



PLANNING COMMITTEE

2.00 PM - TUESDAY, 8TH SEPTEMBER 2015

COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE

PART 1

1. To receive any declarations of interest from Members.
2. Minutes of the previous meeting held on the 18th August, 2015 (*Pages 5 - 8*)
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: P2015/0635 - Gwalia House, 1b New Road, Cilfrew, Neath SA10 8LL (*Pages 9 - 12*)
5. Application No: P2015/0678 - 2-3 Old Market Street, Neath SA11 3NA (*Pages 13 - 26*)

SECTION B MATTERS FOR INFORMATION

6. Appeals Determined between 11th August and 26th August 2015 (*Pages 27 - 28*)
7. Delegated Applications Determined between the 11th August and 26th August 2015 (*Pages 29 - 36*)

8. 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

Tuesday 1st September 2015

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, H.N.James,
D.Keogh, Mrs.S.Paddison, R.Thomas, and
Mrs.L.G.Williams

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

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PLANNING COMMITTEE (PORT TALBOT CIVIC CENTRE)

Members Present:

18th August, 2015

Chairman: Councillor R.G.Jones

Vice Chairman: Councillor E.E.Jones

Councillors: Mrs.A.Chaves, D.W.Davies, S.K.Hunt, H.N.James,
Mrs.S.Paddison, R.Thomas and Mrs.L.G.Williams

Local Members: Councillors Mrs. C. Clement-Williams and
P.D.Richards

LDP/UDP Member: Councillor A.J. Taylor

Officers In Attendance: S.Ball, I.Davies, Miss N. Lake, T.Davies, C. Morris
and Miss G. Cirillo

1. **MINUTES OF THE LAST MEETING**

RESOLVED: That the Minutes of the Planning Committee held on the 28th July 2015, as circulated, be confirmed as a true record.

Report of the Head of Planning

Planning Application Recommended for Approval following a Site Visit on 18th August 2015

2. **APPLICATION NO:P2012/0352 - 141 DINAS BAGLAN ROAD AND LAND ADJACENT AND LAND AT REAR OF 85-139 DINAS BAGLAN ROAD AND LAND AT REAR OF 1-63 SARNFARN BAGLAN ROAD**

In accordance with the Council's approved Public Speaking Protocol Mr. I. Pike (Objector) and Mr. M. Roberts (Appellant Right of Reply), addressed the Planning Committee. The Committee also considered the views of the invited Local Members.

RESOLVED: That following a Site Visit on the 18th

August 2015, and contrary to the Officer Recommendation as detailed in the circulated report, the Application be refused on the following grounds:

The site falls within Noise Exposure Category (NEC) C as defined in Technical Advice Note 11 (TAN 11), wherein TAN 11 advises that planning permission should not normally be granted, and it is considered that the level of noise at the site caused primarily by its proximity to the M4 and M4 sliproads cannot be mitigated to an acceptable degree which would ensure adequate levels of residential amenity for the future occupiers of the development. Accordingly, the proposed development would fail to accord with TAN 11: Noise (1997) and Policies GC1 and ENV 27 of the adopted Neath Port Talbot Unitary Development Plan.

3. **APPEALS RECEIVED BETWEEN THE 21ST JULY AND 10TH AUGUST 2015**

RESOLVED:

That the following Appeals received be noted as detailed within the circulated report.

(a) Appeal Ref: A2015/0007

Conversion of chapel to residential dwelling, plus creation of off street car parking, installation of velux windows, 2 new windows and door, demolition of chimney and outbuildings plus outline planning permission for a detached two storey dwelling with details of access (all other matters reserved) at Rhiwfawr Independent Chapel, Rhiw Road, Rhiwfawr, Swansea.

(b) Appeal Ref: A2015/0008

Detached Dwelling and photo Voltaic array area (Appeal against conditions)

site at Glyndwr Bungalow, Tynewydd,
Seven Sisters, Neath.

4. **APPEALS DETERMINED**

RESOLVED: That the following Appeal Determined be noted, as detailed in the circulated report:-

(a) Appeal Ref: A2015/0004

Formation of New Vehicle Access
and Driveway at 4 Main Road,
Aberdulais

Decision: Allowed

5. **DELEGATED APPLICATIONS DETERMINED BETWEEN 21ST
JULY AND 10TH AUGUST 2015**

Members received a list of Planning Applications which had been determined between the 21st July and 10th August 2015, as contained within the circulated report.

RESOLVED: that the report be noted.

CHAIRMAN

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0635	<u>DATE:</u> 09/07/2015
PROPOSAL:	Non-material amendment to planning permission P2013/1086 (Approved on the 01/04/2014) to incorporate new first floor window to rear elevation, reduction in size of rear balcony / French doors and realignment of rear fenestration
LOCATION:	Gwalia House, 1b New Road, Cilfrew, Neath SA10 8LL
APPLICANT:	Mrs Doreen Jones
TYPE:	Non Material Amendment (S96A)
WARD:	Aberdulais

Proposed Non-Material Amendment to Existing Planning Permission

This application is presented to Planning Committee as the named applicant is Councillor Doreen Jones.

The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2014 came into force on 1 September 2014. This inserts a new article 28A into the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) which “applies to an application made under section 96A(4) of the 1990 Act (power to make non-material changes to planning permission)”.

DESCRIPTION OF DEVELOPMENT

This is an application under s96A of the 1990 Act to make amendments to an approved planning permission. The proposed amendments relate to alterations to the approved plans to incorporate a new first floor window to rear elevation, reduction in size of rear balcony / French doors and realignment of rear fenestration.

CONSULTATIONS / NOTIFICATIONS

An application made under s96A is not an application for planning permission, such that existing DMPWO provisions relating to statutory consultation and publicity do not apply.

LPAs have discretion in whether and how they choose to inform other interested parties or seek their views, although given that the changes sought will be non-material in nature, it is not expected that consultation or publicity will be necessary in the majority of cases.

In this case it was considered not necessary to notify consultees or neighbours in respect of the amendment sought given their minor nature.

ASSESSMENT OF PROPOSED AMENDMENT

Non-material amendments to an existing planning permission are normally small changes to an approved development proposal that have no impact on the overall context of the development scheme or its surroundings.

The responsibility for determining whether a proposed change is non-material lies with the local planning authority. It must be satisfied that the amendments sought to the planning permission are non-material in nature and can therefore be determined as an application under Section 96A of the TCPA 1990.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission.

When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities are advised to consider a number of 'tests', which are considered in turn below:

A (i) Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme;

The proposed amendment relates to minor alterations to the rear elevation of the approved plans. These alterations include:

- New first floor window
- Reduction in size of balcony and narrow French doors
- General realignment of fenestration

The amendments do not involve a change in the scale of the original building and as a result are not deemed to cause an impact different to the original approved development scheme.

A (ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

Despite the addition of a new window to the rear elevation, the alterations proposed will not result in any additional impact upon residential amenity. For example, the proposal will still comply with the authority's privacy standard that requires a minimum distance of 21m between habitable room windows directly facing each other.

It is noted that the appearance of the rear elevation would be altered. However, given the location of the dwelling, together with the fact that the alterations are minor in nature, no detrimental impacts are anticipated in terms of visual amenity.

It is therefore considered that the amendments sought would not cause an impact different to that caused by the original approved scheme.

B. Would the interests of any third party or body be disadvantaged in planning terms?

The minor amendments are not considered to be significant and would not have a detrimental impact on cause any disadvantages in planning terms for any third party or body.

C. Would the proposed change conflict with National or Development Plan policies?

No, the proposed amendments would be consistent with Local and National Planning Policies.

The above tests are considered a 'starting point' for local planning authorities in their consideration of non-material amendments. There may be other considerations that will identify if a proposed amendment is non-material depending on the circumstances of each case.

Are there any other circumstances which affect whether or not the amendment sought is considered to be non-material?

It is considered that there have been no material changes in circumstances since the original application was approved.

Have there been any other amendments to the original approved development? If so, do they affect conclusions of whether the changes sought are a Non-material? If so, why.

There has been one other non-material amendment application approved, which related to the removal of conditions 5, 6 & 7 in respect to Code for Sustainable Homes. However, this previous application does not affect the conclusions of whether the changes sought in this application are Non-material.

If accepted to be a non-material amendment, are any additional conditions required in respect of the non-material amendment sought?

No

Having regard to the above assessment, the following recommendation is made

RECOMMENDATION:

That the amendment sought is APPROVED as a non-material amendment

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0678	<u>DATE:</u> 28/07/2015
PROPOSAL:	Variation of Condition 2 of P2001/0452 (Opening times) approved on the 20th Jul 2001, to extend opening between 8am until 11.30pm Monday to Sunday
LOCATION:	2-3 Old Market Street, Neath SA11 3NA
APPLICANT:	Mrs Kelly Mason
TYPE:	Vary Condition
WARD:	Neath North

This application has been called to Committee by Councillor Alan Lockyer (Neath North) in respect of the impact on the adjacent residential property.

Planning History:

The site has the following relevant planning history:

83/0655	Listed building consent re-render with painted render to match front of property and reroof with dark grey imitation slates	Approved	17/11/83
88/0592	New shop front and removal of internal partitions	Approved	11/10/88
88/0602	Listed building consent new shop front	Approved	11/10/88
01/0452	Change of use from cycle shop to café / sandwich bar plus formation of toilets	Approved	03/07/01
01/0454	Listed building application - change of use from cycle shop to café / sandwich bar plus addition of staff / disabled toilets and double doors to front elevation	Approved	03/07/01
01/0715	1 shop sign and 2 projecting signs	Approved	14/08/01
01/0729	Listed building application for the erection fascia & hanging signs.	Approved	11/09/01
01/0929	Amendment to extend opening times until 10.00pm for the period 12th to 15th September 2001	Approved	10/09/01
01/1357	Variation of condition 2 of planning	Approved	14/12/01

approval no p/01/0452 regarding times of opening (opening hours until 10pm between Friday 23rd November until Monday 24th December 2001 inclusive)

02/0651	Listed building application - form opening front window - alterations to allow front window to open completely	Refused	03/12/02
04/1291	Installation of condensing unit for air conditioning	Approved	06/12/04

Publicity and Responses if applicable:

2 neighbouring properties were consulted and a site notice displayed on site. In response, to date one letter of objection has been received objecting to the development on a number of grounds relating to the impact of the extended opening hours on their residential property adjacent, which are summarised as follows:

- a) The objector has made reference to the original application for the A3 use and that they objected to that application and submitted a copy of their original objection letter.
- b) The objector makes reference to the appraisal within the original report for the A3 use (P2001/0452) "The site, whilst located in the main shopping street, adjoins a residential property and any evening or late night activities are likely to adversely affect the amenities of the residents" and that this statement still true today
- c) The reason the condition was imposed was in the interest of the amenities of the adjoining residents.
- d) There are two public houses within the street and a licenced club and further public house nearby. They are all popular and play music, and naturally there is significant movement between the establishments. There are a large number of people on the pavements taking and smoking and this continues well into the early hours.
- e) The objector has experienced antisocial behaviour from the existing establishments within the area.

- f) The additional hours will result in more people using the café bar; they will leave the establishment and smoke. There will be an increased activity resulting in noise and smoke around the objectors property.
- g) Customers will remain outside smoking and talking after the premises has shut, so in reality there will be people around until the early hours of the morning.
- h) The property could turn into a public house in the future with the extended times.
- i) Change in the street with a growth of wine bars in an area close to multiple stores near to the new development within the town centre
- j) Tables and chairs being placed outside for customers, this will create a nuisance
- k) Noise levels from the café bar from the number of customers and music causing a nuisance to my property.
- l) The objector comments on the applicant's access statement in regards to the property trading as a café until Feb this year, the other empty shop was trading until March. The statement gives the impression of a street with many shops empty for a long time.
- m) The objector agrees that a good retail mix of premises should be encouraged and supported.

In addition to this 4 letters of support have been received. 3 of the letters are from traders and businesses within the town centre with general comments of support in relation to applicant and the business and how it would benefit the town centre with one letter of support from the Neath and District Chamber of Trade which is summarised as follows:

"The Chamber of trade wish to support the application, they believe this type of development would be a welcome addition to the Town of Neath and fits in exactly with the vision for the town published by the previous leader of the Council Derek Vaughan MEP. Mr Vaughan's wish was for the Town to revert to a busy restaurant bar culture. The applicant is experienced in the catering trade and the bistro will provide eight jobs in the town"

Councillor Alan Lockyer (Neath North) has requested that the application is determined by Planning Committee, noting that he does not want the conditions changed which were applied to the A3 planning for 2-3 Old Market Street in 2001 as nothing has changed regarding the attached residential property to date.

Neath Town Council: No reply therefore no observation to make.

Head of Engineering and Transport (highways): No objection

Environmental Health (Noise): No objection

Environmental Health (Food Safety): No objection

Description of Site and its Surroundings:

The property is a Grade II Listed Building, located within the designated Neath Town Centre Conservation Area. It currently has an A3 use and was last operated by Mint Café which ceased trading in February 2015.

The property lies within a designated 'main shopping street' and Town Centre as defined by Policies TRL1 and TRL2 of the Neath Port Talbot Unitary Development Plan.

Given its town centre location, the surrounding area is commercial in character, albeit immediately adjacent to the site is a residential property (No. 1 Old Market Street). On the other side of the site is Iceland food store.

It is noted that while the adjacent residential property has clearly been in use for many years – and is therefore lawful - there is no formal record of planning permission having been granted for the change of use of the ground floor which was previously used as a shop until 1994. The property was in residential use, however, when the Class A3 use was approved in 2001.

Brief description of proposal:

The application is for the variation of Condition 2 of planning permission P2001/0452 to allow opening between the hours of 8am until 11.30pm 7 days a week.

Condition 2 currently restricts the hours as follows: -

(2) The use hereby approved shall not operate between the hours of 1800 and 0800 on any day without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents.

Material Considerations:

The main issues to be considered in the determination of this application relate to the principle of increasing the opening hours, having particular regard to prevailing national and local planning policies, the impact upon the amenity of nearby residents and the character and appearance of the surrounding area.

Policy Context:

National Policy

Paragraph 10.2.4 of **Planning Policy Wales Edition 7 (July 2014)** states that *“Although retailing should continue to underpin town, district, local and village centres it is only one of the factors which contribute towards their well-being. Policies should encourage a **diversity of uses in centres**. Mixed use developments, for example combining retailing with entertainment, restaurants and housing, should be encouraged so as to promote lively centres as well as to reduce the need to travel to visit a range of facilities. Leisure uses can benefit town and district centres and with adequate attention to safeguarding amenities can contribute to a successful evening economy.”*

Technical Advice Note 4 Retailing and Town Centres (1996) is also of relevance

Local Policy

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

Policy TRL1	Proposals within Town Centres
Policy TRL2	Proposals within Main Shopping Streets
Policy GC1	New Buildings/ Structures and Changes of Use

Policy ENV18	Listed Buildings
Policy ENV19	Proposals within a conservation area or which would affect the setting of a listed building

The fundamental issues set out within Section 10 of Planning Policy Wales are the basis of the Town centre policies within the Neath Port Talbot Unitary Development Plan. It is noted that the UDP was adopted in 2008, and therefore postdates the original grant of planning permission for the Class A3 unit in 2001.

Policy TRL1 - Proposals within Town Centres – states as follows: -

“Proposals for retail and other town centre uses within the “Main Shopping Streets” and “other Shopping Streets” in Neath, Port Talbot and Pontardawe, proposals should meet the following criteria.

- a) they would integrate with and strengthen the layout, retail character and pedestrian flows to and/or within the centre;*
- b) no unacceptable impacts (including those on amenity, traffic congestion, parking and servicing, environment, crime and disorder and townscape) are created;*
- c) wherever appropriate an attractive retail type ground floor frontage and display is provided unless the proposal would affect the upper floors only; and*
- d) Within the “Shopping Streets” they would not create any unacceptable adverse impacts on the amenity, security or safety of nearby residential areas outside the shopping streets.”*

Policy TRL2 – Proposals within Main Shopping Streets – then states that:

The retail vitality, attractiveness and viability of the “Main Shopping Streets” in Neath and Port Talbot will be protected. Key town centre uses (other than retail) which enhance the vitality, attractiveness and viability of the “Main Shopping Streets” will be allowed provided that the ground floor frontage would not create or magnify a significant gap in the retail frontage.

The supporting justification for Policy TRL2 goes on to state that *“Whilst the primary retail function of the shopping of the centres should not be compromised, it is important to encourage a diverse range of uses to complement their shopping function and increase their vitality. Some non-retail uses such as banks and building societies provide services that are*

frequently used by shoppers. They generate high levels of pedestrian activity and complement the main retail function. Uses, such as coffee shops, cafes and restaurants also help to maintain the vitality of the town centres throughout the day and into the evening.” (emphasis added)

While the proposal is not a ‘new’ proposal, and instead relates to an extension of opening hours, nevertheless the above Policies remain of relevance insofar as the need for such retail development to meet the stated criteria, and given the generally positive presumption in favour of retail development within the ‘main shopping streets’, which are deemed to contribute to their vitality, attractiveness and viability.

Within this context, it is noted that while the premises has an authorised Class A3 use, it is currently vacant. Therefore bringing the establishment back into use would help strengthen the pedestrian flows within the town centre.

There have been no reports that this premises has resulted in an increase in crime and disorder in the town centre, and there is no reason to suggest that the extended use would have an unacceptable impact in relation to crime and disorder.

Having regard to the above, it is considered that the general principle of extending the opening hours into the evening within this town centre location is acceptable in principle subject to an assessment of the acceptability of impacts in respect of matters such as residential amenity, traffic congestion and parking / servicing, albeit that such assessment should be made within the wider context of its town centre location.

Residential Amenity:

As noted above, Policy TRL 1 includes criterion which require, inter alia, that development should have (b) *no unacceptable impacts ... on amenity; and (d) within the “Shopping Streets” they would not create any unacceptable adverse impacts on the amenity, security or safety of nearby residential areas outside the shopping streets.*

The proposed variation of condition would allow the existing A3 unit to remain open until 11.30pm in the evening 7 days a week. However the property is located within a main shopping street and in the town centre of

Neath as defined by the Neath Port Talbot Unitary Development Plan. The area is made up of mostly commercial premises, supermarkets, public houses and several restaurants, and the occasional residential property.

There is, however, a residential property immediately adjacent to the premises, and the occupant has noted that the Officer's report on the 2001 planning permission (P2001/0452) for the A3 use states that "The site, whilst located in the main shopping street, adjoins a residential property and any evening or late night activities are likely to adversely affect the amenities of the residents". They note that this statement is still true today.

While it is acknowledged that the report expressed such a view, and the relationship between the two properties remains the same today as it was in 2001, nevertheless it is necessary to consider this application against the current Planning Policy context described above. In this respect it is noted that since 2001 National and Local policy has evolved, with both encouraging mixed use developments so as to promote lively centres during the day and evening. Accordingly, the assessment must have regard to current Policy and any impact the development may have bearing in mind the application site is within the town centre where there is already late night activity. Moreover, within a town centre location such as this, it is also considered that residents have to accept a greater degree of noise and disturbance than might otherwise be expected in a primarily residential area, since otherwise residential properties could themselves impact on the vitality of town centres.

In light of the proximity to the adjacent residential property and the objections raised in respect of the impact on it, along with the issues raised by the Local Member, the Planning Department sought additional clarification from the Environmental Health Officer (Noise) (EHO). They advise that the application is for an extension of opening hours to the existing use of the premises, and their understanding that the applicant intends to continue playing background recorded music during the extended opening hours. The Environmental Health section has not received any noise complaints in the past concerning the activities from this premises – albeit it is accepted that the hours were previously restricted - and state that they have no objections to the application.

They also advise that Members should be mindful of the role of other regulatory regimes in controlling noise from this property. The café/bar will require a Premises License from the Licensing section which will require the

operator to take steps to prevent public nuisance. Environmental Health will be consulted during this process and if the Premises Licence application is for activities that are different to those currently undertaken at the premises, then conditions will be required to address noise issues. Furthermore Environmental Health has powers under the Environmental Protection Act 1990 to require the café / bar operators to cease noisy activities or undertake soundproofing works should a significant noise issue arise at a later date.

In respect of whether it would be reasonable to require additional noise insulation to the party wall with the adjacent residential property, given the absence of any previous noise issues with this property, the Environmental Health Officer (Noise) consider that this is not warranted at this time.

Having regard to the above, in terms of noise and disturbance it is considered there is already a late night activity in this area due to existing pubs and restaurants which currently open later than 11.30. Indeed, the objector has noted that there are two public houses within the street and a licenced club and further public house nearby stating that “They are all popular and play music, and naturally there is significant movement between the establishments. There are a large number of people on the pavements taking and smoking and this continues well into the early hours”.

Within this local context, it is acknowledged that increasing the opening time of this café/bar establishment to 11.30pm would potentially increase the degree of immediate disturbance to the adjacent property. As noted above, however, there is a positive presumption in favour of developments which add to the vitality of town centres and, within this context, it is considered that residents who live within such centres have to accept a greater degree of noise and disturbance than might otherwise be expected in a primarily residential area.

Accordingly, in a wider town centre context, it is considered that the premises location, within a designated town centre and main shopping street, justifies the extended opening times requested, and the adjacent residents within a town centre would not see an impact from this proposal that would unacceptably affect their amenity through noise or disturbance over and above what already exists. The proposal is therefore considered to be acceptable in terms of residential amenity and to accord with Policies TRL 1 and TRL 2 of the adopted Unitary Development Plan.

Visual Amenity:

With regards to visual amenity, it should be noted that the building is Listed and located within Neath Town centre conservation area. However as no external alternations are planned, and the proposal is to vary the opening hours only, the proposal would not impact upon the character and appearance of this or adjacent Listed Buildings, or the surrounding conservation area.

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

The property is located within the town centre, and access by vehicle is limited by Traffic Regulation Orders. Whilst the property can therefore be serviced, it is not considered that the use will create any unacceptable impacts upon highway and pedestrian safety. There are existing public car parks in the vicinity of the site and on street parking facilities in proximity of the site. As such the head of Engineering and Transport (highways) has raised no objection to the proposal.

Others including objections

While the report above addresses the main issues raised by the objector, the following comments are made in relation to the letter of objection:

The objector has made reference to the original application for the A3 use and that they objected to that application and submitted a copy of their original objection letter.

Each application must be determined on its own individual merits, base on prevailing planning policy. This application relates to the extending the opening times of an existing A3 use

The reason the condition was imposed was in the interest of the amenities of the adjoining residents. **The original application was assessed in relation to current Policy, while the applicant at the time (“baguette de jour”) only wished to operate during the daytime, hence the reason for this condition. The condition restricts the premises’ opening hours, and allows the Planning Department to fully assess any future application that wishes to extend the opening time, having regard to residential amenity, which is what has now been assessed within this report.**

There are two public houses within the street and a licenced club and further public house nearby. They are all popular and play music, and naturally there is significant movement between the establishments. There are a large number of people on the pavements taking and smoking and this continues well into the early hours. **It is accepted that there is already a late night activity within the area that will extend beyond the times that the applicant has requested to remain open until.**

The objector has experienced antisocial behaviour from the existing establishments within the area, despite these being a distance away. **As stated within the report, the premises would still require a license which would cover such matters, while should there ever be any issue in the future the objector would be protected under the Environmental Protection Act 1990.**

The additional hours will result in more people using the café bar; they will leave the establishment and smoke. There will be an increased activity resulting in noise and smoke around the objectors property. **As stated within the report there is already late night activity in the area which will be beyond the times that the applicant has requested. It is considered that the movement of people in the streets would not be unacceptable within the town centre context. In relation to smoking the planning department has no control over people smoking in a public street.**

In response to customers remaining outside smoking and talking after the premises has shut, so in reality there will be people around until the early hours of the morning. **The planning department has no control on what people do when they are in the public domain however there is no reason to believe that clientele that frequent a café bar would stand outside for any length of time once the establishment is closed. Given the town centre location a refusal could not be justified on these grounds.**

In relation to the property being able to turn into a public house in the future with the extended times; **the property already has an A3 with no restrictions on its use within the A3 use class, therefore it could currently operate as a bar, restaurant, café etc. This application relates to the extension of time to allow a café/bar to operate later into the evening, and this report assesses whether the A3 use operating at the requested times would be acceptable at this location.**

Change in the street with a growth of wine bars in an area close to multiple stores near to the new development within the town centre. **As stated within the report, National and Local Policy encourage mixed use developments, for example combining retailing with entertainment, restaurants and housing should be encouraged so as to promote lively centres during the day and evening. This proposal does not reduce the retail offering or harm the character or vitality of the town centre.**

In relation to there being tables and chairs placed outside for customers, this will create a nuisance. **This is not considered by the planning department unless they are permanently fixed in position. However this application is a section 73 application relating the amendment of an opening hours condition and is not assessing any external seating. If this matter arises in the future it will then be considered.**

Noise levels from the café bar from the number of customers and music causing a nuisance to my property. **Issues of noise and disturbance have been addressed in the report.**

The objector comments on the applicant's access statement in regards to the property trading as a café until Feb this year, the other empty shop was trading until March. The statement gives the impression of a street with many shops empty for a long time. The applicant has stated the property is vacant has been for just over a year. This is incorrect business rates confirmed the property become vacant in February this year which means it's been vacant for approximately 7 months. However regardless of the length of time the property is currently vacant. **The applicant wishes to extend the opening times so that she can relocate her current business to these premises. The report assesses the impacts upon increasing the opening to the existing A3 use within this Town centre location and any impacts it may have**

The objector agrees that a good retail mix of premises should be encouraged and supported. **National and Local policies that cover the types of development to be encouraged within the town centre has been addressed within this report.**

Conclusion:

It is considered that the variation of condition to allow opening between 8am until 11.30pm would not detract from the vitality, viability, or attractiveness of the Town Centre, nor would it undermine the centre's core retail function. There are no significant external alterations proposed, and thus the visual amenity and design of this Listed Building, within a designated Conservation Area would not be affected to the detriment of its quality and character. Having regard to its town centre location, the extended opening times would not result in any unacceptable noise and disturbance that would impact detrimentally on adjoining residential property, and there would be no unacceptable impact in relation to Highway and pedestrian safety. As such it is considered that the proposed development would comply with Policies GC1, ENV17, ENV19, TRL1, and TRL2 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) Customers are not permitted on the premises outside the hours of: 08:00 to 23:30 Monday to Sunday including Bank holidays

Reason

In the interests of the amenities of the residents living within the vicinity of the application site.

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 variation of condition to allow opening between 8am until 11.30pm would not detract from the vitality, viability, or attractiveness of the Town Centre, nor would it undermine the centre's core retail function. There are no significant external alterations proposed, and thus the visual amenity and design of this Listed Building, within a designated Conservation Area would not be affected to the detriment of its quality and character. Having regard to its town centre location, the extended opening times would not result in any unacceptable noise and disturbance that would impact detrimentally on adjoining residential property, and there would be no unacceptable impact in relation to Highway and pedestrian safety. As such it is considered that the proposed development would comply with Policies GC1, ENV17, ENV19, TRL1, and TRL2 of the Neath Port Talbot Unitary Development Plan.

SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2014/0008 **Planning Ref:** P2013/0038

PINS Ref: APP/Y6930/A/14/2218029

Applicant: Lear Investments c/o M7 Real Estate LLP

Proposal: Application for outline planning permission to demolish and replace the existing 8 industrial units with up to 34 residential units

Site Address: Lôn Hir Industrial Estate, Lôn Hir, Alltwen,
Pontardawe, SA8 3DE

Appeal Method: Hearing

Decision Date: 21/08/15

Decision Code: Allowed

It should be noted that this appeal decision supersedes that issued on 30 September 2014, for the same site and planning application, that was dismissed. This previous appeal decision was quashed by order of the High Court.

The main issues in respect of this appeal were the proposal's effect on the availability of employment land and facilities in the area, having regard to local and national planning policies. Specifically, the Council contended that there was a lack of justification for the loss of the existing industrial units to a non-employment use and the displacement of local businesses that would result.

The Inspector accepted that the proposal does not accord with policy EC1 of the UDP, in that this policy seeks to resist the loss of employment land to other uses. Despite the non-compliance with this policy, the

Inspector concluded that in this case there were considerations which outweighed the element of conflict with the adopted development plan.

In summary, these were considered to relate to the poor quality and condition of the premises which, coupled with their design, location and the ready availability of superior and more attractively located premises in the local employment area at a similar rental, makes achieving fully effective employment use in their current condition unrealistic and any scheme to upgrade the premises to an acceptable standard commercially unviable.

The Inspector also concluded that redevelopment of the site for housing would help to address the current serious shortfall in housing land supply as identified by the requirements of Welsh Government guidance in TAN 1, by delivering 34 dwellings in a sustainable location.

Furthermore, the Inspector noted that the cessation of the employment use would remove associated HGV movements along Lôn Hir and eliminate the potential for industrial activity to detract from the living conditions of occupants of new housing adjoining the site.

SECTION B – MATTERS FOR INFORMATION

DELEGATED APPLICATIONS

DETERMINED BETWEEN 11 AUGUST 2015 AND 26 AUGUST 2015

1	App No. P2013/0333	Type Outline
Proposal	Construction of 5no. Dwellings and new access (outline application with details of access to be agreed).	
Location	Former Bryn Primary School, Varteg Row, Bryn, Port Talbot	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	
2	App No. P2014/0851	Type Full Plans
Proposal	Change of use of existing shops and first floor flats to provide two self contained flats, including the demolition of existing front extension, external alterations including front canopy and external staircase	
Location	27&28 St Johns Terrace, Neath Abbey, Neath SA10 7NA	
Decision	Approval with Conditions	
Ward	Dyffryn	
3	App No. P2014/0876	Type Full Plans
Proposal	Two detached two storey dwellings and associated car parking (Amended details received 7/7/15 - Block Plan)	
Location	Land to the rear of, 18 Leyshon Road, Gwaun Cae Gurwen SA18 1EL	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	
4	App No. P2014/0980	Type Full Plans
Proposal	Demolition of existing dwelling, and construction of detached two storey dwelling (Amended plans and Bat Survey).	
Location	113A Neath Road, Rhos Pontardawe, Swansea SA8 3EH	
Decision	Approval with Conditions	
Ward	Rhos	

5	App No. P2014/0991	Type	Householder
Proposal Retention and completion of front boundary wall, pillars and extended driveway			
Location 38 Old Road, Baglan, Port Talbot SA12 8TT			
Decision Approval with Conditions			
Ward Baglan			

6	App No. P2014/1149	Type	Full Plans
Proposal Change of Use from former Youth Club (Sui Generis) to Community Employability Centre (Class D1), demolition of existing two storey side extension, construction of first-floor side extension with storage at second-floor, partial re-rendering of front elevation, changes to fenestration, formation of pedestrian access to water street, new access ramp, plus partial re-surfacing of car park.			
Location Old Fire Station, Water Street, Aberavon, Port Talbot SA12 6LF			
Decision Approval with Conditions			
Ward Aberavon			

7	App No. P2014/1176	Type	Full Plans
Proposal Single storey rear extensions to facilitate permitted change from use A3 (Food and Drink) to use A1 (Retail) on ground floor, conversion of first floor into 1 No one bedroom flat and 2 No bedsits, construction of external staircase, extension to pavement along Lancaster Close including delivery bay, creation of 5 car parking spaces and 1 disabled space to the rear of the property.			
Location Former Crown Inn, High Street, Glynneath, Neath SA11 5BR			
Decision Approval with Conditions			
Ward Glynneath			

8	App No. P2015/0192	Type	Full Plans
Proposal Detached dormer bungalow, front wall and railings, and associated off street car parking and detached garage.			
Location Plot Adjacent To, 27 Dulais Road, Seven Sisters, Neath SA10 9EL			
Decision Approval with Conditions			
Ward Seven Sisters			

9	App No. P2015/0286	Type Vary Condition
Proposal Application under S73A to allow for the consideration of details under conditions 2 (external materials), 4 (drainage strategy), 6 (construction method statement) post commencement of development and the discharge of Conditions 7 (Bus Stop relocation), 10 (lighting), 11 (cycle parking) and 15 (landscaping) of Planning Permission P2013/1136 (Approved on the 20/08/14)		
Location Cimla Hotel, 151 Cimla Road, Cimla, Neath SA11 3UG		
Decision Approval with Conditions		
Ward Neath South		

10	App No. P2015/0309	Type Full Plans
Proposal Installation of Asda Click and Collect Lockers.		
Location Texaco Filling Station, Layby Off A465 To Skewen Service Station, Skewen, Neath SA10 7DR		
Decision Approval with Conditions		
Ward Coedffranc Central		

11	App No. P2015/0395	Type Full Plans
Proposal Installation of balconies to front elevation.		
Location Ferguson House, Bethel Street, Briton Ferry, Neath SA11 2HQ		
Decision Refusal		
Ward Briton Ferry East		

12	App No. P2015/0411	Type Non Material Amendment (S96A)
Proposal Non Material Amendment to Conditions 1, 2, 5, 6, 11, 13 and 24 of Planning Permission Reference P2014/0356		
Location Port Talbot Docks Sand And Gravel Site, Land West Of Margam Steel Works, Margam, Port Talbot SA12 1NB		
Decision Approval with Conditions		
Ward Margam		

13	App No. P2015/0505	Type Householder
Proposal Construction of single storey side extension to provide a replacement garage/ workshop and raised decking with steps to rear elevation		
Location 177 Victoria Road, Sandfields, Port Talbot SA12 6QJ		
Decision Approval with Conditions		
Ward Sandfields East		

14	App No. P2015/0525	Type	Householder
Proposal	Proposed ground floor and first floor extensions to rear of property		
Location	20 Lilian Street, Aberavon, Port Talbot SA12 6AJ		
Decision	Approval with Conditions		
Ward	Aberavon		

15	App No. P2015/0535	Type	Householder
Proposal	Single storey rear and side extension, raised patio to front garden, decking, steps and outbuilding to rear garden		
Location	36 Fforest Hill, Aberdulais, Neath SA10 8HD		
Decision	Approval with Conditions		
Ward	Aberdulais		

16	App No. P2015/0543	Type	Householder
Proposal	Retention and completion of detached garage to include increase in roof height and roller shutter door.		
Location	Red Roofs, Danyffynnon, Port Talbot SA13 2EY		
Decision	Approval with Conditions		
Ward	Port Talbot		

17	App No. P2015/0549	Type	Full Plans
Proposal	Construction of side entrance porch, foyer and disabled toilet		
Location	Chapel, Gurnos Road, Ystalyfera		
Decision	Approval with Conditions		
Ward	Ystalyfera		

18	App No. P2015/0566	Type	Full Plans
Proposal	All weather pitch including a borehole to form part of the drainage scheme plus a 3 metre high fence around the perimeter of the pitch and 2 No light fittings attached to existing columns.		
Location	Glynneath RFC, Abernant House, Abernant Park, Heol y Glyn, Glynneath SA11 5BB		
Decision	Approval with Conditions		
Ward	Glynneath		

19	App No. P2015/0572	Type Full Plans
Proposal	Construction of new pedestrian access onto Victoria Road (C290 Classified Road).	
Location	Church Hall St Pauls Church, Pendarvis Terrace, Aberavon, Port Talbot SA12 6DQ	
Decision	Approval with Conditions	
Ward	Aberavon	

20	App No. P2015/0573	Type Advertisement
Proposal	2 No non-illuminated signs to front and side elevation	
Location	Unit 20 Mardon Park, Central Avenue, Baglan Energy Park, Port Talbot	
Decision	Advert Approved with Std Cond	
Ward	Baglan	

21	App No. P2015/0581	Type NSIP Discharge Req
Proposal	Details to be agreed in association with Requirement 21 (Construction Phase Traffic Management Plan) of Development Consent Order: Swansea Bay Tidal Generating Station Order 2015.	
Location	Swansea Bay	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

22	App No. P2015/0592	Type Full Plans
Proposal	Retention and completion of above ground Adblue storage tank and two dispensers.	
Location	Skewen Service Station, Layby Off A465 To Skewen Service Station, Skewen, Neath SA10 7DR	
Decision	Approval with no Conditions	
Ward	Coedffranc Central	

23	App No. P2015/0605	Type Full Plans
Proposal	New glazed shopfront.	
Location	New Retail Unit, Fairfield Way, NEATH SA11 3EP	
Decision	Approval with Conditions	
Ward	Neath North	

24	App No. P2015/0606	Type Householder
Proposal	Outbuilding	
Location	3 Rosser Terrace, Main Road, Cilfrew, Neath SA10 8LH	
Decision	Approval with Conditions	
Ward	Aberdulais	

25	App No. P2015/0614	Type Householder
Proposal	Single storey rear extension, plus conversion of front bow window to a bay window and detached rear garage.	
Location	52 Brooklyn Gardens, Aberavon, Port Talbot SA12 7PD	
Decision	Approval with Conditions	
Ward	Aberavon	

26	App No. P2015/0621	Type Householder
Proposal	Single storey side extension and replacement sloping roof to existing rear extension and garage.	
Location	62 Wildbrook, Taibach, Port Talbot SA13 2UN	
Decision	Approval with Conditions	
Ward	Taibach	

27	App No. P2015/0626	Type Householder
Proposal	Demolition of existing single storey extension and construction of two storey rear extension and detached garage	
Location	Dolgoch, Pontardawe Road, Pontardawe, Swansea SA8 4SX	
Decision	Approval with no Conditions	
Ward	Pontardawe	

28	App No. P2015/0629	Type Advertisement
Proposal	4 No. Internally illuminated projecting signs and 2 No. Flag poles	
Location	Land Off, Fabian Way, Former Bp Tank Farm, Crymlyn Burrows, Neath	
Decision	Advert Approved with Std Cond	
Ward	Coedffranc West	

29	App No. P2015/0671	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	87 Gnoll Park Road, Neath SA11 3BU	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath North	

30	App No. P2015/0672	Type	LawfulDev.Cert-Exist
Proposal Certificate of lawful development (existing) for a single storey rear conservatory and raised patio			
Location Brookside, 5 Macpelah, Pontrhydyfen, Port Talbot SA12 9TU			
Decision Issue Lawful Dev.Cert.			
Ward Pelenna			

31	App No. P2015/0676	Type	Advertisement
Proposal One externally illuminated fascia sign			
Location 127 Station Road, Port Talbot SA13 1NR			
Decision Approval with Conditions			
Ward Port Talbot			

32	App No. P2015/0677	Type	Advertisement
Proposal One internally illuminated fascia sign			
Location Co-Operative Pharmacy, 20a Victoria Road, Sandfields, Port Talbot SA12 6AB			
Decision Approval with Conditions			
Ward Sandfields East			

33	App No. P2015/0705	Type	LawfulDev.Cert-Prop.
Proposal Lawful development certificate for a proposed single storey rear extension.			
Location Oaktree Cottage, Lane From Neath Road To Llwynllanc Uchaf Farm, Crynant, Neath SA10 8BJ			
Decision Not to Issue Lawful Dev.Cert.			
Ward Crynant			

34	App No. P2015/0713	Type	Discharge of Cond.
Proposal Details to be agreed in association with Condition 4 (external materials) of P2014/0703 granted on 21/10/14			
Location Plot Adjacent To, 1 Verdi Road, Sandfields, Port Talbot			
Decision Approval with no Conditions			
Ward Sandfields West			

35	App No. P2015/0718	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 10 (Scheme for Himalayan Balsam), 13 (Peat Protection) and 16 (Habitat Monitoring)	
Location	Nant Yr Allor Farm, Nant Yr Allor Farm Access Road, Glyncorrwg, Port Talbot SA13 3AY	
Decision	Approval with no Conditions	
Ward	Glyncorrwg	

36	App No. P2015/0723	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (external materials) of P2014/0789 granted on 31/03/15	
Location	Heol Crwys, Cwmavon, Port Talbot SA12 9NT	
Decision	Approval with no Conditions	
Ward	Bryn & Cwmavon	

37	App No. P2015/0725	Type Non Material Amendment (S96A)
Proposal	Non material amendment to P2013/0635 for addition of a condition listing all the approved plans and documents	
Location	Land At Hendre Fawr Farm, Mount Road, Rhigos, Aberdare CF44 9RJ	
Decision	Approval with Conditions	
Ward	Glynneath	

38	App No. P2015/0740	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2013/1042 (For the erection of a 60 bed nursing home) to allow the extension of the bin store in order to facilitate an emergency generator and storage area, with associated changes to footpath and fencing.	
Location	Caewern House, Dwr Y Felin Road, Caewern, Neath SA10 7RH	
Decision	Approval with no Conditions	
Ward	Bryncoch South	