



PLANNING COMMITTEE

2.00 PM - TUESDAY, 29TH SEPTEMBER 2015

COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE

PART 1

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on the 8th September 2015 (*Pages 5 - 10*)
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. **Planning Application No: 2015/0027** - Residential development for 13 dwellings plus associated works including access and parking - Former Bay View Socaill Club, The Princess Margaret Way, Sandfields, Port Talbot SA12 7LS (*Pages 11 - 28*)
5. **Application No: P2015/0394** - Detached Dwelling, Detached Garage and associated free standing Solar Panels- Land at Dunraven Place, Glyncorwng, Port Talbot SA13 3DA (*Pages 29 - 40*)

Planning Applications Recommended for Refusal

6. **Application No: P2014/1064** - Residential Dwelling (Outline with all matters reserved) - Plot Adjacent to Penrhiw, Woodbine Cottages, Melin Court, Neath SA11 4BA (*Pages 41 - 48*)

7. **Application No: P2015/0368** - Demolition of Garage, First Floor Roof Extension, Ground Floor Side Extension including Garage at 7 The Pines, Cilfrew, Neath SA10 8AL (*Pages 49 - 54*)
8. Current Position Paper Regarding Margam Open Cast Coal Site (OCCS) Enforcement Reference Number E2013/0028 (*Pages 55 - 72*)

SECTION B – MATTERS FOR INFORMATION

9. Delegated Applications Determined Between the 26th August and 21st September 2015 (*Pages 73 - 88*)
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

Tuesday 22nd 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:

8 September, 2015

Chairperson: Councillor E.E.Jones

Councillors: Mrs.A.Chaves, D.W.Davies, Mrs.R.Davies,
Mrs.J.Dudley, H.N.James, D.Keogh and
Mrs.S.Paddison

Local Members: Councillors A.R.Lockyer and M.Protheroe

UDP/LDP Member: Councillor A.J. Taylor

Officers In Attendance: S.Ball, I.Davies, S.Evans, S.Jenkins and Miss
G. Cirillo

1. **MINUTES OF THE LAST MEETING**

RESOLVED: that the Minutes of the Planning Committee held on the 18 August, 2015, as circulated, be confirmed as a true record.

Report of the Head of Planning

Planning Applications Recommended for Approval

2. **APPLICATION NO: P2015/0635 - GWALIA HOUSE, 1B NEW ROAD, CILFREW, NEATH SA10 8LL**

RESOLVED: that the amendment sought be approved as a non material amendment, in accordance with the Officer's recommendation, as detailed within the circulated report.

3. **APPLICATION NO: P2015/0678 - 2-3 OLD MARKET STREET, NEATH SA11 3NA**

In accordance with the Council's approved Public Speaking Protocol, Miss S. Hopkins (Objector) and Mrs.K.Mason (Appellant Right of Reply), addressed the Planning Committee. The Committee also considered the views of the Local Members present.

RESOLVED: that in accordance with the Officer recommendation, subject to the conditions as detailed in the circulated report, and in accordance with the circulated Amendment Sheet, the above application be approved.

(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).

4. **APPEALS DETERMINED BETWEEN 11 AUGUST AND 26 AUGUST 2015**

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

Appeal Ref: A2014/0008

Application for outline planning permission to demolish and replace the existing eight (8) Industrial Units with up to thirty four (34) residential units at Lon Hir Industrial Estate, Lon Hir, Alltwen, Pontardawe, SA8 3DE

Decision: Allowed

5. **DELEGATED APPLICATIONS DETERMINED BETWEEN THE 11 AUGUST AND 26 AUGUST 2015**

Members received a list of Planning Applications which had been determined between the 11 August and 26 August 2015.

RESOLVED: that the report be noted.

CHAIRMAN

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PLANNING COMMITTEE

8TH SEPTEMBER 2015

AMENDMENT SHEET

ITEM 5

<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 July 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

An email has been received from Cllr. John Warman who advised he will be unable to attend to speak in support of the application due to other commitments. However, Cllr. Warman did wish to give the planning committee his views on the application as Mrs Mason is one of his constituents. Cllr Warman stated the following in his correspondence:

"I consider this application to be a much needed business in this part of the Town which is zoned for business use. I understand that Mrs Mason has also been supported in the business and secured funding with the Neath Port Talbot Business development team and has been working with them for 6 months. Mrs Mason is prepared to address the concerns of any noise related issues by installing sound proofing and the business could eventually employ up to 12 people."

In addition, a letter of support has been received from a market trader who is the applicant's fruit and veg supplier and states that she is a hard working business woman within the catering trade who always strives to deliver an excellent service. The business would be an asset to the town and help enhance the current development of Neath town centre.

Neath Town Council has emailed their consultation response on the 4th September 2015, stating that they wish to object to this planning application; however they have not stipulated a reason for their objection.

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0027	<u>DATE:</u> 22/06/2015
PROPOSAL:	Residential development for 13 dwellings plus associated works including access and parking.
LOCATION:	Former Bay View Social Club, The Princess Margaret Way, Sandfields, Port Talbot SA12 7LS
APPLICANT:	Hale Construction
TYPE:	Full Plans
WARD:	Sandfields West

Background Information:

Members should be aware that Cllr Paddison requested on 11th March 2015 that the application be determined via the Planning Committee due to the potential detrimental impact upon the amenity and highway access arrangements of neighbouring dwellings.

Planning History:

The site has the following relevant planning history:

P2007/1382	Five Storey Apartment building comprising 29 flats and 5 retail units (Class A1 and A3) at ground floor level and associated parking to rear and side, service area to front and landscaping	Approved 13/11/12
P2007/0225	Outline Residential development	Approved 03/04/07

Publicity and Responses:

8 neighbouring properties were consulted and 3 site notices were displayed on site. The application was also advertised in the Local Press on 28 February 2015.

In response, one letter of objection has been received from a neighbouring property, which can be summarised as follows:

- That the proposed development overrides the legal right of access from Princess Margaret Way to the neighbouring property and the neighbouring property's garage. The objection refers to layout plan 1491-4-3 Rev C.

Natural Resources Wales: No Objection, Informative to be added to decision notice.

Contaminated Land Unit: 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.

Head of Business Strategy & Public Protection (Environmental Health): A noise survey was requested by Environmental Health due to the location of the site in relation to Princess Margaret Way.

Head of Social Services, Health & Housing: No objection subject to the provision of the 20% Affordable Housing Contribution in line with the SPG.

Welsh Water: No Objection subject to Conditions and Informative note being added to decision notice.

Biodiversity Unit: No Objection subject to Conditions.

Play Development: No comments have been received.

Description of Site and its Surroundings:

The application site is a predominantly square-shaped parcel of land approximately 0.35 hectares in area. The site measures approximately 61m wide by 65m in depth. These dimensions represent the largest measurements of the site. The site is generally flat in profile and consists of hard standing with some grass and weed areas.

The site was formerly occupied by the former Bay View Social Club, Princess Margaret Way, but this has been demolished and the site cleared to allow re-development of the site. The site is bound to the north and west by residential properties and to the south by Princess

Margaret Way and Aberavon Sea Front and to the east there is an existing public car park.

The site is located within the settlement limits as defined by the adopted Neath Port Talbot Unitary Development Plan (UDP) and is also allocated for residential development within the emerging Local Development Plan (Policy H1/19).

Brief Description of Proposal:

The initial proposal sought full planning permission for 14 dwellings, associated access, landscaping and parking. On receipt of the application, amendments were sought to address highways, design and amenity concerns.

This amended application seeks full planning permission for the redevelopment of the site for the construction of 13 dwellings, comprising 5 x two-bed dwellings, 8 x three-bed dwellings, plus associated access and landscaping works (use class C3). The dwellings include detached, semi-detached and terraced properties that will be a mix of two and three storeys. The proposal provides for frontage properties facing onto Princess Margaret Way with the remaining properties to the rear of the site and accessed via a proposed centrally located estate road. It is proposed that the dwellings will be in a New England style and will have pitched roofs. The proposed materials will include a mix of render and timber cladding and roof tiles. The proposal also includes properties that contain dormers to the front and rear with the front dormer containing patio doors and a projecting balcony with a depth of 0.95m. The three storey properties utilise the roof space for the second floor accommodation.

The proposal includes the retention of the existing access from Princess Margaret Way which serves the adjacent neighbouring property (Bay View Bungalow). This access would also serve plots 9 and 12. The new central access road from Princess Margaret Way would provide access to the remaining properties.

EIA Screening/Scoping Opinion & Habitat Regulations:

As the development is not Schedule 1 and does not exceed the column 2 criteria of Schedule 2 Development and is not a sensitive site as set down within the EIA Regulations, a screening opinion is not be required for this application.

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 highway and pedestrian safety, the impact upon the landscape and ecology of the area as well as upon ground contamination and drainage having regards to prevailing planning policies.

Policy Context:

Neath Port Talbot Unitary Development Plan (UDP):

As the proposed site is located within the settlement limits as defined in the UDP, the principle of a residential development is generally acceptable, provided there are no highway, amenity or service adverse impacts.

With regards to Policy H2 of the UDP specifically, this refers to housing density. It states that:

“Proposals will generally be expected to achieve a density of 30 dwellings per hectare, and higher where the proposal is sited at or immediately adjacent to locations with good public transport accessibility such as town, district, village and local centres or in public transport corridors.”

In this particular case, the site provides 13 dwelling units on an area of 0.35 hectares, which equates to a density of 37.1 dwellings per hectare. As this exceeds the 30 dwellings per hectare minimum specified in the UDP, it is considered that the proposed layout will result in the development of a site, with a density that is in accordance with the criteria within Policy H2.

As such it is considered that the principle of development would be acceptable, subject to the development complying with the criteria of the other development plan policies. The other policies are:

- GC1 New Buildings/Structures and Changes of Use
- ENV13 Brownfield, Derelict and Waste Land
- ENV16 Contaminated Land
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals

- H2 Housing Density
 - H3 Infill and Windfall Development within Settlement Limits
 - H4 Affordable Housing
 - R03 Provision of Open Space to Serve New Residential
 Developments
- Affordable Housing Supplementary Planning Guidance

Visual Amenity:

The proposal seeks permission for the erection of 13 dwellings forming a terrace of three frontage dwellings to either side of a central access road. The remaining dwellings would be located to the rear of the site, accessed from the proposed estate road. The adjacent property to the south east is currently a public car park, with an existing residential development located to the North West. The existing residential development backs onto Princess Margaret Way with no street frontage to this road. As such there is no existing residential character or building pattern to this section of Princess Margaret Way. The proposed development through its proposed layout, design, and use of materials would create an attractive frontage development, while also creating a clear sense of place and identity of its own. It is therefore considered that the proposed development, subject to conditions referred to below, would replace an existing vacant site and through its design have a positive impact on the character and appearance of the surrounding area.

In order to ensure materials are appropriate visually and for this coastal location, a suitably worded condition is recommended requiring details of materials. In addition the permitted development rights for boundary treatments forward of the principal elevation of Plots 1 – 6 will also be removed. This will ensure that the attractive frontage along Princess Margaret Way is maintained and ensure the visual amenity of the properties and the wider street scene is protected.

Residential Amenity:

The closest adjacent property to the proposed development is Bay View Bungalow, and it is noted that the bungalow contains dormer windows that face towards the rear of plots 12 and 13. The rear elevation of plots 12 and 13 contains secondary windows serving bedrooms on both the first and second floors, however these rooms are also served by additional windows to other elevations. The distance between the rear elevation of plot 12 and 13 and Bay View Bungalow is approximately

14.8m. Although this distance is below the minimum standard of 21m, a condition is attached which requires the first and second floor rear bedroom windows to be obscure glazed to ensure that the privacy of the neighbouring property is maintained and as such will ensure that there are no issues of overlooking. The distance of 14.8m between plot 12 and 13 and Bay View Bungalow, together with the proposed layout of the development are deemed to be sufficient to ensure that the development would have no unacceptable overbearing impact or adverse impact in terms of overshadowing to Bay View Bungalow as a result of the proposed development.

The closest existing residential properties to the north west are a block of four flats, known as 8-11 Promenade View. These properties are located to the North West side of the shared private driveway that currently serves Bay View Bungalow. Plot 1 is shown to have no windows in its side elevation, while the block of flats has a small side facing window serving a stairway between the ground and first floor. A stairway window is considered to be a non-habitable room and as such there would be no loss of privacy or light to this window. In addition plot 1 is shown to be located 7.9m forward of the existing block of flats. Nevertheless, due to the distance of 10.6m between the proposed development and the existing flats, the dwelling shown to be located on plot 1 would not breach a 45° line draw out from the centre of the closest window within the rear elevation of the flats. As such, it is considered that the proposed development would have no unacceptable impact on these properties.

Number 12 Promenade View is one of a pair of semi-detached dwellings located to the north of the development site. The corner of the neighbouring property is approximately 14m from plot 13. Number 12 Promenade View is also set further back than Plot 13 and is also located on the opposite side of private shared drive and the boundary wall that separates the development and Promenade View. Although Plot 13's side elevation contains two windows that serve a bedroom on both the first and second floor, the windows do not result in a loss of privacy as the windows look towards the car park area and front gardens of Promenade View which are open and do not have an anticipation of privacy. The distance between Plot 13 and 12 Promenade View and the neighbouring properties set back position which is to the north of Plot 13 is also considered to be sufficient to ensure that there are no adverse impacts in terms of overshadowing or overbearing.

Within the development the distances between the plot's windows is in excess of 21m which ensures that the dwellings' privacy will not be adversely affected. Windows are only proposed to the front and rear elevations in order to maintain residential amenity. The ground floor rear elevations of all plots will be screened by an appropriate means of enclosure that will ensure that overlooking is reduced and privacy maintained. A suitably worded condition is recommended requiring a means of enclosure scheme. There are a number of projecting balconies proposed as part of the development. Although the balconies project by 0.9m, the floor space is contained within the roof space of the properties and do not project beyond the eaves or principal elevation of the dwellings. Therefore the addition of balconies is also not considered to result in a significant loss of privacy.

While a noise survey was requested by Environmental Health due to the proximity of Princess Margaret Way, in light of the adjacent residential development and its proposed allocation in the LDP, along with the absence of any likely significant noise receptors or generators in close proximity to the site, it was considered that a survey would not be required in this instance.

The development also encourages natural surveillance across the site. The introduction of a low lying wall as part of the means of enclosure between plots 1 and 13 and the shared drive will ensure that the properties adjacent to the site will be able to maintain natural surveillance across the site and the shared drive. It is also noted that the Bay View Bungalow's use of the shared drive and the bungalow orientation which fronts onto the shared drive will also ensure natural surveillance across the rear of the site. As such it is considered that natural surveillance across the site is deemed to be adequate.

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

The proposal includes the creation of a new access into the site and the retention of the existing access that serves the neighbouring property (Bay View Bungalow). The proposal includes the provision of parking for each dwelling through the provision of a mixture of on-site dedicated parking bays or integral garages. The parking proposal indicates that the bays proposed are consistent with the Councils Approved Parking Guidelines. Therefore the parking provision is deemed adequate for the proposed development.

It is also noted that the proposed layout retains the existing private shared drive access to Bay View Bungalow which is also proposed to serve the parking areas of plots 9 and 12.

As the Head of Engineering and Transport (Highways Section) offers no objection to the proposal, subject to conditions, it is concluded that the proposed layout, access and parking arrangements would be acceptable in terms of highway and pedestrian safety, and there is also sufficient capacity within the highway network to accommodate a development of this size.

Landscaping/ Ecology (including trees & protected species):

The Council's Biodiversity Officer has confirmed that there is no objection to the proposal, and requests a condition that will ensure that all new buildings will have artificial nesting sites for birds. It is therefore considered that the proposed scheme is acceptable in terms of biodiversity.

In respect of landscaping of the site, as no specific details have been provided in relation to the hard and soft landscaping for areas that are publicly viewable, it will be conditioned as part of the application that a landscaping scheme is submitted for subsequent approval, to ensure the finished scheme is acceptable in terms of visual amenity.

Contaminated Land:

The Council's records show that the site is located within the former Aberavon Burrows which were reclaimed land using slag from the various industrial processes within the area. As such heavy metal contamination is common on such sites. Although this is the case, the Council's Contaminated Land Officer does not object to the proposal, subject to conditions requiring that a desktop assessment and any recommended work is undertaken prior to the commencement of any development on site.

Drainage:

Welsh Water has stated that the buildings or any structures of the proposed development should not be located within 3m of either side of the centreline of the public sewer. This is consistent with the layout and proposals that have been provided. As the Head of Engineering and Transport (Drainage Section) and Welsh Water both offer no objection

to the proposed development, subject to conditions, the principle of the development is considered acceptable in terms of drainage.

Affordable Housing

Policy H4 of the UDP states that “Where there is a demonstrable need, determined by reference to an up-to-date housing needs assessment...an element of affordable housing will be sought on suitable sites.” The policy continues on to state that the suitability of a site will take into account its size, the economics of provision, any particular costs associated with development of the site and any prejudice to the realisation of the other planning objectives which may constitute a priority on the site.

Further advice is available to developers within the Council’s Affordable Housing Supplementary Planning Guidance and the Affordable Housing Viability Assessment Guidance Note, with the former emphasising that a contribution of 20% is sought from all housing developments of 3 units and above.

The SPG recognises that the ability of developments to contribute to the provision of affordable housing may be constrained by the viability of the site, and states that “where the developer can demonstrate that the economics of the site cannot carry this level of contribution or that it conflicts with other over-riding planning objectives for the site, there may be scope for it to be relaxed”.

In this regard, while Officers have sought to deliver affordable housing on this site, the applicants have submitted a Viability Assessment in broad accordance with the requirements of the above guidance which concludes that the development would not be viable in the event that affordable housing (and additional public open space) were required. This assessment has been reviewed by the Council’s Estates section who has confirmed that although the assessment included a number of flaws in relation to the use of comparison sites outside of the Borough it can be concluded that even with amended information the site would remain marginal. Therefore it has been satisfactorily demonstrated that within the current market conditions the provision of affordable housing as part of the development would make it unviable.

Notwithstanding that affordable housing cannot be delivered on site currently for viability reasons, the SPG emphasises that, where appropriate, the Authority may impose s106 agreements that enable the

reassessment of viability for any dwellings not completed within 12 months of the grant of planning permission. Accordingly, the recommendation below includes the need for a section 106 agreement with a requirement that the developer shall review the viability of providing an affordable housing contribution of 20% on an annual basis until all dwellings have been completed on site. This will ensure that, in the event the market improves, that a degree of affordable housing will be able to be delivered at the site.

Others (including objections):

In response to the letter of objection received, while the report has addressed the impact on that property, it is noted that the submitted objection relates to a private right of access to the neighbouring property (Bay View Bungalow). Although not strictly a planning matter, the objection stated that the proposed layout removed this right of access, although it is noted that the plans have been amended since the original submission and the existing right of access has now been retained as part of the new site layout (Drawing 1491_Option H Rev 8).

Conclusion:

It is considered that the proposed development provides a sustainable, accessible and visually acceptable form of development which will not unacceptably impact upon the amenities of residents in adjoining properties, nor upon the character and visual amenity of the area as a whole. Furthermore, the development would not have a significant impact upon highway and pedestrian safety, nor upon existing services including foul and surface water discharges or ecological issues. Hence, the proposed development would be in accordance with Policies GC1, ENV13, ENV16, ENV17, T1, H2, H3, H4 and RO1 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

Recommendation: Approval with Conditions, subject to the signing of a S106 Legal Agreement with the following Heads of Terms:

- (1) The developer shall review the viability of providing an affordable housing contribution of 20% on an annual basis until the completion of the development. Should the provision of affordable housing become viable the developer shall provide affordable housing as outlined by the Affordable Housing Supplementary Planning Guidance and in accordance with H4 of the Neath Port Talbot Unitary Development Plan and shall be retained as such thereafter.

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) The development shall be carried out in accordance with the following approved plans: Drawing 1491_Option H Rev 8 (Site Plan); Drawing 1491_1-6 Rev 1 (Elevations Plots 1, 2 and 3); Drawing 1491_1-7 Rev 1 (Elevations Plots 4, 5 and 6); Drawing 1491_1-11 (Elevations Plots 7 and 8); Drawing 1491_1-10 Rev 1 (Elevations Plot 9); Drawing 1491_1-12 (Plots 10 and 11); and, Drawing 1491_1-9 Rev Opt 6a (Elevations Plots 12 and 13).

Reason

In the interest of clarity.

- (3) Prior to the construction of the dwellings hereby approved, full details and samples of the materials to be used in the construction of the external surfaces of the dwellings should be 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 visual amenity.

(4) No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and prior to the occupation of the development and retained as such thereafter.

Reason

To protect the integrity of the public sewerage system.

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

Reason

To safeguard land drainage.

(8) Prior to occupation of each associated dwelling an aco drain shall be placed at the back of the footway along all drives which fall out onto the highway and shall be retained as such thereafter.

Reason To safeguard land drainage.

(9) No dwelling or associated structures hereby approved shall be erected within 3m either side of the centreline of the public sewer.

Reason

To protect the integrity of the public sewer and to avoid damage.

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extension, outbuilding, or any other building or structure other than those approved by this permission shall be erected to the side (north western) elevations of Plots 1 and 13.

Reason

In order to to ensure protection of the public sewer and to ensure that the integrity of the easement (3m either side of the centreline) of the public sewer is maintained.

(11) Prior to the occupation of each associated dwelling, the corresponding off-street parking spaces as shown on Drawing 1491_Option H Rev 8, shall be provided on site. The spaces shall be to a gradient no greater than 1 in 9, and no flatter than 1 in 150. The spaces should be hard surfaced and be made of porous material, or provisions shall be made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling and shall be retained as such thereafter.

Reason:

In the interests of highways safety.

(12) Prior to the first occupation of any dwelling(s) vision splays of 2.4 metres by 2.4 metres shall be provided either side of each proposed drive access. 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), these splays shall be retained as such thereafter with nothing erected or grown over 600 mm in height within the splays.

Reason

In the interests of pedestrian and vehicular safety.

(13) Prior to the occupation of any dwellings hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the specifications of how Plots 1 and 13 will be separated from the existing shared driveway by a low lying wall and the boundary treatments proposed for the frontages of Plots 1-6. The

approved means of enclosures shall be erected in accordance with the agreed details prior to the occupation of each associated dwelling, and shall be retained as such thereafter.

Reason

In the interest of visual and residential amenity.

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no fences, gates, walls or other means of enclosure other than those approved under this permission or by condition shall be erected forward of the principal elevations of Plots 1 - 6.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for external alterations to the means of enclosures for these plots.

(15) Prior to the occupation of Plots 12 and 13, the first floor and second floor bedroom windows on the rear elevations, as specified on Drawing 1491_1-9 Rev Opt 6a shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of these room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

In the interest of the amenities of the adjoining property and the safety of the occupiers of the applicant dwelling.

(16) 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.

(17) If identified as necessary by Condition 16, prior to the commencement of work on site 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.

(18) Prior to the first beneficial use of any of the approved dwellings, a verification report which demonstrates the effectiveness of any agreed remediation works carried out in accordance with condition 17 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.

(19) 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.

(20) Prior to the commencement of the development hereby approved, a detailed scheme showing the method of construction and surfacing of the proposed access road shall be submitted to and approved by the Local Planning Authority . The access junction and road shall be constructed on site in accordance with the approved details prior to the start of construction of any dwelling, and shall be maintained in accordance with the approved details.

Reason

In the interest of highway and pedestrian safety.

(21) Prior to the construction of any dwelling hereby approved the access road shall be made up to binder course level and drained in accordance with a specification and scheme submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety.

(22) Prior to occupation of the last dwelling the roads and footways shall be completed to wearing course and shall be retained thereafter for open and free use by the public.

Reason

In the interest of highway safety.

(23) Prior to first beneficial occupation of any dwelling hereby permitted a Traffic Regulation Order (TRO) scheme detailing junction protection measures to prevent indiscriminate on street parking shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of any dwellings.

Reason

In the interest of highway and pedestrian safety.

(24) No development shall commence until details of the proposed arrangements for future management and maintenance of the approved access roads within the development have been submitted to and approved by the Local Planning Authority. The access roads shall thereafter after be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason

In the interests of highway safety.

(25) Prior to the occupation of any dwelling on site, a detailed scheme for landscaping of hard and soft surfaces that are publicly viewable including front garden areas shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in the first planting season after completion of the

development or its occupation, whichever is the sooner, and any trees or plants which within a period of five years are removed, die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

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

(26) Prior to occupation of the dwelling(s) hereby permitted, an artificial nesting site for birds shall be erected on a minimum of two dwellings to one of the following specifications, and retained as such thereafter;

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

or

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

Reason

In the interest of Biodiversity.

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 a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies GC1, ENV13, ENV16, ENV17, T1, H2, H3, H4 and RO1 of the Neath Port Talbot Unitary Development Plan.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2015/0394	<u>DATE:</u> 09/06/2015
PROPOSAL:	Detached dwelling, detached garage and associated free standing solar panels
LOCATION:	Land At, Dunraven Place, Glyncorrwg, Port Talbot SA13 3DA
APPLICANT:	Mr Mark Lee
TYPE:	Full Plans
WARD:	Glyncorrwg

Planning History

The site has the following relevant planning history:

P2005/1944 - Site 2 - Residential Dwelling – Conditional Approval 06/04/06.

P2005/0291 - Site 1 – Construction of three bedroom residential dwelling and garage - Conditional Approval 17/05/05.

P2005/0287 - Site 2 - Construction of three bedroom residential dwelling and garage - Conditional Approval 17/05/05.

P2004/1333 - New Dwelling – Conditional Approval 14/12/04.

Publicity and Responses (if applicable):

3 neighbouring properties were consulted, site notices were displayed on site and a notice was placed in the local newspaper. No representations have been received.

Coal Authority: No objection.

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

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

Welsh Water: No objection, subject to conditions.

Biodiversity Unit: No objection, subject to conditions.

Natural Resources Wales – No objection.

Arboriculture Officer – No objections subject to conditions.

Contaminated Land Section – No objections.

Description of Site and its Surroundings:

The application site comprises a rectangular plot of land covering an area of 0.21 hectares and stands to the west of the access road serving the existing residential properties off Dunraven Place, Glyncorrwg.

The site comprises of a plateau which was formed under a previous planning consent (P2005/1944) between the shared access to the site and the hillside beyond. To the north are two areas of previously excavated land one of which has been backfilled with earth from the excavations to complete the retaining walls on the north end of the site. The land beyond the northern boundary is open countryside.

The south of the site is the boundary of the adjacent dwelling known as Ty Maes y Coed and the eastern boundary is formed by the shared drive which currently serves the three existing dwellings, beyond which is a wooded area and the garden area of the neighbouring dwelling Ty Ysfa.

The site is predominantly located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP). Nevertheless, a small area of the site, along the western boundary which includes an existing embankment and a small portion of the north section of the site are located outside the settlement boundary.

The site has an extant planning permission under application P2005/1944, which was begun but was not completed.

Brief Description of Proposal

This application seeks full planning permission for the erection of a detached two storey dwelling and garage. The proposed dwelling will measure 10.678 wide by 8.765m in length, and would reach a height of 7.2 m to ridge level with a pitched roof running parallel to the access road. The proposed dwelling will be sited 4 metres from the edge of the access road to the site.

The dwelling will have two monopitched dormers to the eastern elevation, fronting the access road to the site. The western elevation will have a larger monopitched dormer. The dwelling will be constructed with a plinth of facing brickwork and the remaining walls constructed of concrete blockwork faced in timber cladding. The roof will be finished in slate

The dwelling will provide the following accommodation

Ground floor: 3 bedrooms, lounge, bathroom and plant room.

First Floor: Lounge, kitchen/diner, utility room shower room and bedroom. The topography of the site is such that the first floor rear accommodation leads onto a decking area which is at ground level to the rear of the property.

In addition, a detached pitched roof double garage would be sited 8.2 metres to the east of the proposed dwelling. The garage measures 6.075 metres wide by 6.075 metres deep and would have a maximum height of 4.1metres.

The dwelling is shown with three parking spaces to the side of the dwelling and another 2 parking space provided within the pitched roofed detached garage.

The plans indicate that it is proposed to regrade the land to the rear of the dwelling and construct a metre high retaining wall to facilitate the decking area to the rear of the dwelling.

The layout plan indicates it is proposed to site a number of solar pv panels on the sloping ground to the north of the garage. These will provide electrical power from solar radiation. Pipe work to serve the ground source heat pump which will heat the house will be laid in the land surrounding the site.

EIA Screening/Scoping Opinion & Habitat Regulations:

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, a screening opinion is not required for this application.

Material Considerations:

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

Policy Context:

The Development Plan for the area comprises the Neath Port Talbot Adopted Unitary Development Plan within which the following policies are of relevance:

- 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
- ENV5 Nature Conservation

The majority of the application site is located within the settlement limits defined by Policy H3 in the UDP, therefore the principle of a residential development within settlement limits is generally acceptable, provided there are no overriding highways, amenity or environmental objections. In addition to this, the site benefits from planning permission for a detached dwelling and detached double garage under application P2005/1944. The current application site is shown to have a depth across most of the site of approximately 30m (including the access track), with a small area having a maximum depth of 36m. The approved development is shown to have an application site with a width of 20m excluding the track which would add an additional 6m. As such the proposed development would encroach further into the countryside than the approved development.

However this additional area of countryside that has been included within the application site has been the subject of unauthorised engineering operations to form two steep embankments and two areas of excavation. The proposed built development including the proposed

dwelling, garage, and garden area would all be located within the identified settlement area, and the areas outside the settlement limit are shown to be used only for the regrading of the land, the realignment of a ditch and the reinstatement of grassland to one of the excavated area. A free standing PV panel units was originally shown located within the area of the site outside the settlement limits, but has now been moved into the defined residential curtilage of the dwelling.

Subject to the extent of the authorised 'curtilage' of the property being restricted by condition (in accordance with an agreed plan which has been submitted by the applicant), then there is no objection to the principle of residential development on the site.

With regards to the issue of affordable housing, as this application relates to planning permission for one unit only, the developer would not be required to provide 20% affordable housing in this instance.

Visual Amenity

The existing residential properties within this area of Glyncorrwg are characterised by a range of house types, with both single and two storey dwellings and detached and semi-detached properties. There is no established pattern to the development along the access road and a variety of external materials have been utilised on the surrounding properties.

The proposed two storey property has a varied design, with the use of catslide dormer roofs over window and door openings at first floor, and the use of timber cladding to all elevations below a slate roof. Nevertheless, within the context described above, whereat the site is also in a relatively isolated location at the edge of the settlement, it is considered that the development of a property utilising this style and proposed materials would have no adverse impact on the character or visual amenity of the area. It is also noted that the garage to the adjacent house, Ty Maes y Coed, incorporates an element of timber cladding as a design feature. Furthermore the siting of the proposed dwelling has attempted to follow the curvature of the access road.

As noted above, the proposed dwelling, garage, and garden area would all be located within the identified settlement area. The areas outside the settlement boundary are shown to be used only for the regrading of the previously formed embankments to a lesser and more natural gradient, the realignment of previously unauthorised ditch and the re-

profiling and reinstatement of grassland to one of the excavated area. A free standing PV panel unit is also shown to be located adjacent to the settlement boundary. As such it is considered that the proposed works outside the settlement limits would regularise the unauthorised works, while creating a more natural appearance to the resultant topography and would have no adverse impact upon the character or appearance of the immediate or wider surrounding area. As referred to above, the land would be restricted by condition to not form part of the authorised curtilage of the dwelling.

Residential Amenity

With regards to potential overbearing and overshadowing issues upon adjoining properties, the property would be sited elevated above the nearest adjacent properties Tyr Ysfa a two storey detached property and Toriad Gwawr a detached bungalow located to the east and Glan y Nant to the south. The other neighbouring property Ty Maes y Coed is located to the east of the application property. Due to the separation distance between the existing and new dwellings, it is considered that the proposal will not have an overbearing or overshadowing impact or lead to an unacceptable loss of privacy on any nearby dwelling. Accordingly, the amenities of neighbouring residents will be safeguarded.

Highway Safety (e.g. Parking and Access)

The Head of Engineering and Transport has offered no objections to the proposal subject to the submission and implementation of a scheme to improve the access road to the site from Dunraven Place. The scheme that has been requested would include the widening of the access road to a width of 4.5 metres for the first 12 metres and a maintenance plan for the access road which will extent for the lifetime of the development.

While the above highway observations are noted, it is relevant that the site has an extant planning permission for the construction of a dwelling, with condition 8 of application P2005/1944 requiring the access track to have a minimum width of 4.1m up to the southern boundary of the application site. Having regard to this, it is considered that it would be unreasonable in this instance to require the developer to carry out improvement works to an existing access in excess of those required by the earlier permission. As such a condition is recommended to reflect the extant consent.

The Head of Engineering and Transport has also requested that a drainage scheme for surface water drainage and improvement works to the surface of the access track are implemented. In this case, it is considered reasonable to condition these requirements as the construction traffic is likely to aggravate the condition of the road surface along the access. Therefore improvements to the access road by resurfacing and improvements to the drainage are considered necessary to maintain highway safety.

It should be noted that the development will provide off-road parking for three vehicles and a double garage, which is considered acceptable.

Ecology (including trees & protected species)

As the Biodiversity Unit offer no objection to the proposal, subject to a condition in respect of bird boxes, it is considered that there would be no overriding issues in terms of ecology.

The Council Arboriculture Officer has commented that as development has commenced on site and that the majority of ground work has been completed any further ground disturbance around the existing trees will be minimal. However due to their numbers and visual impact the trees to the east of the access track should be retained and protected. These trees are outside the application site and are therefore not under the control of the applicant, however a condition has been attached requiring tree protection fencing to be erected along the access road opposite the site.

Conclusion

It is considered that the proposed dwelling would provide an acceptable form of infill development, which would have no adverse impact on the character or amenity of the area, upon the amenity of adjoining properties or highway safety. Hence, the proposed development is in accordance with Policies GC1, H3, T1 and T10 of the Neath Port Talbot Adopted Unitary Development Plan.

RECOMMENDATION: Approval subject to 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) The residential curtilage of the dwelling hereby approved shall be restricted to the area identified in green on the approved plan number 1039-01D, and the dwelling hereby approved shall not be occupied until such time as the western and northern boundaries of the residential curtilage have been enclosed in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The approved means of enclosure shall thereafter be retained in accordance with the approved scheme.

Reason

In order to clarify the residential curtilage of the dwelling, and in the interests of visual amenity

(3) 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.

(4) Prior to first beneficial occupation of the dwelling hereby permitted, the proposed car parking spaces shown on the plan 1039-04B shall be laid out in accordance with the approved plans and a minimum of 3 spaces shall be retained as such thereafter.

Reason

In the interests of highway safety and to conform with the requirements of the local planning authority concerning off-street car parking (servicing).

(5) The dwelling shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a timetable for its implementation; and
- iii. Provide a management and maintenance plan for the lifetime of the development.

Reason

To protect the integrity of the public drainage system and pollution of the environment.

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

Reason

To protect the integrity of the public sewerage system

(7) 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.

(8) Prior to their use in the construction of 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.

(9) The dwelling hereby permitted shall not be occupied until such time as the existing shared access drive has been widened to 4.1m from its junction with Dunraven Place up to the south boundary of the application site where it adjoins to the access track to Ty Maes Y Coed, and improved in accordance with a scheme of surfacing and drainage works which shall first have been submitted to and approved in writing by the local planning authority. The access drive shall thereafter be retained in accordance with the approved scheme.

Reason

In the interests of highway safety

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) outbuildings or structures shall be erected (other than those expressly authorised by this permission).

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for or outbuildings having regard to the particular layout and design of the area.

(11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected other than those expressly authorised by conditions attached to this permission.

Reason:

In the interests of visual amenity.

(12) The use of the garage shall be restricted to the garaging of private motor vehicles and uses incidental to the use of the associated dwellinghouse only and for no industrial, commercial or business use.

Reason

In the interests of amenity and to clarify the extent of this consent.

(13) Prior to development commencing, the existing trees along the access road to the east of the site shall be protected by strong fencing, the location and type of which shall have first been submitted to and approved in writing by the local planning Authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of 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.

(14) Prior to occupation of the dwelling hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

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

or

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

Reason

In the interest of Biodiversity.

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 dwelling would provide an acceptable form of infill development, which would have no adverse impact on the character or amenity of the area, upon the amenity of adjoining properties or highway safety. Hence, the proposed development is in accordance with Policies GC1, H3, T1 and T10 of the Neath Port Talbot Adopted Unitary Development Plan.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2014/1064	<u>DATE:</u> 24/07/2015
PROPOSAL:	Residential Dwelling (Outline with all matters reserved).
LOCATION:	Plot Adjacent To Penrhiw, Woodbine Cottages, Melin Court, Neath SA11 4BA
APPLICANT:	Mr Ken Thomas
TYPE:	Outline
WARD:	Resolven

Background Information:

This application is being reported to Committee at the request of Councillor Des Davies in order that the highway and pedestrian issues can be further discussed.

Planning History:

The site has no relevant planning history.

Publicity and Responses:

Clyne Community Council: Reply received which is summarised as follows:

“The access to the proposed development is proposed by a restricted access, we suggest that appropriate conditions are attached to ensure road safety.

The local character and heritage of the area needs to be preserved and they do not want any development that will negatively impact on tourist potential. They have suggested constructing the property in traditional stone, in keeping with Penrhiw House circa 1841 and 1861.”

The Coal Authority: No objections

Head of Engineering and Transport (Drainage): No objections

Head of Engineering and Transport (Highways): Objection

Biodiversity Unit: No objection

Following notification of 2 adjacent residents and the display of a site notice, one neighbouring property has objected to the proposed development, on grounds relating to the potential overlooking of their rear garden and overlooking directly into their living area. Further issues were raised with regard to land values and the potential scenario whereby the neighbours will be forced to move away from the area.

Description of Site and its Surroundings:

The application site is located within the Neath Valley community of Melincourt. The plot has an overall area of approximately 0.065 hectares and is land within the curtilage of the donor property, Penrhiw House. The site fronts onto B4434 an adopted classified highway.

The land currently acts as a lawned garden area serving the applicants house and is elevated above the highway. Vehicular access to the site is via an access lane off the B4434 to off street parking located to the rear of the existing property. This lane currently serves six residential properties.

Brief description of proposal:

This application is made in Outline with all matters reserved for a single dwellinghouse.

The development parameters have been defined as follows: -

Maximum height: 8m
Minimum height: 8m
Maximum width: 10m
Minimum width: 9m
Maximum depth: 14m
Minimum depth: 10m

Vehicular parking is proposed to the rear of the plot.

Material Considerations:

The material issues relating to development on the site include the impact on visual and residential amenity as well as that on highway and pedestrian safety.

Policy Context:

Neath Port Talbot Unitary Development Plan

Policy GC1	New buildings/structures and changes of use
Policy H3	Infill and windfall development
Policy ENV17	Design
Policy T1	Location, layout and accessibility of new proposals

Technical Advice Note 18 Transport.

Principle of Residential Development

The site lies within the defined settlement limits for the area, as set out within the Neath Port Talbot Unitary Development Plan, wherein Policy H3 allows for infill and windfall development, subject to certain criteria.

The principle of residential development is therefore considered acceptable, subject to the following assessment of the detailed impacts of the proposals against Policies within the development Plan.

Visual Amenity:

The application is made in outline with all matters reserved and accordingly there are no formal details on the appearance of the development available. However the size of the site and indicative layout identifies that a building pattern in keeping with the adjacent properties can easily be achieved through a subsequent reserved matters application.

If constructed to its maximum height parameter of 8m (ridge 54.60AOD) the dwelling would be 1.3m higher than Penrhiw Cottage and 0.1m higher than No. 5. It is nevertheless considered that, subject to careful attention to detail within any subsequent reserved matters application, including eaves heights, roof form and materials, that a design of appropriate scale and form could be designed which would not look out of place within the streetscene. Accordingly it is concluded that there would not be any unacceptable impact on visual amenity or local character.

Residential Amenity:

The parameters of the development set out the scope of the proposal, and limit any future reserved matters to these limitations. Although in indicative layout form, the submissions indicate that separation distances of 2.5m between side elevations of Number 5 and almost 4m between the donor property could be achieved. These distances are considered acceptable and will reduce the properties ability to have any overbearing impact, with final control over such impacts to be considered at reserved matters stage. In this regard, it is noted that the indicative site plan has been mindful to position the property in such a way that no part of the property will cut a 45 degree angle taken from the centre of the nearest habitable room of the neighbouring property (Number 5). This 45 angle if maintained would ensure there is not an unacceptable level of over overshadowing or overbearing impact on the neighbouring dwellings' habitable rooms.

The design of the dwelling, including the location of windows would be considered in detail under any subsequent reserved matters application. However it is considered that the principle of development on this site, limited to the parameters defined can accommodate a dwelling of this size on site without detrimentally impacting on the amenity of the existing residents.

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

The application site is located at a higher level than the adjacent B4434 classified road, and can only be accessed via the use of the existing vehicular access which already serves 6 dwellings.

The Head of Engineering and Transport (Highways) objects to the proposal on highway and pedestrian safety grounds. In this respect it is noted that the existing (proposed) vehicular access has inadequate visibility in both directions, with currently limited or no visibility from either the left or the right when exiting the site. In order to comply with Technical Advice Note 18: Transport, the visibility required for any access onto a classified road such as the B4434 is as follows:

- (a) 2.4 metres by 90 metres
- (b) Where the road traffic speed is known (i.e. speed camera survey) this can be reduced to 2.4 metres by 70 metres, and in exceptional circumstances the visibility could be considered to be reduced down to 2.0 metres x 70 metres.

The existing access, however, does not achieve any of these requirements.

Although for a single additional dwelling, nevertheless the proposal would generate additional traffic flow which will lead to the increased likelihood of vehicle conflict due to the increased number of vehicles entering/exiting the access. Accordingly, it is strictly necessary to prevent further development from using this access, since any increase in vehicular movement would be detrimental to the safety of both pedestrian and vehicle users and to the safe and free flow of traffic along the B4434 classified road.

While it may be possible to undertake engineering works to achieve the desired visibility splays, only land to the northeast of the access is in the control of the applicant while in any event works to this land (forming the frontage to Penrhiw Cottage) would be extremely likely to have an adverse impact on the character and appearance of the streetscene as they will involve extensive alterations to the front of the plots which could potentially unacceptably alter the character and appearance of the area and therefore in turn create a new and extremely valid reason for a refusal recommendation.

Having regard to the above, it is concluded that the intensification in use of an existing substandard access onto the classified B4434 road would be detrimental to the safety of both pedestrian and vehicle users and to the safe and free flow of traffic

Drainage

The Head of Engineering and Transport (Drainage) section offer no objection subject to the imposition of suitable conditions.

Coal Mining

The land is situated in area designated as high risk in terms of coal mining. The applicant subsequently submitted a Coal Mining Risk Assessment to assess the suitability of the land for development bearing in mind its risk designation. The Coal Mining Authority is now satisfied after a number of revisions that there would be no risk posed by developing the site and offer no objections to the proposal.

Objections

Two letters have been received with regard to this application. The letters consisted of a detailed response from the Community Council and an objection from a neighbouring property.

The Community Council did not raise any objections, they did however provide three recommendations. The first was concerned with access and suggested that conditions be attached to ensure road safety is maintained. The second stressed the need to retain the character and heritage of the area when it comes to designing the dwelling and offered advice on use of materials and some brief history facts. Finally they outlined that in their opinion they did not want any development that could potentially detract from the natural heritage and negatively impact on tourist potential. While highway matters have been raised in the report in detail, it is noted that the detailed design for the dwelling would need to have regard to the local context described by the Community Council.

The second letter raised issues of overlooking of private space and loss of light, and these issues have been addressed within the residential amenity section of this appraisal. Further issues were raised with regard to land values and the potential scenario whereby the neighbours will be forced to move away from the area. These issues, however, are not material planning considerations and cannot be taken into account in the determination of this application.

Conclusion:

While it is possible to design a dwelling of appropriate design, scale and siting which would adequately protect local character and residential amenity, by reason of the need for the new dwelling to be accessed via an existing substandard access onto the classified B4434 road, with inadequate visibilities in both directions, it is concluded that the introduction of an additional dwelling using this access would unacceptably intensify the use of the access and lead to increased vehicle conflict, and would be detrimental to the safety of both pedestrian and vehicle users and to the safe and free flow of traffic, contrary to Policy T1 of the Neath Port Talbot Adopted Unitary Development Plan and Technical Advice Note 18 – Transport.

RECOMMENDATION: Refusal

- (1) The proposed development would result in the introduction of an additional dwelling using an existing substandard access onto the classified B4434 road, with inadequate visibilities in both directions, which would unacceptably intensify the use of the access and lead to increased vehicle conflict, detrimental to the safety of both pedestrian and vehicle users and to the safe and free flow of traffic. The proposal is therefore contrary to Policy T1 of the Neath Port Talbot Adopted Unitary Development Plan and Technical Advice Note 18 - Transport.

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SECTION A – MATTERS FOR DECISION

Planning Application Recommended For Refusal

<u>APPLICATION NO:</u> P2015/0368	<u>DATE:</u> 08/06/2015
PROPOSAL:	Demolition of garage, first floor roof extension, ground floor side extension including garage.
LOCATION:	7 The Pines, Cilfrew, Neath SA10 8AL
APPLICANT:	Mr Craig Walker
TYPE:	Householder
WARD:	Aberdulais

Background Information

This application has been called to Committee by Councillor Doreen Jones (Aberdulais) in respect of visual amenity, since she considers that the proposals will not adversely impact on the streetscene.

Planning History:

None

Publicity and Responses if applicable:

2 neighbouring properties were consulted and a site notice displayed on site. To date no representations have been received, other than the submissions for Councillor Doreen Jones referred to elsewhere in the report.

Blaenhonddan Community Council: No objection

Contaminated Land: No objection subject to condition

Welsh Water: No objection subject to condition

Ecology: No objection subject to informative relating to bats

Councillor Doreen Jones (Aberdulais) has requested that the planning application is called to committee to be determined on the grounds that she disagrees with the officers' recommendation in relation to visual amenity. She also notes that she will be requesting a site visit.

Description of Site and its Surroundings:

The application site comprises a split level detached dwelling at 7 The Pines, Cilfrew. The site is bounded by residential properties to the South, North and East, and a steep wooded area to the West. A garden area is located to the rear of the property, with a small open garden to the front together with a hard-surfaced driveway with parking for two vehicles. The property also has the original flat roof garage to the front.

The application property has an unusual design. The split level dwelling has a single storey front section with an asymmetrical roof, with a larger asymmetrical roof over the rear element. The two elements of the dwelling are brought together through the roof design. The attached garage to the side has a flat roof.

The application site sits within a row of 5 dwellings with the same design, which appears to have remained unchanged since their original construction. While there are other types of dwelling within the street, this group of dwellings contribute significantly to the distinctive character of this part of the street-scene.

Brief description of proposal:

The application is for the demolition of the existing flat roof garage, first floor roof extension, and a ground floor side extension including a new garage.

The existing pitched roof at the rear will be brought forward; It will have a height of 6.1m and will be set back 600mm from the existing front gable. The eaves will remain the same on the Southern elevation as the roof blends into the existing smaller roof. The eaves on the Northern elevation will have a height of 2.4m. A small mono pitched roof 90 degrees to the road will infill the 600mm set back from the main roof. The new roof will cover the existing smaller pitched roof and the flat roof garage will be reconfigured to form part of the dwelling. The covered walkway will be blocked with a door and side panel forming a new entrance. The new flat roof garage will sit to the side of the dwelling and will measure 2.6m wide by 5.6m in length and have a height of 2.3m.

Externally the extension will be finished in brown tiles and render to match the main dwelling house.

Policy Context:

National Policy Technical Advice Note 12 (TAN12) Design

Local Development Plan Policy

Neath Port Talbot Unitary Development Plan:

Policy ENV1	Development in the countryside.
Policy GC1	New Buildings/Structures and Changes of use
Policy T1	Location, layout and accessibility of new proposals.
Policy ENV17	Design

Material Considerations:

The main issued to be considered in the determination of this application concerns the impact upon the character and appearance of the surrounding area, the impact upon the amenity of residents within neighbouring properties, and any impact upon highway safety.

Visual Amenity:

The application property sits within a row of 5 dwellings with the same design, and within a streetscene defined by unusual designed properties the majority with asymmetrical roofs, with this group of dwellings contributing significantly to the distinctive character of this part of the street-scene.

The row of 5 dwellings each have the same architectural design and character, with the main features of these split level dwellings comprising a single storey level front section with a flat and asymmetrical roof, with a larger asymmetrical roof over the rear element. The two elements of the dwelling are brought together with the roof design.

The applicant was advised early on in the planning application process of the concern with the design of the proposal. An option of a significantly smaller roof extension to retain the architectural character and design of the dwelling which would allow the main features to be retained was discussed, seeking to design a development with more recessive appearance when viewed from either direction of The Pines. This would make it more in keeping with the current pattern of development and architectural character of the area. However the

applicant did not wish to do this as they would not get the additional floor space they require, and wanted to proceed with the application as it stands.

As stated earlier the property has large pitched asymmetrical roof over the rear section of the dwelling with a smaller single storey asymmetrical element that projects towards the front of the plot with a flat roof element to the side. Whilst some of the properties have been altered in a minor way (i.e. different types of Bay windows) the overall architectural character and design of the dwellings within this row of 5 remain unaltered. Whilst there are different house types within the area, the unusual design of the 5 dwelling are considered to add to the character of the area and this is reiterated with other groups of houses close by.

Policy GC1 of the Neath Port Talbot Unitary Development Plan, states that *“Any proposal involving new buildings, structures, changes of use, extensions and alterations will not be permitted if it would create an unacceptable impact in failing to ensure that measures are taken to minimise the adverse impacts of the development on the character and townscape of the surrounding area including building densities, architectural styles, layout patterns, orientation of buildings, scale, height, mass and materials of nearby buildings, structures and infrastructure...”* while Policy ENV17 states *“that any proposal that would include new construction or alteration to an existing building’s appearance should be well designed, this will include whether it has paid sufficient regard to the character of the area.....”*

TAN 12 states in section 2.6 that *“if the ‘Design of proposals are inappropriate in their context, or fail to grasp opportunities to enhance the character, quality and function of an area they should not be accepted, as they could have a detrimental effect on existing communities”*.

Within this site and Policy context, the proposed roof extension would result in the roof at the rear element being brought significantly forward, resulting in a materially different roof form than the rest of the group. When combined with the flat roof extension and alterations to the front elevation, it would result in a much higher and wider dwelling retaining few of the characteristics and features (i.e. the front and rear element) which form part of the character of the group. In this respect, it is considered that the proposal would result in an unsympathetic obtrusive

design which does not take into account the layout and character of the dwelling or the character of the other dwellings within the area.

Residential Amenity:

In relation to any overbearing or overshadowing, the larger roof to the rear of the site will be brought forward to cover the front section; however this will be no closer to No. 5 the Pines as the existing roof slope will simply extend up further to form the new ridge height. The eaves of the roof nearest to no. 5 is 2m away from their flat roof garage however this relationship would not change.

In relation to No 9, the single storey flat roof garage will be sited adjacent to the boundary with the higher ridged roof being located within the centre of the plot. The proposed garage is located 5m away from No. 9 and the highest part of the proposed roof will be 13m away and therefore raise no issues. There are no dwellings to the rear and the property located to the front on the other side of the road is 21m away. The application is therefore considered to be acceptable in terms of the impact on these properties.

In terms of overlooking, the proposed habitable room windows are front facing. The distance between these windows and the property to the front is 21m and across a road. There are therefore no issues in relation to these windows. However there is a side facing window serving a study and a side facing window serving the garage which both face No. 9. To prevent any issues in the future, had permission been granted a condition could be imposed to ensure both these windows are obscurely glazed.

The application is therefore considered to be acceptable in terms of residential amenity.

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

The proposed development would retain 3 off street parking spaces, one in the garage and two external. As such it is considered that the proposal would not adversely affect highway and pedestrian safety.

Ecology

The Local Authority's Biodiversity Officer has advised that Bats often roost in houses and other buildings, and work on these buildings may

disturb a bat roost. They have recommended the applicant is made aware of this and what to do should any bats be discovered. A note can be added to the decision advising the applicant of this.

Others (including objections):

The local Authority's Land Contamination Officer has raised no objection to the proposal however they have recommended a condition relating to any unexpected land contamination being found. A suitably worded condition can be attached to the decision notice.

Others (including objections):

Welsh Water has advised that a public sewer is crossing the application site and requested an appropriate informative is included in any planning consent the LPA is minded to grant. The applicant has been made aware of this and has already spoken to Welsh Water in relation to this matter.

Conclusion:

The proposed first floor roof extension, by reason of its siting and design will result in a dwelling out of character with the existing group of dwellings which define the local context, and as a consequence would represent an obtrusive and unsympathetic extension that would appear incongruous and prominent in relation to the layout and pattern of the street scene. Accordingly, the proposed development does not accord with Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note (TAN) 12: Design.

RECOMMENDATION: Refusal

1. The proposed first floor roof extension, by reason of its siting and design will result in a dwelling out of character with the existing group of dwellings which define the local context, and as a consequence would represent an obtrusive and unsympathetic extension that would appear incongruous and prominent in relation to the layout and pattern of the street scene. Accordingly, the proposed development does not accord with Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note (TAN) 12: Design.

SECTION A – MATTERS FOR DECISION

CURRENT POSITION PAPER REGARDING MARGAM OPEN CAST COAL SITE (OCCS)

ENFORCEMENT REFERENCE NUMBER: E2013/0028

Background

As Members will be aware, Margam Open Cast Coal site ceased coaling in 2008 and since that time there has been no restoration of the site. Concerns have been raised by elected Members and residents within the local communities with regard to the lack of progress in relation to enforcing restoration.

Members will recall that a report was placed before this Committee on the 25th November 2014 which advised on the history of the site, the enforcement constraints and the options going forward. Five options were proposed at that time which were briefly as follows:

- Option 1 Serve an Enforcement notice to seek full restoration of the site.
- Option 2 Alternative restoration scheme including extraction of further coal.
- Option 3 Alternative restoration scheme without further coaling.
- Option 4 Serve an Enforcement Notice to seek phased restoration of the site.
- Option 5 Do Nothing

As a consequence of that detailed report, Members resolved that the Council arrange a cross boundary public meeting to advise all interested parties of the current position with regard to this site, and for Officers to pursue Options 1, 3 and 4 with updating reports to be brought back to Committee every three months. Members also decided that pursuance of Option 1 was to be a final resort.

The purpose of this report is therefore threefold; firstly to remind Members of the history associated with this site; secondly to advise Members on the actions taken since November 2014 and lastly, to outline the potential options going forward having regard to legal and financial constraints.

History

Within two months of cessation of coaling in October 2008, the operators were required to commence backfilling of the void (under condition 60 of planning permission P2006/1727). They were also required to submit a restoration and aftercare scheme in accordance with conditions 54 and 55 of planning permission P2006/1727, which would then be implemented to secure full restoration of the site. However these works did not commence, nor were the above required schemes submitted by the operators or landowners, despite requests to do so from the Local Authority.

Prior to the cessation of work, the operators pursued an application for the extension of the extraction area to allow further coaling to take place (NPT App Ref: P2007/ 0663). This application was refused planning permission by this authority on the 29th January 2008. An identical application was also submitted direct to Bridgend County Borough Council which was also refused planning permission on the 17th January 2008. The reasons for refusal by this authority were as follows:

- (1) The development would create a visual intrusion into the landscape which would result in significant harm to the rural character of the area, prejudice the open character of the green wedge and cause demonstrable harm to the visual amenity of neighbouring residents, contrary to Policy ENV2(v) of the Deposit Draft Unitary Development Plan for Neath Port Talbot, Policies C1 and M6(iv) of the West Glamorgan Structure Plan (Review No.2) as amended and Policy DC3 of the Draft Minerals Local Plan for West Glamorgan.
- (2) The development will perpetuate opencast activities within the locality and on the existing site for a further minimum period of five and a half years resulting in an unreasonable level of disruption in terms of visual impact, noise and dust, thereby causing unacceptable detrimental cumulative impact on local residents and the surrounding area contrary to Policy M3 of the West Glamorgan Structure Plan (Review No. 2), Policy GC2 of the Deposit Draft Neath Port Talbot Unitary Development Plan and Policy DC25 of the Draft Minerals Local Plan for West Glamorgan.

The operator appealed against this decision, which was recovered by the Welsh Assembly. The appeal was dismissed in April 2009 but was subsequently challenged by Celtic. The challenge was also dismissed by the High Court in July 2010 and again by the Court of Appeal in October 2011. In accordance with best practice guidance, neither authority pursued enforcement of the conditions, whilst the appeals process was ongoing.

During the appeals process, the operator transferred ownership of the site together with another three sites within South Wales to an off shore company registered within the British Virgin Islands. This company is known as 'Oak Regeneration'. Following this transaction, the operator refused to discuss any matters associated with the site with officers of this authority. At the same time, it was unclear who was representing the new owners of the site given that they were registered offshore. After some time, a legal firm confirmed that they were representing Oak Regeneration and a subsidiary company 'Beech' who were responsible for the Margam OCCS. They appointed planning consultants, SLR, to act on their behalf and a number of meetings have taken place with representatives from SLR, Celtic and Oak since late 2011.

As part of that process, officers from Neath Port Talbot and Bridgend County Borough Councils have consistently sought to secure restoration of the site. During these meetings both Local Planning Authorities (LPAs) have expressed deep concerns with regard to the lack of restoration to date, and the fact that an extension of the extraction area has previously been refused consent and dismissed at appeal, and it was not possible to see how these reasons could be addressed within a new submission. Nevertheless officers from both authorities have repeatedly stated that they would like to see full restoration of the site in accordance with the original planning permission.

As part of those discussions a scheme was proposed by SLR to restore the site back to original or similar ground levels and implement a regeneration scheme involving the creation of a 'Garden City'.

Both LPAs expressed concern with regard to such a proposal, given that it is located in a non-sustainable location, is outside settlement limits, will result in the construction of significant numbers of dwellings which go beyond the identified housing projections of both authorities and did not comply with the vision and objectives of the adopted and emerging Development Plans within both LPA areas. In response to

such concerns the Planning Consultants acting on behalf of both Celtic and Oak advised both LPAs that a strategic solution was required for this site which went beyond the objectives of the current Development Plan(s). Nevertheless concerns were maintained by both LPAs that the creation of a Garden City would not be supported by officers in either Council.

After some time all parties reconvened to discuss whether there was an alternative to the 'Garden City' proposal. At these meetings it was confirmed by Celtic, Oak and their consultants that for financial reasons, restoration of the site could only be delivered if further coaling and/or regeneration of the site was permitted.

Whilst these discussions were taking place, external legal advice was sought by both LPAs. The advice to this authority required us in the short term to undertake the following two actions:

- Serve a Planning Contravention Notice (PCN) to establish ownership and interests in the site.
- Complete a restoration scheme to append to a potential future enforcement notice. Such a scheme is required in the absence of a submission by the operator in accordance with the requirements of conditions 54 and 55 of planning permission P2006/1727 as stated above. This scheme would identify the extent of the work required to complete restoration of the site and the timescales within which such work must be completed.

In response to the above advice, PCNs were served on the 6th February 2013. The PCN was served to seek information as it related to land ownership, other interests, the current or last use of the site and, and if a restoration scheme had been prepared. All responses to the PCN were received within the prescribed deadline and confirmed that Oak Regeneration were the owners of the site and Celtic were the Coal Authority license holders.

After serving the PCNs, a restoration scheme was jointly commissioned by both LPAs from an independent consultant. The restoration scheme identified how the site could be restored in accordance with the originally approved restoration strategy, together with a restoration sequence plan which outlined timescales for the completion of the work.

As part of the discussion process referred to above, the completed restoration scheme was given to both Oak and Celtic to consider. It was confirmed by Celtic that there were insufficient funds available to restore the site in accordance with the originally approved restoration strategy and recently prepared restoration scheme. This was also confirmed by Oak, who also stated that should an Enforcement Notice be served to secure compliance with such a restoration scheme, due to insufficient funds being available it would force the company into liquidation, which would culminate in no restoration of the site.

Concerns were expressed by both LPAs with regard to the underlying threat within such a statement. However due to insufficient funds being available to either company, they both stood by their individual statements. They also requested regular meetings with both LPAs to discuss alternative restoration proposals. At the time they also confirmed that the only feasible way to secure restoration of the site, involved the winning and working of further coal reserves. As a consequence of this, the planning consultants working on behalf of both companies prepared a number of restoration proposals in relation to the site.

As part of this process a total of 18 potential schemes were presented to the LPAs together with a justification as to why each one could or could not be delivered. The schemes ranged in scale from those which involved additional coaling followed by restoration, to those that involved a lesser degree of coaling but with renewable energy as an after use, and those which involved pure residential regeneration of the site with no coaling. Most of the potential schemes were dismissed as being undeliverable by Celtic and Oak for financial reasons, while those which they proposed to pursue were dismissed by the LPAs as they did not address the original reasons for refusal as cited for the above mentioned planning application.

Since these options were presented and following the decision of the Planning Committee in November 2014, Celtic have confirmed in various meetings that they no longer intend to pursue additional coaling at the site although they are seeking to work with the LPAs to secure an alternative form of restoration at the site utilising the money held within the existing restoration fund.

Notwithstanding the above, it is clear that the restoration fund which currently stands at approximately £5.7million is wholly insufficient to secure any form of restoration of the site. In fact the sum is probably

insufficient to pay for the de-watering of the void which is currently filling up with water and stands at present at approximately 41.89 metres AOD.

Throughout the many meetings held with Celtic, Oak and SLR, Officers have repeatedly outlined our concerns regarding site security and safety, rising water levels, lack of pumping of the void and lack of restoration. In response to these concerns, the applicants have again indicated that the restoration of the site in accordance with the originally approved restoration strategy and recently prepared restoration scheme cannot be delivered for financial reasons. Effectively any restoration of the site would have to pay for itself although the limited money secured within the restoration fund would contribute towards such costs.

While restoration discussions have been ongoing with Celtic, Oak and SLR, discussions have also been held with other interested parties including Bridgend County Borough Council officers, together with representatives from Natural Resources Wales, the Coal Authority, Network Rail, and Her Majesty's Inspectorate of Mines and Quarries. Whilst these discussions are ongoing, the following is a synopsis of the powers available to each organisation:

Bridgend County Borough Council: Whilst a planning permission is in place in relation to the former mining activities at this site, externally secured legal advice has confirmed that the conditions of that planning permission cannot be enforced. As a consequence there would be reliance upon the ability of this Authority alone to enforce against the interested parties under the planning permission which was granted within Neath Port Talbot.

Natural Resources Wales (NRW): NRW is not in a position to intervene in relation to the increasing water level within the void, the responsibility remains with the operator/landowner. Celtic Energy retain four water discharge activity permits at the site, two of which may be used to discharge void water. Should an uncontrolled and unauthorised release of water from the void enter controlled waters, it is highly likely that it will result in a formal investigation which may lead to enforcement action being instigated by NRW.

Additional consents may also be required from NRW, for example, land drainage consents, and/or water discharge consents, however these applications, if required, could run concurrent with any planning applications required.

The Coal Authority (CA): Again discussions have taken place with the CA where they have confirmed that they are an interested party in this site given that they issued the license to the operators. They, as an organisation, also hold the ownership rights associated with the coal seams, albeit these have been transferred to the former operators via a lease, but they retain overall freehold responsibility for the coal seams outwith of the void. They have indicated that their hands are tied in terms of taking action in relation to non-compliance with the planning conditions and associated legal agreements relating to restoration, given that the lease associated with the site has not yet expired and the only sanction that they potentially could have would involve termination of the lease. This wouldn't be of assistance as the CA is not responsible for restoration of the void.

Her Majesty's Inspectorate of Mines and Quarries: Have confirmed that they only have responsibility for the operations undertaken on site when the site is operational and have no responsibility associated with the risk to the public following the cessation of an activity.

Network Rail: The Ogmere Valley Extension Line runs immediately adjacent to the application site. Although it is not a main line railway and as such is not used on a frequent basis, when works are taking place or there is an incident on the main railway line, it is used as an alternative route by both passenger and freight operators. If the line becomes unusable for any reason, Network Rail has concerns for the safe operation of the railway and passenger safety and can also be fined for the period that the line is unavailable.

Network Rail has expressed serious concerns in relation to the potential for flooding associated with the increasing water levels within the void created as part of the Margam Opencast Coal Site.

Notwithstanding these discussions, it remains to be the case that the former open cast coal site has not been restored and the void remains full of water. It is understood that an agreement is in place between the former operator and the owner of the site to pump water from the void to maintain a safe water level. It is also understood that this agreement will only last for two years (expiring in June 2017) after which Celtic will no longer be expected by the owners of the site to pump water from the void. The water levels are being regularly monitored by Celtic, and their recent reports to the LPA confirm that the water levels are currently standing at 41.89m AOD. It is important to note that the point at which

water can over top the void is 52m AOD. As a result of current pumping at the site there is no imminent danger of flooding from the site.

What has happened since November 2014?

Since November 2014, arrangements were put in place to hold a cross boundary public meeting with officers from both Neath Port Talbot and Bridgend in attendance. That meeting was held on the evening of the 24th March 2015 and was well attended by members of the public as well as politicians from both sides of the County boundary. The objective of the meeting was to inform all interested parties of the constraints associated with taking enforcement action on this site and the intentions therefore to look at alternative solutions. Those present were asked to suggest alternative solutions to secure restoration of the site but apart from securing full restoration of the site in accordance with the original planning permission no viable alternatives were forthcoming.

Following the public meeting, discussions took place which suggested that it may be appropriate to set up a working group to discuss alternative restoration solutions. The working group would comprise of officers and elected Members from both Councils, together with representatives from the local community. This suggestion was put before Members of this Committee on the 16th June 2015 who resolved to support such a proposal and also agreed that Cllr Rob Jones in his capacity as ward Member for part of the site be responsible for chairing the group.

Since that date, the Minister for Natural Resources, Carl Sargeant AM was asked to impose a moratorium on further open cast development in Wales. He did not accept this proposal but instead indicated that he would organise an Open Cast Coal summit. This was held on the 9th July 2015 with the objective of discussing solutions to the legacy of un-restored sites and the need for revised planning policy and guidance relating to the mineral industry.

Prior to the summit, statements were made by various national politicians regarding the availability of funds at a national level to contribute towards addressing the legacy of un-restored sites. Despite such statements being made prior to the general election, no further statements regarding the availability of additional funds have been made. Furthermore both Welsh Government Officers and Carl Sargeant AM were silent on the issue at the Coal Summit, which was the

appropriate opportunity to raise the issue. Furthermore the availability of additional funds has not been raised again by any politicians since the general election.

It is therefore reasonable to assume at this time that no further resources will be allocated by Central Government to address the problem of unrestored/abandoned sites throughout the country. Notwithstanding the lack of additional funds being allocated to sites such as Margam, its unrestored status still remains to be a concern.

Where do we go from here?

There are a number of local residents who are still expecting the Council to pursue enforcement action at this site. The previous report considered by Members in November 2014 outlined the problems with pursuing this course of action. For completeness these are reiterated as follows.

The serving of an enforcement notice is likely to result in Oak (the owner of the site) going into voluntary liquidation. Upon liquidation, the liquidator can disclaim property by submitting a prescribed form of Notice to the Land Registry. In that case, the freehold transfers to the Crown, however the Crown itself can decide to disclaim property at any time.

Given the liabilities that will come with ownership it is likely that this will be the case. As a result the land will have no owner and therefore no-one will be responsible for its security and safety in the short term and its restoration in the long term. Should pumping of the site cease and the water levels rise, there is potential for a flow or rush of water and consequential flooding to the surrounding areas. The cost of any remedial action associated with such an event would have to be picked up by the public purse within which there are insufficient funds.

For the reasons specified above it is not considered to be appropriate to pursue the serving of an enforcement notice with the objective of securing full restoration of the site in accordance with the original planning permission.

As specified earlier in this report, Members will recall that their resolution in November 2014 was to allow officers to pursue discussions regarding an alternative restoration of the site which did not involve additional coaling. If this was unsuccessful officers were

mandated to pursue enforcement to secure phased restoration and only if this failed were officers to pursue full enforcement.

Having regard to this resolution, the discussions which have since taken place, the lack of additional funds coming forward over and above those held within the restoration fund, and the fact that Celtic only have an agreement in place to access the site to undertake works until June 2017, a further set of options have been drawn up. Each option is supported by a list of benefits and dis-benefits. It should also be noted that due to the lack of both time and available funds, none of the options proposed include the establishment of the previously suggested working group.

Option One: Serve an Enforcement Notice

An enforcement notice would be served, appended to which would be the restoration and aftercare scheme approved under planning permission ref. P2006/1727, which has been designed in accordance with the approved restoration strategy for the site. This seeks to dewater the void, remove the overburden and surcharge mounds and regrade them into the void in addition to reinstating all of the highways and bridleways.

Given the details earlier in this report, it is unlikely that the owners will comply with the enforcement notice, nor will they appeal against it. If this is the case then a 'trigger event' as specified within the Section 106 agreement is initiated which will allow the Council to access the funds in the escrow account.

Given that the funds are insufficient to cover the implementation of the approved restoration strategy the money would be used to undertake works in the following priority and as specified within the existing S106:

- "Making the site safe in terms of site security, filling of voids/adits removal of potentially dangerous structures, buildings or machinery.
- Completion of the removal of site infrastructure such as utilities, roads, water treatment areas, drainage channels, pipes etc.
- Completion of site restoration to wetland/reed bed/woodland use, this to be deemed as a high priority with agricultural restoration as a lower priority."

As stated earlier in this report there is approximately £5.7 million in the escrow account which is only sufficient to cover part of the first priority in addition to other works considered to be essential. E.g. construct a channel between the void and watercourse to maintain water levels at a safe level going forward, re-profile/plant around the perimeter of the void, hydro-seed the overburden and surcharge mounds and reintroduce a non-vehicular link between the north and the south together.

It is noted that, while Oak/Beech would be in breach of the Enforcement Notice if they fail to comply with the Notice (which is likely), under this option the Council would be seeking to secure works which fall short of the full restoration of the site but which are considered to represent a realistic and appropriate resolution to the current situation.

Advantages to this option

1. The process will be in line with the legislative framework in place
2. The public are expecting the Council to serve an enforcement notice
3. The serving of an enforcement notice could enable the Council(s) to access the escrow funds (if an appeal is not received)

Disadvantages to this option

1. It is unlikely that the parties will comply with the enforcement notice as Oak/Beech have previously indicated that they do not have sufficient funds available and should an enforcement notice be served they would liquidate the company.
2. In the event that the parties fail to comply or appeal the enforcement notice, the Council will be seeking to secure works which fall short of the full restoration of the site. There will as a consequence be a perception that the Council are failing to pursue full restoration through the enforcement route.
3. Oak/ Beech may well appeal the enforcement notice which will result in significant costs to the council(s) and lengthy delays. Such action would also prevent the Council(s) gaining access to the escrow account as a trigger event will not have occurred until the appeal is dismissed (assuming the Council successfully defend the appeal).
4. Securing alternative works of restoration, despite being the only realistic enforcement option available, will result in negative reactions from some members of the public.

5. The Council at considerable expense will need to design the culvert linking the void to the watercourse and any other associated works, and planning permission will need to be obtained.
6. Who will undertake the works? The Council will need to go through a procurement exercise to secure a contractor to undertake the works on site. This will be time consuming and potentially more expensive than Celtic completing the works direct.
7. The enforcement process in general is likely to be a long drawn out exercise.
8. We can only enforce in relation to the land on our side of the County Borough Boundary and as such we cannot secure the revised restoration of the whole site.

Option Two: Serve an Enforcement Notice requiring an alternative restoration scheme ('under-enforcing')

An alternative restoration scheme would be drawn up by the Council which would seek to secure site safety and landscape improvements at the site. Such works could include the construction of a channel between the void and watercourse to maintain water levels at a safe level going forward, re-profile/plant around the perimeter of the void, hydro-seed the overburden and surcharge mounds and reintroduce a non-vehicular link between the north and the south together. To ensure that the notice is sufficiently precise it would be necessary for such a scheme to be commissioned by the Council(s) and appended to the enforcement notice, together with an appropriate timescale for the completion of such works.

Advantages to this Option:

1. The process will be in line with the legislative framework in place.
2. The public are expecting the Council to serve an enforcement notice, albeit it is acknowledged that this enforcement notice would not be seeking full restoration of the site.
3. Following the serving of an enforcement notice Celtic and/or Oak/Beech could comply with the notice and implement the works which are identified as being necessary to secure site safety and visual enhancements. This will in turn result in the phased re-payment of the escrow account to Celtic and/or Oak/Beech.

4. If the notice is not complied with nor appealed against it will initiate a trigger event which will enable the council to access the escrow funds which will in turn enable the works to be undertaken in default.

Disadvantages to this option

1. Following the anticipated failure of the parties to comply with the enforcement notice the Council will be under-enforcing by seeking only to secure site safety works and limited landscape improvements. However this is only on the basis that there are insufficient funds available to do any further work.
2. Oak/ Beech may well appeal the enforcement notice which will result in significant costs to the council(s) and lengthy delays. Such action would also prevent the Council(s) gaining access to the escrow account as a trigger event will not have occurred (unless the Council successfully defend the appeal).
3. Under-enforcement, despite being the only realistic enforcement option available, will result in negative reactions from some members of the public.
4. The Council at considerable expense will need to design the culvert linking the void to the watercourse and any other associated works, and planning permission will need to be obtained. Such costs would be incurred before the escrow funds become available to the Council(s) although legal advice would be sought on whether such costs are recoverable from the fund.
5. Who will undertake the works? The Council(s) will need to go through a procurement exercise to secure a contractor to undertake the works on site. This will be time consuming and potentially more expensive than Celtic completing the works direct.
6. The enforcement process in general is likely to be a long drawn out exercise.
7. We can only enforce in relation to the land on our side of the County Borough Boundary and as such we cannot secure the revised restoration of the whole site.

Option Three: Advise Celtic and Oak/Beech to seek planning permission for an alternative restoration scheme which proposes a new S106 agreement which would supersede the existing S106 agreement.

Celtic and/or Oak/Beech are encouraged to submit a planning application for an alternative restoration scheme. Such a scheme will aim to make the site safe in addition to undertake restoration works to the value of the balance within the escrow account. Such works are likely to be restricted to those outlined within option 1 (therefore including works to maintain water levels at a safe level going forward). Any surplus funds within the escrow account will be used for the ongoing maintenance of the site.

Should such an application be submitted and, following assessment by Officers and the Planning Committee, such an amended scheme would require the signing of a new S106 agreement which if signed by all interested parties will effectively supersede the original S106 and would be drafted such that it will enable the council to access the escrow monies. The works would need to be undertaken in accordance with a fully costed programme of tasks which would be drawn up in conjunction with an independent third party specialist. Celtic and/or Oak/Beech would be required to complete each of the tasks, the cost of which would be covered by the funds within the escrow account.

The whole process should be undertaken within a restricted timeframe to ensure that residents are given comfort that the potential long term flooding associated with the site is addressed before the agreement between Celtic and Oak/Beech expires after which pumping potentially ceases on site. Acceptable dates are considered to be as follows:

Action	Date
Commence pre-application discussions with all regulators	October 2015
Commence partial dewatering of the void	October 2015
Submit planning application to both LPAs	Beginning of January 2016
Submit all necessary consents to NRW	Beginning of January 2016
Determination of planning application (subject to all required information being submitted on time)	April 2016

Work on a new Section 106 to run in tandem with the planning application. Signing of the S106 by all interested parties	April 2016
Commence works on site	May 2016
Complete site safety and alternative restoration works	No later than May 2017

Advantages to this option

1. It is a quick approach to enable long term site safety works to commence in addition to fast-tracking the natural re-vegetation of the site.
2. The proposal does not involve the serving of an enforcement notice, which can over complicate the Council's intended objective which is to secure site safety and restoration within the limitations of the funds available.
3. It will result in the delivery of a negotiated outcome which all parties can agree/sign up to.
4. We can secure a revised restoration of all of the site on both sides of the County Borough rather than works solely within NPT. This will however require Celtic and/or Oak/Beech to apply for planning permission to both Planning Authorities.
5. Officers within Bridgend County Borough Council are supportive in principle of this approach
6. Some members of the community are in favour of a quick, pragmatic and deliverable solution which makes the site safe and provides for a pedestrian access through the site. It is understood that residents living closest to the site on Bedford Road and Crown Road prefer the cul-de-sac arrangements currently in place and don't want to go back to a through road arrangement.

Disadvantages to this option

1. Some residents will be opposed to an amended S106 agreement as they will consider that it is a 'dumbed down' approach from the outset rather than the most we can reasonably expect to achieve
2. The Council could be accused of colluding with Celtic and Oak/Beech despite completing this option-based assessment.
3. Oak/Beech will need to be signatories to an amended agreement but despite indicating that they are willing to sign up to an amended agreement this is not guaranteed.

4. The amended restoration scheme which is to be designed in accordance with the funds available may not be acceptable to all Members.

Conclusion

This report gives a brief overview of the advantages and disadvantages associated with each of the options which could be pursued to secure a safe and secure site at the former Margam Open Cast Coal site in the long term. The landscaping works which could be undertaken with the funds available, whilst falling short of the previously approved restoration scheme, will enable the site to fit in with the surrounding landscape more so than is currently the case. Whilst it is acknowledged that the most acceptable outcome would be to secure the full restoration of the site in accordance with the original planning permission, such a position is considered to be unachievable.

Furthermore, as additional funds will not be forthcoming from either the former operator, or the owner of the site, nor are funds likely to be made available by Central Government, the Council will instead need to rely solely on the existing escrow fund of approximately £5.7 million to undertake the works. This fund is wholly insufficient to cover the cost of a full restoration scheme in accordance with the previous planning permission. The funds will however enable the site to be made safe in terms of water levels and access to the perimeter of the void in addition to creating a footpath link to reconnect the communities of Pen y Bryn and Kenfig Hill. The fund should also be sufficient to deliver a limited landscaping scheme which will boost the natural revegetation of the site overall.

The benefits associated with option 3 clearly outweigh the dis-benefits, as the Council will be able to secure an alternative restoration of the site which will protect the safety of those within the surrounding communities, in an efficient timescale whilst also following due process.

Recommendation:

That authorisation is secured to pursue option 3 in accordance with the strict timescales as detailed within this report. If the timescales are not complied with by Celtic and Oak/Beech, option 1 is pursued with immediate effect.

Reason: To secure an alternative restoration of this abandoned opencast coal site with restricted funds, in the interests of the character and appearance of the surrounding countryside and to improve and safeguard the safety and amenities of residents within the adjacent communities, as required by Planning Policy Wales Minerals Technical Advice Note 2 – Coal (January 2009) and Policy M8 of the Neath Port Talbot Unitary Development Plan.

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SECTION B – MATTERS FOR INFORMATION

DELEGATED APPLICATIONS DETERMINED BETWEEN 26TH AUGUST AND 21ST SEPTEMBER 2015

1	App No. P2013/0963	Type Outline
Proposal Residential development for up to 19 units (Outline) (Coal Mining Risk Assessment received 06/12/2013) (Drainage Strategy received 11/12/14)		
Location Former Canolfan Sheltered Housing Complex, High Street, Seven Sisters Neath Port Talbot SA19 9DN		
Decision Approval with Conditions		
Ward Seven Sisters		

2	App No. P2014/1026	Type Discharge of Cond.
Proposal Details pursuant to the partial discharge of planning condition 26 (Verification of imported soils for Plots 27, 28, 29, 38, 39, 40 & 47 to 55 inclusive only) of P2013/0327 (Approved on the 25/09/13)		
Location Land at, Ocean View, Jersey Marine, Neath		
Decision Approval with no Conditions		
Ward Coedffranc West		

3	App No. P2015/0150	Type App under TPO
Proposal Felling of 4 No. White Willow subject to preservation order (TPO T201/W1) (revised description)		
Location Gellinudd Hospital, Lon Catwg, Gellinudd Pontardawe, Abertawe Castell Nedd Port Talbot SA8 3DX		
Decision Approval with Conditions		
Ward Rhos		

4	App No. P2015/0153	Type App under TPO
Proposal Felling of 1 no scots Pine T201/T9 removal of deadwood of 2 scots Pine T201/ T8, and T10, remove deadwood 1 No. Common Oak T201/T6 and reduction of branch of common oak T40 within woodland area T201/W1 (revised description).		
Location Gellinudd Hospital, Lon Catwg, Gellinudd Pontardawe, Abertawe Castell Nedd Port Talbot SA8 3DX		
Decision Approval with Conditions		
Ward Rhos		

5	App No. P2015/0289	Type Full Plans
Proposal	Alteration to existing window to form new access door to front elevation	
Location	Crown Hotel, 25-27 Park Street, Lower Brynamman, Ammanford SA18 1TF	
Decision	Approval with Conditions	
Ward	Lower Brynamman	

6	App No. P2015/0321	Type Householder
Proposal	Detached garage.	
Location	94 Delffordd, Rhos Pontardawe, Swansea SA8 3EN	
Decision	Approval with Conditions	
Ward	Rhos	

7	App No. P2015/0335	Type Advertisement
Proposal	Advertisement consent for vinyl applied graphics to 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 Cent	

8	App No. P2015/0385	Type Householder
Proposal	Demolition of existing rear extensions, and construction of part two storey part single storey rear extension.	
Location	7 Birchfield Road, Pontardawe, Swansea Neath Port Talbot SA8 4PF	
Decision	Approval with Conditions	
Ward	Pontardawe	

9	App No. P2015/0399	Type Full Plans
Proposal	Re-location of existing pole-mounted CCTV camera.	
Location	Ynysmaerdy Road, Llansawel, Neath Port Talbot SA11 2TL	
Decision	Approved subject to s.106	
Ward	Briton Ferry East	

10	App No. P2015/0402	Type Householder
Proposal	First floor rear extension.	
Location	27 Beaconsfield Street, Cadoxton, Neath SA10 8BD	
Decision	Approval with Conditions	
Ward	Cadoxton	

11	App No. P2015/0416	Type Full Plans
Proposal Erection of two self supporting lattice Meteorological masts up to 80m in height for a period of 10 months for calibration purposes. (Relocation of previously approved masts under application P2014/0818).		
Location Llynfi Afan Renewable Energy Park (Formerly Mynydd y Gelli), Near Abergwynfi, Port Talbot		
Decision Approval with Conditions		
Ward Gwynfi		

12	App No. P2015/0427	Type App under TPO
Proposal Works to 1 Elm tree covered by Tree Preservation Order T89/A1 - Reduce approximately 4 limbs on west of canopy by approximately 2-2.5 metres, remove 3 small (epicormic) branches and one lower branch (at 2 metres in length) reduce canopy by 2.5 metres in height.		
Location 19 The Avenue, Neath SA11 2FD		
Decision Approval with Conditions		
Ward Neath East		

13	App No. P2015/0435	Type App under TPO
Proposal Works to one No. Holly covered by Tree Preservation Order T272/T5 - Reduce lateral branches on all sides of the crown (no height reduction) by a maximum of 1.0 metre and to appropriate growth points.		
Location 41 Rowan Tree Close, Bryncoch, Neath SA10 7SJ		
Decision Approval with Conditions		
Ward Bryncoch South		

14	App No. P2015/0466	Type Full Plans
Proposal Installation of ATM to Station Road elevation		
Location General Post Office, 139 Station Road, Port Talbot SA13 1NG		
Decision Approval with Conditions		
Ward Port Talbot		

15	App No. P2015/0468	Type Householder
Proposal Detached garage		
Location 82 Cilmaengwyn Road, Cilmaengwyn Pontardawe, Swansea SA8 4QN		
Decision Approval with Conditions		
Ward Godre'rgraig		

16	App No. P2015/0488	Type Full Plans
Proposal	Detached dwelling and garage. (change of house type as previously approved under P2013/0312 approved on 27th Aug 2013)	
Location	The Bungalow, Baran Road, Pontardawe SA8 4RR	
Decision	Approval with Conditions	
Ward	Pontardawe	

17	App No. P2015/0496	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Condition 4 (method statement detailing the control of surface water run off during the construction period and the protection of lower lying land) of Planning Permission P2014/1109 (Approved on the 02/03/2015) amended info 27/08/15	
Location	Land At Evans Road, Melin, Neath SA11 2DB	
Decision	Approval with no Conditions	
Ward	Neath East	

18	App No. P2015/0507	Type Full Plans
Proposal	Change of use of land and existing barn from agriculture to equestrian use, plus construction of an outdoor arena and single storey extension to existing barn.	
Location	Pen Y Castell, Lane From B4282 To Pen Y Castell Farm, Cwmavon, Port Talbot SA13 2PY	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

19	App No. P2015/0508	Type Discharge of Cond.
Proposal	Details pursuant to Condition 3 (Integrated drainage/sewerage strategy) of Planning Permission P2014/1109 (Approved on the 02/03/15) amended info 27/08/15	
Location	Land at Evans Road, Melyn, Neath	
Decision	Approval with no Conditions	
Ward	Neath East	

20	App No. P2015/0518	Type Change of Use
Proposal	Change of Use from Post Office/ dwelling house to dwelling house, including the demolition of existing single storey front extension, external alterations to front elevation, front canopy and forecourt wall	
Location	38 Heol Cae Gurwen, Gwaun Cae Gurwen, Ammanford SA18 1HG	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

21	App No. P2015/0519	Type Householder
Proposal	Single storey rear extension, and extension to existing side elevation dormer.	
Location	48 The Pines, Cilfrew, Neath Neath Port Talbot SA10 8AL	
Decision	Approval with Conditions	
Ward	Aberdulais	

22	App No. P2015/0524	Type Householder
Proposal	Two storey side extension, plus single storey rear extension.	
Location	44 Lon Hir, Alltwen Pontardawe SA8 3DE	
Decision	Approval with Conditions	
Ward	Alltwen	

23	App No. P2015/0537	Type Change of Use
Proposal	Change of use from dance studio (Class D2) to dog day crèche (Sui Generis).	
Location	Port Talbot Arts Centre, Theodore Road, Port Talbot SA13 1SP	
Decision	Approval with Conditions	
Ward	Port Talbot	

24	App No. P2015/0568	Type Householder
Proposal	Two storey rear extension and insertion of first floor bedroom window to side elevation of existing dwelling.	
Location	2 Leyshon Road, Gwaun Cae Gurwen, Ammanford SA18 1EL	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

25	App No. P2015/0569	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 24 (Means of enclosure) of Planning Permission P2014/0104 granted on 20/08/14.	
Location	Ysgol Arbennig Llansawel, Heol Ynysmaerdy, Llansawel, Castell Nedd Castell Nedd Port Talbot SA11 2TL	
Decision	Approval with no Conditions	
Ward	Briton Ferry East	

26	App No. P2015/0575	Type Householder
Proposal	Construction of detached garage	
Location	28 Gardners Lane, Neath SA11 2AH	
Decision	Approval with Conditions	
Ward	Neath East	

27	App No. P2015/0593	Type Householder
Proposal	Single storey rear extension plus provision of new gable roof with dormers.	
Location	Swn Yr Afon, Garth Road, Pontardawe SA8 4TE	
Decision	Approval with Conditions	
Ward	Pontardawe	

28	App No. P2015/0598	Type LawfulDev.Cert-Exist
Proposal	Lawful development certificate for an existing use for the garaging, maintenance and repair of 5 light commercial vehicles.	
Location	Commercial Garage, Adjacent To 5 New Road, Cilfrew, Neath SA10 8LP	
Decision	Issue Lawful Dev.Cert.	
Ward	Aberdulais	

29	App No. P2015/0609	Type Householder
Proposal	Detached Garage	
Location	Hwyl-Y-Ffair, Water Street, Margam, Port Talbot SA13 2PA	
Decision	Approval with Conditions	
Ward	Margam	

30	App No. P2015/0620	Type Full Plans
Proposal	Detached garage and creation of vehicular access on to Hedd Aberth	
Location	12 Golwg Y Bryn, Seven Sisters, Neath SA10 9BR	
Decision	Approval with Conditions	
Ward	Onllwyn	

31	App No. P2015/0636	Type Lawful Dev. Cert-Prop.
Proposal	Certificate of Lawful Development Proposed - Single storey side extension and detached shed	
Location	38 Pen Y Bryn, Croeserw Cymmer, Port Talbot SA13 3SD	
Decision	Issue Lawful Dev. Cert.	
Ward	Cymmer	

32	App No. P2015/0640	Type Householder
Proposal	Two storey side extension, single storey front extension and retaining wall	
Location	10 Maes Ty Canol, Baglan, Port Talbot SA12 8UW	
Decision	Approval with Conditions	
Ward	Baglan	

33	App No. P2015/0646	Type Non Material Amendment (S96A)
Proposal	Non material amendment to P2014/0917 for the resiting of a window to north west elevation and the alteration of a door opening to a window to south west elevation.	
Location	Crown Inn, Lloyds Terrace, Cymmer, Port Talbot SA13 3HT	
Decision	Approval with no Conditions	
Ward	Cymmer	

34	App No. P2015/0651	Type Householder
Proposal	Demolition of existing rear extension and construction of single storey rear extension.	
Location	33 The Crescent, Crynant, Neath SA10 8RT	
Decision	Approval with Conditions	
Ward	Crynant	

35	App No. P2015/0657	Type Householder
Proposal	First floor side extension	
Location	5 Village Gardens, Aberavon, Port Talbot SA12 7LW	
Decision	Approval with Conditions	
Ward	Aberavon	

36	App No. P2015/0658	Type Full Plans
Proposal	Installation of chiller plant and condenser Units.	
Location	Amazon, Ffordd Amazon, Crymlyn Burrows, Neath SA1 8QX	
Decision	Approval with Conditions	
Ward	Coedffranc West	

37	App No. P2015/0662	Type Full Plans
Proposal	Erection of 4 dwellings, access road, associated car parking, engineering works, and landscaping. (Redesign of planning application P2015/0123 approved on 26th June 2015)	
Location	Garthmor Phase 4, Off Pearson Way, Neath SA11 2EJ	
Decision	Approved subject to s.106	
Ward	Neath East	

38	App No. P2015/0666	Type Advertisement
Proposal	2 No. externally illuminated fascia signs, 1 No. internally illuminated fascia sign, and 1 No. freestanding LED lightsheet poster frame, and 1 non illuminated temporary banner sign.	
Location	104 Windsor Road, Neath SA11 1NR	
Decision	Approval with Conditions	
Ward	Neath East	

39	App No. P2015/0674	Type Advertisement
Proposal	1 No. Internally illuminated fascia sign, and 1 No. Internally illuminated projecting sign.	
Location	56 Gwilym Road, Cwmllynfell SA9 2GN	
Decision	Advert Approved with Std Cond	
Ward	Cwmllynfell	

40	App No. P2015/0675	Type Advertisement
Proposal	1 No. internally illuminated fascia sign, and 1 No. Internally illuminated projecting sign.	
Location	37 New Road, Skewen, Neath SA10 6UT	
Decision	Advert Approved with Std Cond	
Ward	Coedffranc Central	

41	App No. P2015/0679	Type Householder
Proposal	Single storey rear extension	
Location	16 Ynys Fawr Avenue, Resolven, Neath SA11 4LT	
Decision	Approved with 5yr expiry only	
Ward	Resolven	

42	App No. P2015/0681	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Conditions 16 and 19 (Verification and monitoring of remediation) of Planning Permission P2010/0222 (Approved on the 31/08/2012)	
Location	Land off, Fabian Way, Former BP Tank Farm, Crymlyn Burrows, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

43	App No. P2015/0747	Type PriorNotif.Tele(New)
Proposal	Prior notification for the erection of a 15m high shared telecommunications base station tower with six antennae and associated ground based cabinets and section of track	
Location	Goytre Farm, Goytre Road, Goytre, Port Talbot SA13 2YP	
Decision	Prior Approval Not Required	
Ward	Taibach	

44	App No. P2015/0749	Type Screening Opinion
Proposal	Request for a screening opinion (EIA Regulations) for the erection of single wind turbine (Hub height of 60m, tip height of 86.5m)	
Location	Land at, Perthigwynion Farm, Neath SA8 4TA	
Decision	EIA Not Required	
Ward	Pontardawe	

45	App No. P2015/0750	Type Householder
Proposal	Single storey side and rear extension, plus raised decking.	
Location	9 Graig Parc, Longford, Neath SA10 7HB	
Decision	Approval with Conditions	
Ward	Dyffryn	

46	App No. P2015/0684	Type Householder
Proposal	Proposed two storey and single storey side extension, plus detached store and garage.	
Location	3 Bryn Catwg, Cadoxton, Neath SA10 8BG	
Decision	Approval with Conditions	
Ward	Cadoxton	

47	App No. P2015/0689	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 25 (Bat Boxes) of P2014/0104 granted 27/8/14	
Location	Ysgol Arbennig Llansawel, Heol Ynysymaerdy, Llansawel, Castell Nedd Castell Nedd Port Talbot SA11 2TL	
Decision	Approval with no Conditions	
Ward	Briton Ferry East	

48	App No. P2015/0695	Type Householder
Proposal	Single storey side extension plus alteration to flat roof garage to provide a ridged roof.	
Location	12 Maes Rhosyn, Rhos Pontardawe SA8 3HT	
Decision	Approval with Conditions	
Ward	Rhos	

49	App No. P2015/0698	Type Householder
Proposal	Demolition of existing single storey rear extension, and construction of two storey rear extension.	
Location	1 New Road, Trebanos Pontardawe SA8 4DL	
Decision	Approval with Conditions	
Ward	Trebanos	

50	App No. P2015/0710	Type Householder
Proposal	Retrospective application for the erection of a greenhouse	
Location	2 Clos Ysticlau, Seven Sisters, Neath SA10 9GA	
Decision	Approval with no Conditions	
Ward	Seven Sisters	

51	App No. P2015/0717	Type Advertisement
Proposal	Two internally illuminated fascia signs, one non illuminated nameplate sign, and 2 internally illuminated projecting signs.	
Location	General Post Office, 139 Station Road, Port Talbot SA13 1NG	
Decision	Approval with Conditions	
Ward	Port Talbot	

52	App No. P2015/0721	Type Householder
Proposal	Single storey rear extension.	
Location	16 Gron Road, Gwaun Cae Gurwen, Ammanford Neath Port Talbot SA18 1HD	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

53	App No. P2015/0722	Type Householder
Proposal	Two storey side and rear extension and single storey side extension	
Location	19 Cedar Gardens, Baglan, Port Talbot SA12 8TE	
Decision	Approval with Conditions	
Ward	Baglan	

54	App No. P2015/0726	Type Advertisement
Proposal	1 No. Internally illuminated fascia sign and 1 No. interally illuminated projection sign.	
Location	130 LONDON ROAD, NEATH SA11 1HF	
Decision	Advert Approved with Std Cond	
Ward	Neath North	

55	App No. P2015/0729	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of condition 15 (External Plant and Extraction) of Planning permission P2015/0286 (Approved on the 12/08/15)	
Location	Cimla Hotel, 151 Cimla Road, Cimla, Neath SA11 3UG	
Decision	Approval with no Conditions	
Ward	Neath South	

56	App No. P2015/0734	Type Advertisement
Proposal	2 No. Internally illuminated fascia signs, and 1 No. Internally illuminated projecting sign.	
Location	Former Cimla Hotel, 151 Cimla Road, Cimla, Neath SA11 3UG	
Decision	Approval with no Conditions	
Ward	Neath South	

57	App No. P2015/0735	Type Full Plans
Proposal	Installation of shopfront, security bollards plus canopy to service yard	
Location	Cimla Hotel, 151 Cimla Road, Cimla, Neath SA11 3UG	
Decision	Approval with Conditions	
Ward	Neath South	

58	App No. P2015/0739	Type Householder
Proposal	Two storey and single storey rear extensions (Amendment of application P2013/0563 granted on 09/09/13).	
Location	21 Rugby Road, Resolven, Neath SA11 4HH	
Decision	Approval with Conditions	
Ward	Resolven	

59	App No. P2015/0742	Type Householder
Proposal	Two storey rear extension.	
Location	12 Alltywerin, Pontardawe, SA8 4NQ	
Decision	Approval with Conditions	
Ward	Pontardawe	

60	App No. P2015/0743	Type Householder
Proposal	Front Porch	
Location	91 Brooklyn Gardens, Aberavon, Port Talbot SA12 7PD	
Decision	Approved with 5yr expiry only	
Ward	Aberavon	

61	App No. P2015/0744	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	13 Moorlands, Dyffryn Cellwen, Neath SA10 9HY	
Decision	Issue Lawful Dev.Cert.	
Ward	Onllwyn	

62	App No. P2015/0745	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for the conversion of integral garage to living accommodation, and external alterations to remove garage door and replace with window.	
Location	34 Woodlands Park Drive, Cadoxton, Neath SA10 8DE	
Decision	Issue Lawful Dev.Cert.	
Ward	Cadoxton	

63	App No. P2015/0753	Type Householder
Proposal	Single storey rear extension.	
Location	42 Commercial Road, Resolven, Neath SA11 4HY	
Decision	Approval with Conditions	
Ward	Resolven	

64	App No. P2015/0758	Type Non Material Amendment (S96A)
Proposal	Non Material amendment to replace a hipped roof with gable roof as previously approved under Planning Application P2015/0137	
Location	7 Bronywawr, Pontardawe SA8 4JY	
Decision	Approval with no Conditions	
Ward	Pontardawe	

65	App No. P2015/0759	Type Neigh.Auth/Nat.Park
Proposal	Consultation from Swansea City council with regard to proposed solar farm	
Location	Land At Carn Nicholas Farm, Bonymaen, Swansea SA1 7BL	
Decision	No Objections	
Ward	Outside Borough	

66	App No. P2015/0763	Type Non Material Amendment (S96A)
Proposal	Non Material Amendment to Planning Permission ref. P2015/100 to remove side door and the installation of patio doors to side elevation	
Location	78 Tyn Y Cae, Alltwn Pontardawe SA8 3DL	
Decision	Approval with no Conditions	
Ward	Alltwn	

67	App No. P2015/0767	Type Change of Use
Proposal	Change of use from office (B1) to chiropodists (D1)	
Location	73 Windsor Road, Neath SA11 1NG	
Decision	Approval with Conditions	
Ward	Neath North	

68	App No. P2015/0769	Type Householder
Proposal	Replacement single storey rear extension.	
Location	94 Mariners Point, Sandfields, Port Talbot SA12 6DN	
Decision	Approved with 5yr expiry only	
Ward	Sandfields East	

69	App No. P2015/0789	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for a Scooter Store	
Location	Rhandir, 62 Glyn Road, Lower Brynamman, SA18 1ST	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Lower Brynamman	

70	App No. P2015/0791	Type Householder
Proposal	Single storey side and rear extension plus raised platform to the rear	
Location	2 Garth Road, Tairgwaith SA18 1UY	
Decision	Approval with Conditions	
Ward	Lower Brynamman	

71	App No. P2015/0815	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (Proposed) for a single storey side garage extension	
Location	314 Margam Road, Margam, Port Talbot SA13 2DE	
Decision	Issue Lawful Dev.Cert.	
Ward	Margam	

72	App No. P2015/0825	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (Lawful Development Certificate Proposed)	
Location	1 Cavell Street, Glyncorrwg, Port Talbot SA13 3AE	
Decision	Issue Lawful Dev.Cert.	
Ward	Glyncorrwg	

73	App No. P2015/0828	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawful development (proposed) for a single storey side extension	
Location	5 Sable Avenue, Sandfields, Port Talbot SA12 7SB	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

74	App No. P2015/0842	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2014/0402 (Approved on the 02/09/2015) to vary the wording of condition 2 to increase the rated capacity of the scheme from 4MW to 5MW.	
Location	Mynydd Y Gwrhyd, North Of Pontardawe, East Of Cwmgors	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

75	App No. P2015/0849	Type Discharge of Cond.
Proposal	Details pursuant to the partial discharge of planning condition 26 (Verification of imported soils for Plots 70-76 only) of P2013/0327 (Approved on the 25/09/13)	
Location	Plots 70 To 76, Ocean View, Jersey Marine, Neath	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

76	App No. P2015/0852	Type Lawful Dev. Cert- Prop.
Proposal	Lawful development certificate for a proposed single storey side extension.	
Location	112 New Road, Skewen, Neath SA10 6HG	
Decision	Issue Lawful Dev. Cert.	
Ward	Coedffranc West	

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