are no unacceptable impacts in terms of noise or air pollution.
- In respect of the comments in the DAS that “periodic reviews on the environmental performance of the site, during both the construction and operational stages, will be carried out by our Project Management and Field Service Engineer team”, it should be noted that this would not impact upon any monitoring of the site the Local Authority could undertake in terms of condition enforcement, and/or the Environmental Health Section in terms of noise nuisance.
- Turning to the issue regarding the fence height, it should be noted that the submitted block plan illustrates a 2m high palisade fence around the site. The 3m fence relates to the existing acoustic fence alongside Afan Way, which was installed as part of the Peripheral Distributor Road (PDR).
- With regards to the concerns that this development should not be allowed in a residential area in close proximity and views from local residents’ homes, it should be noted this has been addressed previously in the report. As the building is located on the site of a former gas works and is located over 48m from the nearest residential dwelling, it is considered that the proposal would not create any overbearing, overshadowing or overlooking issues, and would also be acceptable in terms of visual amenity.
- In respect of the concerns regarding noise, dust and air pollution, it should be noted that this has been fully assessed by Natural Resources Wales, together with the Environmental Health and Air Pollution Unit. As they offer no objection to the proposal (including the submitted reports), subject to conditions, it is therefore considered that the proposal would not create any unacceptable impacts in terms of noise or air pollution.
- With regards to the potential impact on property values in the area, it should be noted that this is not a material planning consideration, so cannot impact upon the determination of this application.

- Turning to the concerns regarding local consultation. It should be noted that numerous site notices were erected in the local area to inform local residents, and 5 properties adjoining the application site edged in red were notified by letter.
- Finally, the issue regarding the description of the development. It should be noted that the proposal is for a 20MW facility, not an 8MW facility as originally advertised. This was confirmed with the developer, who clarified in writing that there was a typographical error in the original DAS. This has since been amended in the publicity and description of the application.

Conclusion:

It is considered that the proposed development would not have an unacceptable 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, ENV17, T1, H3, ENV11, ENV13, ENV15, ENV16 and IE2 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

RECOMMENDATION: Approval with Conditions

CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the flues, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(3) Prior to the commencement of work on site, a detailed scheme for the implementation of NO₂ diffusions tubes for a 12 month period shall be

submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first operation of the generating station, and retained for a minimum period of 12 months, upon which a copy of the results shall be submitted to and approved in writing by the Local Planning Authority. If the results show mitigation measures are required, these shall also be included together with a timetable for its implementation.

Reason

In the interest of air quality and to ensure the validity of these dispersion modelling data.

(4) Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(i) A desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments;

(iv) an appraisal of remedial options, and proposal of the preferred remedial option(s).

Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

(5) Prior to the commencement of work on site, and if required by Condition 4, a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

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.

(6) Prior to beneficial use of the proposed development commencing, and if required by Condition 5, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 5 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.

(7) 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. Prior to occupation of the

development, a verification report which demonstrates the effectiveness of the agreed remediation, 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.

(8) Prior to the commencement of works on site, a detailed method statement for the removal, long-term management or eradication of Japanese knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement only.

Reason

Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

(9) Notwithstanding the submitted details, all critical equipment shall be installed so that it is above the predicted tidal level, as specified within the approved flood consequences and supporting information, and retained as such thereafter.

Reason

In the interest of adequate mitigation as the site is located within a flood zone.

(10) No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage has been submitted to and approved by the Local Planning Authority, including measures to prevent any new surface water from flowing onto the public highway. The approved scheme shall be implemented on site prior to the construction of any impermeable surfaces draining to this system, and retained as such thereafter.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal

(11) Notwithstanding the submitted details, prior to any piling works or any other foundation designs using penetrative methods commencing on site, a Piling Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail the methods to be used on site, together with any mitigation measures proposed, the timing of works and also demonstrate that there is no resultant unacceptable risk to groundwater. All piling penetrative works on site shall be undertaken in accordance with the Method Statement only.

Reason: In the interest of residential amenity and as there is an increased potential for pollution of controlled waters from inappropriate methods of piling.

(12) The generating station hereby approved shall only be used for the production of standby electricity (a Short Term Operating Reserve (STOR)) in accordance with the details provided in the Design, Access and Planning Statement (April 2014).

Reason

To clarify the nature of the approval, and in the interests of residential amenity.

(13) No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the highway drainage system.

Reason

To prevent hydraulic overload of the highway drainage system and pollution to the environment.

(14) Prior to first beneficial use of the standby electricity generation plant hereby approved, the four off-street parking spaces and the turning area shown on the approved plans shall be provided within the curtilage of the property, and these shall be retained open and free for such use thereafter.

Reason

In the interest of highway safety by ensuring safe and adequate off street parking provision.

(15) Prior to first beneficial use of the standby electricity generation plant hereby approved, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first beneficial use of the development, and retained as such thereafter.

Reason

In the interest of highway safety and amenity.

(16) Notwithstanding the submitted details, prior to the commencement of works on site an amended Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority detailing: -

(i) the route visitors and construction traffic should take to and from the site during peak times due to the closure of Junction 41 west bound on slip at Pentyla Baglan Road, such route being along the PDR in either direction to avoid additional traffic onto Water Street and Heilbronn Way; and

(ii) Provision of information for visitors and construction traffic of the agreed route

All development on site shall be undertaken in accordance with the approved Construction Management Plan.

Reason

In the interest of highway and pedestrian safety and to assist in the free flow of traffic during peak times

(17) Prior to the first operation of the development hereby approved, an Accident Management and Hazard Awareness Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details only.

Reason

In the interest of the health and safety.

(18) The existing means of access to the site from the unadopted highway to the rear of 1-2 Victoria Road shall be permanently closed off before work commences on the development hereby approved, and thereafter the means of vehicular access to the development hereby approved shall be from the existing vehicular access onto Victoria Road (opposite Addison Road) only.

Reason:

In the interests of highway safety

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

It is considered that the proposed development would not have an unacceptable 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, ENV17, T1, H3, ENV11, ENV13, ENV15, ENV16 and IE2 of the Neath Port Talbot Unitary Development Plan.

<u>APPLICATION NO:</u> P2014/0843	<u>DATE:</u> 04/09/2014
PROPOSAL: Certificate of Lawful Development (proposed) for the incidental use of an existing single-storey rear extension as a dog day crèche for up to 5 dogs between the hours of 08:30 hrs and 16:30hrs Mondays to Fridays.	
LOCATION:	70 Neath Road, Tonna, Neath SA11 3DJ
APPLICANT:	Mrs Ann Patricia Slattery-John
TYPE:	LawfulDev.Cert-Prop.
WARD:	Tonna

BACKGROUND INFORMATION

Members should note that Cllr C Morgans requested on 29 October 2014 that this application be determined via Planning Committee, due to the potential significant impact the proposal would have on the residential area.

Planning History:

97/0371	Construction of Detached Dwelling	Approved	28/07/97
97/1093	Approval of details (Condition 3) of P97/0371 re. external materials	Approved	22/09/97
02/0296	Construction of an extension incorporating a swimming pool	Approved	02/05/02

Publicity and Responses (if applicable):

While no notifications were required to be undertaken for this Certificate of Lawful Use application, nevertheless 10 letters of objection have been received, which are summarised as follows:

- (1) The applicant has distributed leaflets stating they are licensed and that overnight boarding is also available.
- (2) There was an open day and in excess of 5 dogs were present on the site.
- (3) The applicant's facebook page shows 2 dogs that had a lovely 2 week holiday at "Woofys".
- (4) Licensing have confirmed that the licensing application has been delayed pending the planning situation, but there are concerns that if the license is granted, there would be the inability for any enforcement to be made in the future.

- (5) There has been disruption already with clients visiting and blocking driveway accesses and dogs running over front gardens. Clients are also parking in the turning head.
- (6) There are major concerns regarding the noise and disruption such a business would cause the immediate neighbours, including barking. It is a residential area with no other businesses around, and the possible noise from 7 dogs on a daily basis is unacceptable, especially if there are outside.
- (7) There are concerns regarding the disposal of dog excrement.
- (8) The access road to the application site is actually a private road and not adopted, which has been confirmed by land registry searches and with solicitors. There are no pavements and it is very narrow.
- (9) The licensing application seems to be different from this application as it was for 12 dogs, but the vet limited it to 5 dogs. It also appears that they are currently operating outside of the licensing agreement as dogs have already been observed at the premises which are not the owners.
- (10) The licensing committee do not take consideration of any potential noise and disruption to or traffic implications to neighbouring properties, only the welfare of the dogs.
- (11) It is documented that boarding kennels in particular give rise to noise problems because of the number of dogs, the range of different breeds and stress under unfamiliar conditions.
- (12) The plans indicate that there are 10 pens established within the building and as the owners dogs normally reside in the family home, what are the plans for the other 5 pens?
- (13) What reassurances and guarantees can the Authority give to the surrounding residents if the proposer fails to comply with the license, as previous attempts by Council Enforcement Officer has failed to gain access to the property.
- (14) There are concerns that this is not the only business that would be operating from the premises, as two rooms are being advertised on the internet as being available to rent. Additional cars have been observed at the property. This increases the percentage of house used for business purposes and added to traffic along the private road.

Head of Licensing: Has confirmed that an animal boarding license was received 16th June 2014, and a vet and licensing officer has inspected the property. The applicant has confirmed that she wishes to board a maximum of 5 small dogs each weighing under 20kgs. The determination of the licensing application has been deferred, pending the outcome of this certificate application.

Description of Site and its Surroundings:

The application site is located at 70 Neath Road, Tonna.

The site is an irregular parcel of land measuring 0.159 hectares in area. It is relatively flat in profile and is occupied by a large detached dwelling with associated garden areas.

The property has a frontage of 30m onto Henfaes Road (B4434), but pedestrian and vehicle access to the site is off the unclassified section of Neath Road, which terminates at the property in a turning head. The site is bounded by residential properties to the east, south and west with Henfaes Road to the north.

The application property is designed with a gable-ended pitched roof with a mock-Tudor design. There is a gravel driveway to the north of the property accessed via electric gates.

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 is for a Certificate of Lawful Use or Development (proposed) for the incidental use of an existing single-storey rear extension as a dog day crèche for up to 5 dogs between the hours of 08:30 hrs and 16:30hrs Mondays to Fridays only.

The applicant intends to use the existing single-storey rear extension (granted planning permission in 2002) as a dog day crèche. The building measures 17m long by 6.82m wide and was formerly used as a swimming pool, but this has now been drained and covered over to be used for the dog day crèche. 10 dog pens have been erected measuring 1.2m wide by 2m in depth with 0.8m high fencing. The applicant has stated that the extension would also be used by the occupiers of Number 70 to access the exercise equipment, sauna and plant storage room. They have indicated that the extension would be used to provide sleeping and feeding facilities for up to 5 dogs, plus the applicants 2 pet dogs. They have also indicated that the dogs would have access to other parts of the property if necessary. They have confirmed that there would be no external alterations to the property. They have stated that the primary use of the property would remain as residential and in view of its scale and degree, the additional use would be ancillary and not constitute a material change of use that requires a new planning consent.

Policy Context:

Planning Policies are not relevant to applications under S192 of the Town and Country Planning Act 1990 (as amended)

Material Considerations:

The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 which seeks to certify the lawfulness of proposed operations on, or use of land. The determination of the application is on legal grounds only; any views on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant.

Accordingly, this report concentrates solely on whether, based on the facts of the case and relevant Planning Law, the specified matter is or would be lawful.

Having regard to the above, the main issues for consideration with this application relate to whether the proposal development would be incidental to the main residential use of the existing dwelling, or whether the proposed development would constitute a material change of use of the property from residential into a mixed residential (Class C3) and commercial use (Sui Generis).

Assessment

As stated above, the key issue with this application is whether the proposal would be considered incidental to the main residential use of Number 70, or whether the proposal would constitute a material change of use of the property from residential to a mixed use of residential and commercial. As there are no clear cut planning rules on this type of activity, it would be a matter of ‘fact and degree’ based on the information provided as part of the application.

Research undertaken of the Development Control Practice database has revealed a number of appeal decisions where 6-7 dogs could be kept on a property as an incidental use for the purposes of breeding or boarding. It states on the database that the “point at which a use departs from being termed ‘incidental’ is difficult to determine” and the 6 dog figure cited in the *Wallington* Court Case cannot be used as a ‘rule of thumb’. It also states that “whether an activity is for hobby/humanitarian purposes or commercial gain is not a determining criterion on its own”. Furthermore, “if the extent of animal keeping is such that the domestic character of a particular house, having regard to its size and relationship to neighbouring property, is significantly changed from what could be expected at such a house, then there is a strong case that such a use is not incidental. Factors which may assist such a judgement are the

erection of an unusual amount of special structures for housing of animals in a garden, increased comings and goings at the property due to the use, the employment of others, the generation of substantial amounts of noise, and the size and breed kept". These will be considered in further detail below.

Size and relationship to neighbouring properties, and potential external alterations to facilitate proposed operation.

As previously stated the application site measures 0.159 hectares in area and is occupied by a large detached dwelling with associated garden and parking areas. The ground-floor of the existing property measures approximately 214m² (excluding the swimming pool) and 329.9m² in total. The first-floor area measures approximately 146m². The total floor space of the dwelling (ground and first-floor) measures approximately 475.9m².

The former swimming pool area proposed to be used for the dog crèche measures 17m in length by 6.82m wide, which totals 115.9m². This area would equate to approximately 35% of the ground-floor area of the property, but 24.5% of the overall floor space of the property.

The applicant has indicated that there would be no external alterations to the property to facilitate the proposed operations, and the dog crèche would occupy an existing single-storey rear extension.

In respect of neighbouring properties, it is noted that there are residential dwellings to the east, south and west. Tyn Yr Heol House is located approximately 31m to the east of the side elevation of Number 70, Number 2A The Paddocks is located approximately 12m to the south of the rear extension of Number 70 at a higher level, and Number 68 is located approximately 7.5m to the side elevation of Number 70.

Given the separation distance to neighbouring dwellings, and the percentage of floor space that would be utilised for the dog crèche versus that which would be retained for residential use, it is considered that the proposed use would not significantly alter the character or appearance of the surrounding area or dwelling, and it can be said that in this regard the use would be incidental to the main residential use of the property.

Potential increase in comings and goings to the property.

The applicant has stated that they intend to operate a dog day crèche for up to 5 dogs between the hours of 08:30 hrs and 16:30hrs Mondays to Fridays only. They have also indicated that there is sufficient parking within the large gravel

driveway to the front of the property for 6 vehicles, plus the occupiers own vehicles.

Whilst not an identical use, it should be noted that case law has established that child minding can operate from a dwelling for up to 6 children without the need for planning permission for the change of use. Whilst it is acknowledged that a dog crèche has the potential to create different issues from child minding in respect of noise and disturbance (which will be discussed in further detail below), in terms of traffic generation and comings and goings, it is considered that a dog crèche for up to 5 dogs would generate similar traffic levels to that of a child minding activity. The applicant has also indicated that 6 car parking spaces could be accommodated within the existing gravel drive of the property, which would potentially lessen the impact upon neighbouring properties.

Although some concerns has been raised regarding the access to the property, and whether it is a private driveway or not, the Footpaths Section have confirmed that the current records show the road is adopted. However, it should be noted that this specific issue would be a civil matter between the relevant landowners, and would not be a determining factor in this application. Nevertheless, it is considered that the potential comings and goings would be considered incidental to the main residential use of the site and would not alter the character of the property to such a degree to constitute a material change of use.

The employment of others.

The applicant (Mrs Slattery-John) has indicated that the business would be owned by her son (Jason Slattery), and she would be employed to operate the dog crèche service on behalf of him. She has indicated that the business would not employ any other people. Based on the information submitted, it is considered that as the applicant (Mrs Slattery-John) currently resides at Number 70 and would operate the business, and is the applicant on the license, the scale of the operation would remain incidental to the main residential use of the property, and would not alter the overall character of the property to such a degree to constitute a material change of use.

Potential noise generation.

Whilst it is acknowledged that dogs can generate potential issues in terms of noise from dogs barking, it is noted that the former swimming pool has a solid construction (i.e. double skin walls and tiled roof). Furthermore, the information provided as part of this application indicates that up to 5 small dogs (plus the applicants existing 2 dogs) would be looked after for a limited number of hours

per day (8.30am to 16.30am) on weekdays only (when general background noise levels are generally higher) and not overnight.

Based on the information submitted, it is therefore considered that the scale of the operation would remain incidental to the main residential use of the property, and would not alter the overall character of the property to such a degree to constitute a material change of use.

Size and breed kept.

The applicant has confirmed as part of the license that she wishes to board a maximum of 5 small dogs each weighing under 20kgs. The applicant also has two standard poodle dogs, which would total 7 dogs at the site. Whilst no specific details have been provided in respect of the breeds in the dog crèche, as this is unknown at this stage, it is considered that the scale of the operation would not be out of keeping with that expected at a residential use (e.g. if a person had 5-7 pet dogs), and would not alter the overall character of the property to such a degree to constitute a material change of use.

Other Matters

Correspondence received by the Council has alleged that the proposed dog crèche would not be the only business operating from the property, and states that rooms are being let out.

While it is possible that the use of the property for any additional use such as that alleged by the correspondent could affect the lawfulness of the proposed use, it is for the Planning Authority only to consider the application on the basis of the information submitted. Nevertheless, clarification was sought from the applicant, who has since provided written correspondence to state that no other businesses would be operating from the property, and that no rooms are being let out at present. She also states that there is no intention to do so in the future, and that the advertisements referred to (which have been viewed by Officers) were old adverts, and they no longer wish to do so.

Accordingly, this application is determined on this basis, namely that the dog crèche will be in addition to the existing use of the property as a single dwelling.

Compliance with any Certificate issued

In response to concerns over the future use of the property, which may fail to accord with any certificate issued, it is emphasised that a Certificate under s192

for a future use or operation will protect future development *only if that future development is as described in the certificate and undertaken before there is any material change in relevant circumstances.*

Accordingly, if the limitations specified in a certificate are exceeded – for example in this case if the number of dogs increased, hours of boarding changed, or additional activities were undertaken at the property - the landowner or occupier may be liable to enforcement action by the planning authority for any resulting breach of control.

Others (including objections):

In response to the 10 letters of objection received, the following comments are made:

- In response to the concerns that the business has been operating already, as demonstrated by the leaflet and facebook page, the applicant has confirmed, in writing, that the business has not be operating yet as they are awaiting the relevant permission from the Local Planning Authority and Licensing Authority. They have also confirmed that they have been looking after a friend’s dog on an ad hoc basis. In terms of overnight boarding, the submitted details do not indicate any overnight boarding and this application will be determined on the submitted information. If, in the future, the use exceeds the parameters stated in this application, it would be a matter for the Planning Enforcement Section to investigate and take action if necessary.
- With regards to the concerns that there would be the inability for any enforcement to be made in the future if the license is granted, it should be noted that the planning and licensing are separate entities covered by separate legislation, and one does not prejudice the other.
- In respect of potential noise and disturbance from the proposed operation, including highway safety issues, this has been addressed previously in the report. Given the scale of the proposed operation, it is considered that it would not significantly alter the residential character of the property or constitute a material change of use on this basis.
- In respect of potential noise and disturbance, including barking, this has been addressed in the report above. However, it should be noted that if any potential noise issues arise in the future, the Environmental Health Section has the power to investigate any issues separately and take action if necessary.
- In respect of the concerns regarding the disposal of dog excrement, this would not be a matter for the Local Planning and would be for the Environmental Health Section and/or Licensing Section.

- In respect of the concern relating to the fact that the access to the site is via a private road, it should be noted that the Footpaths Officer has confirmed that the records shown that the access road to Number 70 is adopted highway. However, as stated above, this would be a civil matter between the relevant landowners.
- Turning to the comments that the licensing committee do not take consideration of any potential noise and disruption to or traffic implications to neighbouring properties, only the welfare of the dogs, it should be noted that these have been addressed previously in the report.
- In respect of the comments that the plans indicate that there are 10 pens established within the building, and as the owners dogs normally reside in the family home, what are the plans for the other 5 pens. It should be noted that the applicant has no provided any specific information on this matter. However, whilst there are more than 5 pens, this certificate application only relates to a maximum of 5 dogs as part of the crèche (plus the applicants 2 dogs).
- Turning to the comments asking what reassurances and guarantees the Authority can give to the surrounding residents if the applicant fails to comply with the license, as previous attempts by Council Enforcement Officer has failed to gain access to the property. It should be noted that the enforcement of the license would be undertaken by the Licensing Section, and any planning enforcement would be undertaken separately by the Planning Enforcement Officer. The Planning Enforcement Officer has the right to enter property, if necessary, in line with correct procedures. It should also be noted that the issuing of this certificate would not prejudice any potential planning enforcement action if, following an investigation, it was deemed necessary on the basis that matters had materially changed since the issue of any Certificate.

Conclusion:

It is considered that the proposed development, by virtue of the limited number of dogs and hours of operation proposed, the overall size of the existing dwelling versus the percentage of floor space to be used for the dog crèche and potential traffic generation, would be incidental to the main residential use of the property. As such, it is considered that the proposed use would not constitute a material change of use of the property and would be incidental to the existing residential use (Class C3) of Number 70 and is therefore lawful. It is therefore recommended to issue the Lawful Development Certificate for the proposed use.

RECOMMENDATION:

Issue the Lawful Development Certificate for the Proposed Use on the following grounds:

- (1) There would be a maximum of 5 small dogs each weighing under 20kgs (excluding the applicant's two dogs).
- (2) The use would operate between the hours of 08:30 hrs and 16:30hrs Mondays to Fridays only.
- (3) There would be no employment undertaken at the property, other than the applicant, or other business use operating from the property.

<u>APPLICATION NO: P2014/0922</u>		<u>DATE: 24/09/2014</u>	
PROPOSAL:	Removal of Conditions 2, 3 & 4 (Code for sustainable Homes) from Planning Permission P2013/1010 (Approved on the 3/12/13)		
LOCATION:	Land Adjacent To Glas Y Dorlan, 65 Cardonnel Road, Skewen, Neath SA10 6BS		
APPLICANT:	Mr Arthur Davies		
TYPE:	Full Plans		
WARD:	Coedffranc Central		

BACKGROUND INFORMATION

Members should note that this planning application is referred to Committee as the applicant is Councillor Arthur Davies who is an elected Ward Member.

The application is for the removal of Conditions 2, 3 and 4 (Code for sustainable Home). There are no material changes from the previously approved planning application P2013/1010.

Planning History:

P2013/1010 – One detached dwelling – Approved 04/10/14

Publicity and Responses if applicable:

Coedffranc Community Council – No objections – 03/10/14

Site Notice displayed 3/10/14. To date no representations have been received.

Description of Site and its Surroundings:

The application site is located within the curtilage of the applicants existing dwelling house, which itself is located within settlement limits for the purpose of the adopted Unitary Development Plan.

The land within the application site slopes down generally from north to south and measures approximately 0.09 hectares. The donor property consists of a detached bungalow and there are a number of outbuildings present on site. Both pedestrian and vehicular access to the site is via an existing concrete driveway off the track located at the bottom of Cardonnel Road.

The A465 can be seen from the application site some 50m away to the south and a railway to the east. The surrounding area of Cardonnel Road comprises of a residential street with a mixture of detached and semi detached properties with a variety of designs and styles.

Brief description of proposal:

The application seeks the removal of Conditions 2, 3 and 4 (Code for Sustainable Homes conditions) from Planning Permission P2013/1010 (approved on 3 December 2013). The need to achieve a minimum Code for Sustainable Homes level is no longer a planning requirement due to a change in legislation, brought about due to changes to the Building Regulations in Wales and the subsequent cancellation of Technical Advice Note 22: Sustainable Buildings (2010) on the 31st July 2014.

The development approved was for a detached bungalow located to the south west side of the host bungalow. The submitted plans indicated that the proposal will measure a maximum 14.0 metres in width, 9.9 metres in depth and have a maximum height to ridge level of 6.0 metres. The proposed bungalow would incorporate a gable roof design with external materials consisting of facing bricks. There are no changes to the development proposed.

Material Considerations:

The main consideration in the determination of this application relates to the changes in Planning Legislation since the time of the original permission.

The principle of the proposed development, the impact upon the character and appearance of the surrounding area, the impact upon residential amenity of the occupiers of the adjacent dwellings and the impact upon highway safety remain unchanged.

As this new planning permission will replace the original permission, and in the interests of clarity all relevant issues are set out again within the report.

Policy Context:

Neath Port Talbot Unitary Development Plan

Policy GC1 - New buildings/structures and changes of use

Policy ENV17 – Design

Policy H3 – Infill and windfall settlements

Policy T1 – Location, layout and accessibility of new proposals

The application site is located within the identified settlement limits as set down within the Neath Port Talbot Unitary Development Plan, where the principle of development is considered to be acceptable subject to the development complying with the requirements of the other development plan policies.

Technical Advice Note 22: Sustainable Buildings previously required all new dwellings within Wales to achieve Code for Sustainable Homes Level 3+. As such there were a set of three standard conditions to be imposed on these permissions requiring the developer to provide evidence, through the submission of certificates that the development was achieving the required level.

As this Technical Advice Note has been cancelled, (July 2014), there is no longer a requirement to impose these conditions on future developments. In addition the advice provided by Welsh Government, is that where applications seek to have these conditions imposed, the Local Planning Authority should determine these in accordance with the policy change.

As such it is considered that the request to remove these conditions is justified, and would conform to current planning legislation, and Welsh Government advice.

Visual Amenity:

The local character of the immediate area is that of a detached bungalow within the confines of a large plot with a number of outbuildings where the applicant carries out gardening activities ancillary to the enjoyment of the dwelling house. The surrounding area of Cardonnel Road can be described as a residential area with a mixture of house types and designs utilising a number of different materials.

Residential Amenity:

The nearest dwelling to the proposed development is the donor property, Glas y Dorlan. The separation distance between the proposed dwelling's side elevation and the existing dwelling is 11.5 metres. This, together with the topography of the site and the restricted ridge height (6m), will ensure that there will be no overbearing or overshadowing impact on any existing residential properties.

A window is proposed in the side elevation (north) facing the donor dwelling. This window however is planned to serve a bedroom and therefore should any

permission be granted a condition will be attached requiring the window to be obscurely glazed. This condition will eliminate any issues of overlooking.

The applicant has indicated that he plans to incorporate a boundary fence to separate the two properties. No detail has been submitted, as such these details will be secured by condition and subject to suitable design an appropriate means of enclosure has the ability to further ensure the privacy of both the applicant and neighbouring property.

The submitted plans indicate sufficient private amenity space is to be provided to serve the dwelling house. This level of amenity space is considered to be more than adequate for a property of the size proposed.

Therefore, in view of the above it is considered that there would be no adverse affect on residential amenity.

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

The submitted plans detail the creation of a new vehicular access and provision for three parking spaces. The Head of Engineering and Transport (Highways) have not been consulted on this occasion due to the nature of application, however they offered no objection to the previously approved application P2013/1010 subject to the imposition of suitable conditions to secure the provision of off-street parking spaces.

Ecology (including trees & protected species):

No issues related to Ecology or trees have been identified.

Others (including objections):

None

Conclusion:

The removal of the Code for Sustainable Homes conditions is in accordance with revised Welsh Government guidance, while the proposed development by reason of its size, design and siting will not have an adverse affect on visual or residential amenity, nor will it adversely affect highway and pedestrian safety. The proposal therefore complies with Policies GC1, ENV17, H3 and T1 of the Neath Port Talbot Unitary Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS

(1)The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

(2) Prior to first beneficial use of the dwelling, the driveway including parking and turning facilities as detailed on drawing no: 66/2b shall be surfaced in porous material or a provision must be made to direct run-off water from the hard surface to a soakway located within the curtilage of the dwelling and must be permanently maintained so that it continues to comply with the above requirement.

Reason:

To ensure an adequate turning and parking facility is provided

(3) Prior to their use in the development hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of the visual amenity of the area.

(4) Prior to the commencement of works on site, details of the slab level of the approved dwelling shall be submitted to and agreed in writing with the Local Planning Department. The development shall then be carried out in accordance with these approved details.

Reason

in the interest of residential and visual amenity.

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

Reason

To protect the integrity of the public sewerage system

(6) No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(7) Prior to the first occupation of the dwellinghouse a scheme shall be submitted and approved in writing by the local Planning Authority detailing a means of enclosure to the property boundaries. The agreed scheme shall then be implemented prior to first occupation and retained as such on site unless otherwise agreed in writing.

Reason

In the interest of visual and residential amenity.

(8) The window serving the side elevation (north side) serving the bathroom shall be fitted with obscure glazing prior to the dwelling being brought into beneficial use, and shall thereafter be retained as such unless otherwise approved in writing by the local planning authority.

Reason:

In the interest of residential amenity

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

The proposal will not have an adverse effect on visual or residential amenity, nor will it adversely affect highway and pedestrian safety. The proposal therefore complies with Policies GC1, ENV17, H3 and T1 of the Neath Port Talbot Unitary Development Plan.

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2014/0009

Planning Ref: P2014/0050

PINS Ref: APP/Y6930/A/14/2221528

Applicant: Mr P Cuddy

Proposal: Two-storey detached dwelling (Outline, with details of means of access to be agreed)

Site Address: Land to the rear of 80 Llantwit Road, Neath

Decision Date: 03/11/14

Decision Code: Dismissed

The main issue in the determination of this appeal concerned the effect of the proposal on highway safety, and the effect of the proposal on the character and appearance of the surrounding area.

In respect of highway safety issues, the Inspector noted that the proposed access drive is narrow and visibility at the junction with the B4434 Llantwit Road is limited. He noted that visibility to the right, at a point 2.4 metres from the carriageway, is about 30 metres and is restricted by the walls and hedgerow that form the boundaries to No. 80. To gain adequate visibility vehicles would have to enter the footway and even intrude upon the carriageway. He noted that this lack of visibility would represent a significant risk to road safety. He also noted that whilst the access is currently in use on an occasional basis, the amount and frequency of vehicular movements that would be associated with a new dwelling using the access would increase the potential risk to an unacceptable level. Moreover, vehicles entering the site from Llantwit Road and meeting a vehicle already on the access drive could be forced to reverse back on to the highway. This would add to the risk to road safety, particularly at night. He therefore concluded that the proposed means of access represents a significant risk to road safety and is consequently contrary to policies GC1 and T1 of the Neath Port Talbot Unitary Development Plan (UDP).

In respect of the carrying distances for bins, the Inspector noted that there seems to be sufficient space at the roadside for bins to be stored off the main footway

temporarily and whilst the access drive is long, it would not be so long as to deter the movement of waste.

Finally, the issues on the character and appearance of the area. The Inspector noted that the appeal site is located in a back-land situation to the rear of a row of semi detached and terraced houses fronting Llantwit Road. He considered that the proposed dwelling would be reasonably well related to this block of development, and would round off the row of houses at its eastern end. He noted that the proposal would be seen as a reasonable end point and would be well related to the existing pumping station, development along the rear access, and the detached house Llantwit Cottage to the east. He considered that the proposal would not be an incongruous addition nor would undermine the sense of place. As such, he considered that it would not harm the character and appearance of the area and does not conflict with policies GC1 or ENV17 of the UDP.

Nevertheless, for the reasons given above, and having considered all other matters raised, he concluded that the appeal should be dismissed.

Delegated Applications Determined Between 14th October 2014 and 2nd November 2014

1 App No. P2014/0403	Type Full Plans
Proposal Removal of existing mast and associated equipment and erection of 17.5m high column mast with 6 no. antennas, 2 no. microwave dishes, 2 ground-based cabinets and extension of compound area including bollards.	
Location Cell Site CS_122997, Nelson & Son Coaches Yard, Oddfellows Street, Glynneath SA11 5DB	
Decision Approval with Conditions	
Ward Glynneath	

2 App No. P2014/0421	Type Discharge of Cond.
Proposal Details pursuant to conditions 18 (Ecological Mitigation Strategy) 19 (Reptile Capture and Mitigation) 25 (Landscaping Scheme) of Appeal Ref: APP/Y6930/A/10/2135473 (Dated: 08/03/11) and application P2014/705 approved 20/8/2014	
Location Longlands Lane, Margam, Port Talbot SA13 2SU	
Decision Approval with no Conditions	
Ward Margam	

3 App No. P2014/0451	Type Outline
Proposal One split level residential dwelling (Outline)	
Location Plot 2, Taillywd Road, Neath Abbey, Neath SA10 7DY	
Decision Approval with Conditions	
Ward Bryncoch South	

4 App No. P2014/0487	Type Full Plans
Proposal Demolition of existing bungalow and construction of 2 No. 2 storey detached dwellings, and associated car parking.	
Location 10 Main Road, Bryncoch, Neath SA10 7PD	
Decision Approval with Conditions	
Ward Bryncoch South	

5 App No. P2014/0567	Type Full Plans
Proposal Construction of a Solar Farm, to include the installation of solar panels to generate electricity with inverter housings, DNO substation, operator switch house, security fencing and camera, landscaping and other associated works.	
Location Pantymoch Farm, Penycae, Port Talbot SA14 2UT	
Decision Approval with Conditions	
Ward Port Talbot	

6	App No. P2014/0585	Type Full Plans
Proposal	External alterations to existing building, including the installation of 3 no. roller shutter doors and the construction of a new roadway and hardstanding with associated drainage.	
Location	Unit 3, Kenfig Industrial Estate, Margam, Port Talbot SA13 2PE	
Decision	Approval with Conditions	
Ward	Margam	

7	App No. P2014/0588	Type Discharge of Cond.
Proposal	Application for Approval of Conditions 5 (sample materials), 6 (slab level) and 11 (additional off-street parking scheme) of Planning Permission ref. P2013/1126 approved on 1 April 2014.	
Location	101 Pen Y Cae Road, Port Talbot SA13 2EG	
Decision	Approval with no Conditions	
Ward	Port Talbot	

8	App No. P2014/0605	Type Householder
Proposal	Demolition of garage and construction of side and rear extension (Amended plans and application forms received 27.08.14)	
Location	24 Drummau Park, Skewen, Neath SA10 6PL	
Decision	Approval with Conditions	
Ward	Coedffranc North	

9	App No. P2014/0617	Type Full Plans
Proposal	1st floor extension and new roof to existing bungalow plus side extension to form a 4 bedroom two storey dwelling.	
Location	31 Pen Yr Alltwn Park, Rhos Pontardawe, Swansea SA8 3EZ	
Decision	Approval with Conditions	
Ward	Rhos	

10	App No. P2014/0627	Type Full Plans
Proposal	Change of use of ground-floor from former Police Station (Sui Generis) to ancillary staff and storage facilities in association with adjacent dental practice (Class D1) plus demolition of existing garage to facilitate the provision of 2 new parking spaces.	
Location	66 Commercial Road, Taibach, Port Talbot SA13 1LG	
Decision	Approval with Conditions	
Ward	Taibach	

11	App No. P2014/0639	Type Discharge of Cond.
Proposal	Details pursuant to Condition 14 (Surface Water Drainage Strategy for Phase 1) of Planning Permission P2013/863 (Approved on the 13/11/13)	
Location	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath SA11 3EP	
Decision	Approval with no Conditions	
Ward	Neath North	

12	App No. P2014/0650	Type Householder
Proposal	First floor rear extension.	
Location	21 Glan Y Mor Avenue, Margam, Port Talbot SA13 2LN	
Decision	Approval with Conditions	
Ward	Taibach	

13	App No. P2014/0651	Type Discharge of Cond.
Proposal	Details pursuant to Condition 4 (Construction method statement) of Planning Permission P2013/0863 (Approved on the 12/11/13)	
Location	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath SA11 3EP	
Decision	Approval with no Conditions	
Ward	Neath North	

14	App No. P2014/0657	Type Householder
Proposal	Retention and completion of attached rear garage	
Location	7 Osterley Street, Briton Ferry, Neath SA11 2NY	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

15	App No. P2014/0659	Type Vary Condition
Proposal	Variation of Condition 3 of Planning Permission P2011/0646 (Approved on the 25/8/11) to allow an extension of time for the submission of reserved matters for a period of 2 years.	
Location	Land Adjacent To The Old Vicarage, Glebeland Street, Cadoxton, Neath SA10 8AY	
Decision	Approval with Conditions	
Ward	Cadoxton	

16	App No. P2014/0661	Type Discharge of Cond.
<p>Proposal Details to be agreed in association with Condition 15 (highways works) of application P2008/1409 (Appeal Ref APP/Y6930/A/2135474 Allowed on 8/3/2011) and application P2014/0705 (Approved 20/8/2014).</p>		
Location Longlands Lane, Margam, Port Talbot SA13 2SU		
Decision Approval with no Conditions		
Ward Margam		

17	App No. P2014/0679	Type Listed Building Cons
<p>Proposal Demolition of 2 lean-to extensions on rear elevation plus demolition of 5 internal walls and erection of new stud partition walls, demolition and part rebuilding of wall to form an opening to dining room and widening of window openings in rear elevation to form patio doors to living room and combining and extending existing doorway and window to form patio doors to bedroom No.1. (Listed Building Consent)</p>		
Location 11-12 Gelli Houses, A4107 From Cymmer To Blaengwynfi, Cymmer, Port Talbot SA13 3NP		
Decision Approval with Conditions		
Ward Cymmer		

18	App No. P2014/0684	Type Householder
Proposal Single storey rear extension.		
Location Pen Cae'r Lan Farm, Lane From Dulais Road To Pen Cae'r Lan Farm, Seven Sisters, Neath SA10 9EP		
Decision Approval with Conditions		
Ward Seven Sisters		

19	App No. P2014/0703	Type Full Plans
Proposal A pair of semi detached (two bedroom) dwellings with associated car parking.		
Location Plot Adjacent To, 1 Verdi Road, Sandfields, Port Talbot		
Decision Approval with Conditions		
Ward Sandfields West		

20	App No. P2014/0706	Type Householder
Proposal	Single storey rear extension, front bay window extension, canopy and detached shed	
Location	3 Ynys Y Nos Avenue, Pontwalby Glynneath, Neath SA11 5LS	
Decision	Approval with Conditions	
Ward	Glynneath	

21	App No. P2014/0711	Type Vary Condition
Proposal	Variation of condition 1 (to allow a further 5 years for the commencement of development) of Planning Permission P2008/1547 (Approved on the 21/08/09)	
Location	Land Adjacent to, 161a New Road, Skewen, Neath SA10 6HD	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

22	App No. P2014/0737	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 17 (Programme of Archaeological Works) of Planning Permission P2014/0046 granted on 23/06/14.	
Location	Land At Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot SA12 6LD	
Decision	Approval with no Conditions	
Ward	Aberavon	

23	App No. P2014/0752	Type Discharge of Cond.
Proposal	Details pursuant to condition 6 (pollution prevention method statement) of planning permission P2008/1409 (Appeal ref: Y6930/A/10/2135473 Allowed 8/3/2011) and Planning permission P2014/0705 (Approved 20/8/2014)	
Location	Longlands Lane, Margam, Port Talbot SA13 2SU	
Decision	Approval with no Conditions	
Ward	Margam	

24	App No. P2014/0782	Type Outline
Proposal	Detached dwelling (Outline) including details of access, layout and scale	
Location	Land To The Rear Of, 54 Heol Y Gors, Cwmgors, Ammanford SA18 1PY	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

25	App No. P2014/0785	Type Outline
Proposal	Detached residential dwelling (outline with details of access, landscaping and scale to be determined) and new vehicular access and off street parking to serve both No 36 and the application site	
Location	Land Adjacent To, 36 Heol Cae Gurwen, Gwaun Cae Gurwen, Ammanford SA18 1HG	
Decision	Refusal	
Ward	Gwaun-Cae-Gurwen	

26	App No. P2014/0786	Type Vary Condition
Proposal	Variation of condition 6 (replacement car parking space in association with a garage conversion) of application P2003/0961 granted on the 09/09/03, plus planning permission for the replacement of the garage door with a window.	
Location	63 Ascot Drive, Baglan, Port Talbot SA12 8YL	
Decision	Approval with Conditions	
Ward	Baglan	

27	App No. P2014/0790	Type Discharge of Cond.
Proposal	Details pursuant to condition 9 (foul drainage) and 10 (surface water drainage) of Planning Permission 2008/1409 (App Ref APP/Y6930/A/2135473) Allowed 8/3/2011 and Planning Permission P2014/0705 (Approved on the 20/08/14)	
Location	Longlands Lane, Margam, Port Talbot SA13 2SU	
Decision	Approval with no Conditions	
Ward	Margam	

28	App No. P2014/0792	Type Full Plans
Proposal	Refurbishment of shopfront including replacement doors and 1 no. air conditioning unit to the rear elevation	
Location	2 Green Street, Neath SA11 1DR	
Decision	Approval with Conditions	
Ward	Neath North	

29	App No. P2014/0793	Type Advertisement
Proposal	Two externally illuminated fascia signs to front and side elevations	
Location	2 Green Street, Neath SA11 1DR	
Decision	Advert Approved with Std Cond	
Ward	Neath North	

30	App No. P2014/0807	Type Discharge of Cond.
Proposal	Details pursuant to condition 2 (materials) of planning permission P2008/1409 (Appeal ref: App/Y6930/A/10/2135473 allowed 8/3/2011) and Planning permission P2014/0705 (approved 20/8/2014)	
Location	Longlands Lane, Margam, Port Talbot SA13 2SU	
Decision	Approval with no Conditions	
Ward	Margam	

31	App No. P2014/0808	Type Discharge of Cond.
Proposal	Scheme for the approval of a noise action plan under condition 15 of planning permission P2002/0931 (Approved 30 July 2013)	
Location	Morfa Sand & Gravel and Waste Management Site, Port Talbot Steel Works, Margam, Port Talbot SA13 2PF	
Decision	Approval with no Conditions	
Ward	Margam	

32	App No. P2014/0809	Type Discharge of Cond.
Proposal	Scheme for a dust action plan under condition 18 of planning permission P2002/0931 (Approved 30 July 2013)	
Location	Morfa Sand & Gravel and Waste Management Site, Port Talbot Steel Works, Margam, Port Talbot SA13 2PF	
Decision	Approval with Conditions	
Ward	Margam	

33	App No. P2014/0810	Type Discharge of Cond.
Proposal	Scheme for a technical working party under condition 41 of planning permission P2002/0931 (Approved 30 July 2013)	
Location	Morfa Sand & Gravel and Waste Management Site, Port Talbot Steel Works, Margam, Port Talbot SA13 2PF	
Decision	Approval with no Conditions	
Ward	Margam	

34	App No. P2014/0814	Type Householder
Proposal	Installation of new domestic sewage (package) treatment plant.	
Location	Bryncoed The Old Vicarage, Pantdu, Cwmavon, Port Talbot SA12 9BU	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

35	App No. P2014/0818	Type Full Plans
Proposal	Erection of two anemometry masts of 78m high (temporary period of 18 months)	
Location	Llynfi Afan Renewable Energy Park,	
Decision	Approval with Conditions	
Ward	Gwynfi	

36	App No. P2014/0819	Type Full Plans
Proposal	Erection of two anemometry masts of 78m high (temporary period of 18 months)	
Location	Llynfi Afan Renewable Energy Park,	
Decision	Approval with Conditions	
Ward	Gwynfi	

37	App No. P2014/0821	Type Discharge of Cond.
Proposal	Details to be agreed in association within condition 4 (Drainage Storage Calculations), Condition 8 (Drainage Inspection and Maintenance Schedule), Condition 11 (Construction Environment Management Plan) and Condition 12 (Suspended Solids treatment and Removal Scheme) of application P2013/0635 granted on 29/07/14.	
Location	Land at Hendre Fawr Farm, Mount Road, Rhigos, Aberdare CF44 9RJ	
Decision	Approval with no Conditions	
Ward	Glynneath	

38	App No. P2014/0827	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 18 (Decommissioning Scheme) of application P2013/0635 granted on 29/07/2014	
Location	Land at Hendre Fawr Farm, Mount Road, Rhigos, Aberdare CF44 9RJ	
Decision	Approval with Conditions	
Ward	Glynneath	

39	App No. P2014/0829	Type Householder
Proposal	Retention of hardstanding	
Location	16 Roman Way, Neath SA10 7BE	
Decision	Approval with no Conditions	
Ward	Bryncoch South	

40	App No. P2014/0835	Type Full Plans
Proposal	Installation of underground foul water drainage system (associated with Margam Green Energy Plant)	
Location	Longlands Lane, Margam, Port Talbot SA13 2SU	
Decision	Approval with Conditions	
Ward	Margam	

41	App No. P2014/0836	Type Outline
Proposal	One dwelling (Outline with all matters reserved.) (Revised site location.)	
Location	Land to the rear of Ivorites' Row and opposite 1 and 2 Bryn Ivor., Lane Between 6 And 7 Ivorites Row, Pont Walby, Glynneath, Neath SA11 5LH	
Decision	Refusal	
Ward	Glynneath	

42	App No. P2014/0842	Type Full Plans
Proposal	New ridged roof to replace existing flat roof, external wood cladding, and provision of two new external doors	
Location	Hillside, Longford Road, Longford, Neath SA10 7HN	
Decision	Approval with Conditions	
Ward	Dyffryn	

43	App No. P2014/0849	Type Full Plans
Proposal	Installation of underground water main and telecommunications cables (associated with Margam Green Energy Plant)	
Location	Land off Longlands Lane, Margam, SA13 2SU	
Decision	Approval with Conditions	
Ward	Margam	

44	App No. P2014/0853	Type Householder
Proposal	Retention and completion of single storey side extension.	
Location	Woodlands, Caemaen, Bryncoch, Neath SA10 7YN	
Decision	Approval with no Conditions	
Ward	Bryncoch North	

45	App No. P2014/0857	Type Change of Use
Proposal	Change of use of ground floor Retail unit (Use class A1) to Solicitors Office (Use Class A2)	
Location	Ground Floor, 28 Forge Road, Port Talbot SA13 1NU	
Decision	Approval with Conditions	
Ward	Port Talbot	

46	App No. P2014/0859	Type Householder
Proposal	Detached domestic garage	
Location	15 Golf Road, Sandfields, Port Talbot SA12 6RH	
Decision	Approval with Conditions	
Ward	Sandfields East	

47	App No. P2014/0860	Type Householder
Proposal	Single storey rear extension and detached garage	
Location	15 Tonmawr Road, Pontrhydyfen, Port Talbot SA12 9UB	
Decision	Approval with Conditions	
Ward	Pelenna	

48	App No. P2014/0863	Type Householder
Proposal	Single-storey front extension plus replacement of existing flat roof to existing front extensions with new pitched roof.	
Location	94 Maes Ty Canol, Baglan, Port Talbot SA12 8UP	
Decision	Approval with Conditions	
Ward	Baglan	

49	App No. P2014/0867	Type Householder
Proposal	Replacement of garage door with window to facilitate a garage conversion to living accommodation and replacement car parking scheme.	
Location	34 Abbotts Moor, Aberavon, Port Talbot SA12 6DT	
Decision	Approval with Conditions	
Ward	Aberavon	

50	App No. P2014/0872	Type Householder
Proposal	Vehicular Access	
Location	65 Brecon Road, Pontardawe, Swansea SA8 4PD	
Decision	Approval with Conditions	
Ward	Pontardawe	

51	App No. P2014/0888	Type Householder
Proposal	Demolition of existing garage and construction of new garage and associated hardstanding.	
Location	Ty Sarn Helen, Camnant Road, Banwen, Neath SA10 9LT	
Decision	Approval with Conditions	
Ward	Onllwyn	

52	App No. P2014/0890	Type Householder
Proposal	Demolition of garage and construction of a part two storey part single storey side and rear extension	
Location	66 Cimla Crescent, Cimla, Neath SA11 3NP	
Decision	Approval with Conditions	
Ward	Neath South	

53	App No. P2014/0897	Type Householder
Proposal	Single storey rear extension (replacing single storey rear conservatory)	
Location	3 St Davids Park, Margam, Port Talbot SA13 2PA	
Decision	Approval with Conditions	
Ward	Margam	

54	App No. P2014/0900	Type Householder
Proposal	Single storey rear extension including disabled access ramp to side	
Location	82 Glannant Way, Cimla, Neath SA11 3YN	
Decision	Approval with Conditions	
Ward	Cimla	

55	App No. P2014/0905	Type Discharge of Cond.
Proposal	Details pursuant to condition 3 (monitoring and mitigation of construction and operational noise) of Planning Permission 2008/1409 (App Ref APP/Y6930/A/2135473 allowed 8/3/2011) and application P2014/0705 approved 20/8/2014	
Location	Longlands Lane, Margam, Port Talbot SA13 2SU	
Decision	Approval with no Conditions	
Ward	Margam	

56	App No. P2014/0909	Type Householder
Proposal	First floor rear extension.	
Location	37 Western Avenue, Sandfields, Port Talbot SA12 7LS	
Decision	Approval with Conditions	
Ward	Sandfields East	

57	App No. P2014/0940	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for a single storey rear extension	
Location	6 Talcennau Road, Port Talbot SA13 1SH	
Decision	Issue Lawful Dev.Cert.	
Ward	Port Talbot	

58	App No. P2014/0948	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawful Development (Proposed) for a single storey rear extension and installation of first floor French doors with Juliet balcony to rear elevation.	
Location	70 Tyn Y Twr, Baglan, Port Talbot SA12 8YD	
Decision	Issue Lawful Dev.Cert.	
Ward	Baglan	

59	App No. P2014/0956	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 17 (backfill ground conditions) of application P2013/0635 granted on 29/07/14.	
Location	Land at Hendre Fawr Farm, Mount Road, Rhigos CF44 9RJ	
Decision	Approval with Conditions	
Ward	Glynneath	

60	App No. P2014/0960	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	4 Heol Y Wern, Caewern, Neath SA10 7SB	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch South	

61	App No. P2014/0961	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear and side extension.	
Location	2 Cwmbach Road, Cadoxton, Neath SA10 8AR	
Decision	Issue Lawful Dev.Cert.	
Ward	Cadoxton	

62	App No. P2014/0967	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	28 Penbryn Road, Skewen, Neath SA10 6US	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Coedffranc Central	

63	App No. P2014/0974	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (proposed) for a single storey rear extension	
Location	30 Edith Mills Close, Penrhiwtyn, Neath SA11 2JL	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

64	App No. P2014/0977	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning permission P2010/1142: Removal of conditions 2, 3 & 4 in relation to Code for Sustainable Homes.	
Location	10A Coombe Tennant Avenue, Skewen, Neath SA10 6EB	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

65	App No. P2014/0985	Type Discharge of Cond.
Proposal	Details pursuant to Condition 2 (External Materials) of Planning Permission P2014/0575 (Approved on the 22/09/14)	
Location	Land Adjacent To, 74 Gwyn Street, Alltwn Pontardawe	
Decision	Approval with Conditions	
Ward	Alltwn	

66	App No. P2014/0986	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (proposed) Garage Conversion	
Location	1 Harvey Crescent, Sandfields, Port Talbot SA12 6DF	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields East	

67	App No. P2014/0992	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (Certificate of Lawful Development (Proposed))	
Location	48 Brynheulog Road, Croeserw Cymmer, Port Talbot SA13 3RR	
Decision	Issue Lawful Dev.Cert.	
Ward	Cymmer	

68	App No. P2014/0999	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear and side extension.	
Location	8 Min Y Ffordd, Ystalyfera, Swansea SA9 2ES	
Decision	Issue Lawful Dev.Cert.	
Ward	Ystalyfera	

69	App No. P2014/1004	Type Discharge of Cond.
Proposal	Details pursuant to condition 2 (materials) of planning permission P2014/466 (Approved 20/8/2014)	
Location	83 Pen Y Dre, Neath SA11 3HF	
Decision	Approval with no Conditions	
Ward	Neath North	

70	App No. P2014/1024	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning permission P2014/0682 - Omitting small window from the rear elevation of the extension.	
Location	86 Brooklyn Gardens, Aberavon, Port Talbot SA12 7PD	
Decision	Approval with no Conditions	
Ward	Aberavon	