



PLANNING COMMITTEE

2.00 PM - TUESDAY, 12 JULY 2016

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 21st June 2016 (*Pages 5 - 8*)
3. To Request Site Visit(s) from the Applications Presented

Report of the Head of Planning

Section A - Matters for Decision

Planning Application Recommended for Approval

4. Application No: P2016 0409 - Change of use of part of Community Enterprise Centre (use class Sui Generis) to a separate cafe (operating hours 08:00 to 16:00) and takeaway and delivery services (operating until 23:30 (use class A3). Croeserw Community Enterprise Centre, Bryn Siriol, Croeserw, Cymmer, Port Talbot. SA13 3PN. (*Pages 9 - 14*)

Planning Application Recommended for Approval

5. Application No: P2016-0471 - Retention of outbuilding - 47, Neath Road, Rhos, Pontardawe, Swansea. SA8 3EB (*Pages 15 - 24*)

Planning Application Recommended for Approval

6. Application No: P2016-0494-Briton Ferry Football Club
(Pages 25 - 32)

Planning Application Recommended for Refusal

7. Application No: P2015 0494 - Outline application for 17 No dwellings together with matters of access, layout and drainage. Land adjacent to Sports Centre, Tonmawr, Neath SA12 9UR.
(Pages 33 - 58)

Planning Application Recommended for Refusal

8. Application No: P2016 0320 - Proposed change of use from former lorry park to caravan/motorhome storage and servicing. Former Lorry Park, Tata Steel, Cefn Gwrgan Road, Margam, Port Talbot. SA13 2PT (Pages 59 - 66)

Section B - Matters for Information

9. Appeals Received Between 11 June 2016 and 3 July 2016
(Pages 67 - 68)
10. Appeals Decisions Between 11 June 2016 and 4 July 2016
(Pages 69 - 72)
11. Delegated Applications Determined Between 11 June 2016 and 3 July 2016 (Pages 73 - 82)
12. 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, 5 July 2016

Committee Membership:

Chairperson: Councillor R.G.Jones

**Vice
Chairperson:** Councillor E.E.Jones

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

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

Requesting to Speak at Planning Committee

The public have a right to attend the meeting and address the Committee in accordance with the [Council's approved procedure](#) which is available at www.npt.gov.uk/planning.

If you would like to speak at Planning Committee on an application reported to this Committee you must:

- Contact Democratic Services in writing at : Civic Centre, Port Talbot SA13 1PJ, preferably by email: democratic.services@npt.gov.uk.
- Ensure your request to speak is made no later than two working days prior to the meeting date (by 2 pm on the preceding Friday based on a usual Tuesday meeting),
- Clearly indicate the item number or application number on which you wish to speak and confirm whether you are supporting or objecting to the application.
- Give your name and address (which will be publicly available unless there are particular reasons for confidentiality)

Please note that only one person is able to speak in favour of, and one against, each application. Full details are available in the [Council's approved procedure](#).

Should you wish to discuss any aspect of public speaking, please contact the Democratic Services Team on 01639 763719.

Applicant / Agent Right of Reply

Please note that, should an objector register to speak, the Applicant/Agent will be notified by the Council of their ability to address committee (their 'right to reply'). Should the applicant/agent wish to exercise that right, it will be necessary to confirm this to the Democratic Services section before noon on the day before the meeting.

Commenting on planning applications which are to be reported to Committee

Should you wish to submit representations on an application presented to this Planning Committee, please note that these must be received by the Planning department no later than 4.30p.m. on the Friday before Committee (based on the usual Tuesday meeting). If the meeting is not on a Tuesday, these should be received no later than 4.30pm on the penultimate working day immediately preceding the Planning Committee.

Please note that representations received in accordance with the Council's protocol are summarised and, where necessary, commented upon in the form of an Amendment Sheet, which is circulated to Members of the Planning Committee by email on the evening before Committee, and presented in hard copy form at the actual meeting.

PLANNING COMMITTEE (NEATH CIVIC CENTRE)

Members Present:

21 June, 2016

Chairperson: Councillor R.G.Jones

Vice Chairperson: Councillor E.E.Jones

Councillors: Mrs.A.Chaves, Mrs.R.Davies, S.K.Hunt,
C.Morgan, Mrs.S.Paddison and
Mrs.L.G.Williams

Officers In Attendance: S.Ball, I.Davies, M.Fury and Miss.G.Cirillo

1. **CHAIRPERSONS'S ANNOUNCEMENT**

As a mark of respect regarding the recent tragic death of MP Mrs. Joe Cox, the Chairperson requested that the Committee hold a minute's silence.

2. **MINUTES OF THE LAST MEETING**

RESOLVED: that the Minutes of the Planning Committee held on 3 May, 2016 be confirmed as a true and accurate record.

(Note: An amendment sheet as attached as an Appendix and agreed was circulated prior to the meeting)

3. **APPLICATION NO: - P2016/0287 - LAWFUL DEVELOPMENT
CERTIFICATE FOR EXISTING USE OF FAMILY HOME
(DWELLING HOUSE) CARAVAN 'A', ABERDRYCHWALLT FARM,
PONTRHYDYFEN, PORT TALBOT SA12 9SN**

RESOLVED: that, in accordance with the Officer's recommendation as detailed within the circulated report, and subject to the

circulated amendment sheet:-

1. The Lawful Development Certificate be issued for use of a building comprising the siting of a caravan with additional block-built extension to its western elevation as a single dwelling house as identified on drawing ref. AF-01 (March 2016).
2. Enforcement action be authorised to secure the removal of the unauthorised built development, with the exception of the brickwork built immediately abutting the external walls of the existing caravan (as identified on drawing ref. AF-01 (March 2016) up to the height of the existing 'extension' to the caravan.

4. **APPLICATION NO: P2016/0337 - RETENTION OF CARAVAN AS A DOMESTIC DWELLING (EXISTING CERTIFICATE OF LAWFUL DEVELOPMENT), ABERDRYCHWALLT FARM, PONTRHYDYFEN, PORT TALBOT, SA12 9SN**

RESOLVED:

that in accordance with the Officer's recommendation as detailed within the circulated report, and subject to the circulated amendment sheet:

1. The Lawful Development Certificate be refused on the grounds that insufficient evidence has been provided to demonstrate that the caravan has been in situ on the application site and used for residential purposes for in excess of ten years;
2. Enforcement action be authorised to cease the existing residential use of the land and remove the unauthorised caravan and associated structures from the site, and to restore the land to its former condition.

(Note: With regard to the Amendment Sheet referred to above and attached as an Appendix, on which the Chairperson 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).

5. **APPEALS RECEIVED BETWEEN 26 APRIL AND 10 JUNE 2016**

RESOLVED: That the following Appeals Received, as detailed in the circulated report, be noted:

1. Appeal Ref: A2016/0006

Applicant

Ann Slattery John – Retention of non-illuminated advertisement.
Dimensions of advertisement – 1.83m(w) x 0.9m(h). Maximum height of letters 0.203m and Symbol 0.514m. Height from ground level to base of advert 1.85m at 70 Neath Road, Tonna SA11 3DJ

2. Appeal Ref: A2016/0007

Applicant

Mrs. Linda Rees – Removal of Conditions 1,3, and 4 and variation of Condition 2 of Planning Permission P2014/1102 approved 04/08/15 at Crosswinds, 39 Cimla Common, Cimla, Neath

6. **DELEGATED APPLICATIONS DETERMINED BETWEEN 26 APRIL AND 10 JUNE 2016**

Members received a list of Planning Applications which had been determined between 26 April and 10 June 2016, as detailed within the circulated report.

RESOLVED: that the report be noted.

CHAIRPERSON

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0409	<u>DATE:</u> 11/05/2016
PROPOSAL:	Change of use of part of Community Enterprise Centre (use class Sui Generis) to a separate café (operating hours 08:00 to 16:00) and takeaway and delivery services (operating until 23:30) (use class A3).
LOCATION:	Croeserw Community Enterprise Centre., Bryn Siriol, Croeserw Cymmer, Port Talbot SA13 3PN
APPLICANT:	Mr Scott Jones
TYPE:	Full Plans
WARD:	Cymmer

Background Information:

The application is being reported to committee as the applicant – Mr Scott Jones - is an Elected Member of the Council.

Planning History:

P2013/0029 - Two storey detached community and enterprise centre with multi use games area and associated car parking and engineering operations (amendment to planning permission ref. P2011/0783 granted on 16/1/12 comprising of the re-siting of the building, car park and MUGA). - Conditional approval 03/07/13.

P2011/0783 – Two storey detached community and enterprise centre, with multi use games area and associated car parking and engineering operation. - Conditional approval 16/01/12.

Publicity and Responses:

Head of Engineering and Transport (Highways): No objection subject to the takeaway service being restricted to the hours specified, to ensure that there is adequate car parking provision.

Environmental Health (Noise): There would be no proposed changes to the ventilation or extraction systems to the kitchen to accommodate the takeaway and therefore they have no comment to make.

Dwr Cymru Welsh Water: No objection subject to condition.

12 adjacent dwellings have been consulted by letter and site notices have been displayed around the site. To date no representations have been received.

Description of Site and its Surroundings:

The site is occupied by a two storey community and enterprise centre. The centre provides a mixture of community, training, sporting facilities and an ancillary cafe. To the north of the centre is the access road, its car parking and the multiuse games area (MUGA), while to the south there are the existing two storey semi-detached dwellings of Pen y Wern.

Brief description of proposal:

When planning permission was granted for the Community and Enterprise Centre it included the provision of training facilities and workshops including a restaurant/cafe and associated kitchens, which were proposed to be used to provide catering facilities for the users of the centre while also providing catering training for the wider community. When the centre initially opened the council operated the café and associated catering training facilities at a loss, however as part of cost cutting measures the operation of the café has been put out for tender and the applicant was the successful bidder.

The proposed application seeks permission to operate a takeaway and food delivery service from the café after its normal ancillary operating hours for the centre. As such the proposal would mean that the café would operate as an independent separate planning unit and not just as an ancillary café to the main operation of the Community and Enterprise Centre. The proposed operating hours for the café are stated as 08:00 to 16:00hrs each day. The proposal seeks permission to undertake a proposed takeaway service which would operate from 16:00 to 23:30hrs each day and a food delivery service which would operate 10:00 to 23:30hrs Mondays to Fridays and 09:00 to 23:30hrs Saturdays and Sundays.

Material Considerations:

The main issues for the consideration in the determination of application are the impact upon the character and appearance of the surrounding area, the impact upon the residential amenity of the occupiers of the adjacent dwellings and the impact upon highway and pedestrian safety.

Policy Context:

The Development Plan comprises the Neath Port Talbot Local Development Plan which was adopted in January 2016, within which the following Policies are of relevance:

Policy SC1: Settlement Limits.

Policy SC2: Protection of Existing Community Facilities.

Policy TR2: Design and Access of New Development.

Principle of Development

While the proposed development seeks to operate as a takeaway and food delivery service beyond the normal operating hours of the Community and Enterprise centre, during the operating hours of the centre it would still provide the café service to the users and operators of the centre. As such the proposed development – subject to a condition restricting its use to that applied for - would not result in the loss of an existing community facility and would accord with Policy SC2. It is therefore considered that the principle of the development is acceptable subject to the development complying with the criteria of the other development plan policies.

Visual Amenity:

The proposed development seeks permission for the café to operate independent of the rest of the Community and Enterprise Centre, for a takeaway and food delivery service which would operate after the hours of the rest of the centre. The development does not propose any external alterations to the building or any changes to the existing extraction and ventilation system that serves the existing café. The scale and character of the proposed change of use would not be out of keeping with the existing uses that would continue to operate in the rest of the building. As such the proposed development would have no detrimental impact upon the character or appearance of the surrounding area.

Residential Amenity:

There are a number of existing dwellings within Pen y Wern which back onto the application site. While the proposed development would result in the extension of the operating hours of the café (and associated takeaway / delivery service) within the wider Community and Enterprise Centre, it is considered that the associated increase in activity would be to the front of the centre, with the centre itself acting as a screen to the rear of the residential properties. It is therefore considered that there would be no material increase in the level of noise and disturbance experienced by the adjacent dwellings that currently occurs from the existing Community and Enterprise Centre.

It has also been confirmed that there is no intention to change the existing extraction and ventilation system within the existing kitchen area. As such the Environmental Health Section has confirmed that they have no comment to make in regard to the proposed development.

As such the proposed development would have no unacceptable impact upon the residential amenity of the occupiers of the adjacent dwellings.

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

The proposed development seeks permission for the operation of a takeaway and food delivery service from the existing café premises. The food delivery service would not result in an increase in visitors to the property and as such would have no impact upon the existing car parking provision the serves the Community and Enterprise Centre.

The proposed takeaway service would operate outside the normal operating hours of the centre. The centre has two purpose built car parking areas, both on the northern side of the access road. The car parks provide a total of 55 car parking spaces. The Head of Engineering and Transport (Highways) has stated that they have no objection to the proposed development subject to a condition that seeks to limit the takeaway operating hours to those as specified by the applicant to ensure that there would be adequate car parking provision for both the proposed development and the existing Community and Enterprise Centre. As such it is considered that the proposed development would have no unacceptable impact upon the highway or pedestrian safety of the existing road network.

Other:

Dwr Cymru Welsh Water has raised no objection to the proposed development subject to a condition to fit grease filters to the drains. However as the proposal seeks to change the operating nature of an existing A3 use, it is considered that it would not be reasonable to impose this condition at this stage to an existing A3 use.

Conclusion:

Subject to the imposition of suitable conditions to restrict operation hours, the proposed development would have no unacceptable impact upon the character and appearance of the surrounding area or upon the residential amenity of the occupiers of the adjacent dwellings, nor would the proposal have a detrimental impact upon highway and pedestrian safety. As such the proposed development is considered to accord with Policies of Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS:

Time Limit 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.

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans and documents:

- Proposed Site Plan 09:129 A02 Rev L
- Ground floor Plan as Proposed 09:129 A03 Rev M.
- Description of the Proposal.

Reason

In the interests of clarity.

Regulatory Conditions

(3) The hereby approved café and food delivery service (Use Class A3) shall not operate between the hours of 23:30 and 09:00 Mondays to Sundays and any takeaway service shall not operate between the hours of 23:30 to 09:00 hours Mondays to Sundays.

Reason.

In the interests of residential amenity and highway and pedestrian safety.

(4) The premises shall be used for a café with associated takeaway and food delivery service and for no other purpose (including any other purpose in Class A3 of the schedule to the Town and Country Planning (use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) and notwithstanding the provisions of Schedule 2, Part 3, Class A 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), there shall be no permitted change of use.

Reason.

To ensure the adequate provision of community facilities.

REASON FOR GRANTING PLANNING PERMISSION

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

The proposed development would have no detrimental impact upon the character and appearance of the surrounding area or upon the residential amenity of the occupiers of the adjacent dwellings, nor would the proposal subject to the imposition of suitable condition to restrict operation hours have a detrimental impact upon the highway and pedestrian safety of the existing road network. As such the proposed development is considered to accord with policies of Neath Port Talbot Local Development Plan.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0471	<u>DATE:</u> 25/05/2016
PROPOSAL: Retention of outbuilding.	
LOCATION: 47 Neath Road, Rhos Pontardawe, Swansea SA8 3EB	
APPLICANT: Mr Dean Osell	
TYPE: Householder	
WARD: Rhos	

Background information

The application has been called to Committee by Councillor Alex Thomas (Rhos Ward), who has requested a site visit to enable Members to form an impression of the structure in situ and assess whether or not the development has a significant impact on the neighbouring property.

Planning History:

None

Publicity and Responses if applicable:

Cilybebyll Community Council – The council notes that this is a retrospective application and the applicant's indication that the building is "ancillary to the use of the dwelling" It requests that the LPA reassures itself that this is the case, and takes an informed view on the scale of the building in the context of adjoining residential properties.

4 Neighbouring properties were consulted individually by letter.

In response, one letter of objection has been received, along with a subsequent email, with the objection summarised as follows;

1. That the outbuilding's external appearance has resulted in a detrimental impact upon the character of their property.
2. That the size, width, height and massing have an unacceptable impact upon their property.
3. That the location of the outbuilding is overbearing upon their amenity space, and property to the detriment of their amenity.

4. That it results in a loss of light.
5. That the outbuilding is out of character with the village.
6. That the building has, and will be used for commercial purposes.
7. Noise and disturbance from the use of the building.
8. Health and safety concerns over storage of fuel and machinery.
9. The property is for sale and the outbuilding is being advertised as a “garage/workshop”.

A letter has also been received from **Jeremy Miles AM** for Neath. The letter reiterates the objectors concerns over the use of the building for business purposes, and the potential for this use to continue in the future, to the detriment of the objectors amenity.

Councillor Alex Thomas (Ward Member for Rhos) has also made the following representations (summarised):

The neighbour comments that the scale of the building and its proximity to the boundary cause it to have an overbearing effect on his property. I note that the dimensions provided with the planning application show that it exceeds the height at the eaves nearest the neighbouring property which would allow it be classed as a permitted development. This is without taking into consideration the substantial concrete footing which adds, at its highest point, a further 0.7m to the height.

The materials used for construction are considered by the neighbour to be out of keeping with the residential setting that surrounds it. In this regard I would note policy BE1 of the LDP, which requires that a development "...complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment" and "...utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate". Having visited the neighbour's property, I can confirm that the size and position of the structure do cause it to have a significant impact on the neighbouring house. The design of the outbuilding, which would be more usual in a light industrial area than a residential setting, intensifies this effect.

Finally, regarding the previous use of the outbuilding for commercial purposes, I am told that neighbouring residents are concerned that, if permission to retain the development is granted, it may in the future be once again used for the tree surgery business run by the applicant. I understand that use of the outbuilding for business purposes would not be permitted without a change to the usage class of the property.

Without prejudice to my comments above, if this application were to be approved I would consider it necessary that conditions be attached to the permission that would ensure that it is only used for purposes ancillary to the use of the dwelling.

Description of Site and its Surroundings:

The building lies within the rear curtilage of No. 47 Neath Road, Rhos, a two storey semi-detached dwelling house sited in a residential street of similar dwellings.

The property has a shared driveway with No.45, with a level front garden which consists mainly of a lawn, with a smaller area of loose stone providing parking for two vehicles. The rear garden gently slopes downwards away from the dwelling with a pathway to the side of the outbuilding in question, leading to lawn area. The rear garden is bounded on all sides by boundary treatment consisting of hedging and mature trees on the eastern and southern boundary and wooden ranch style fencing on the western boundary. An existing glasshouse is located to the rear of the outbuilding.

Brief description of proposal:

The application seeks planning permission for the retention of a detached outbuilding.

The outbuilding is located approximately 10 metres from the rear elevation of the property and approximately 500mm off the western boundary, the common boundary with No 45 Neath Road, and 3.5 metres off the eastern boundary.

The outbuilding measures 4.0 metres in width by 7.0 metres in length, and will reach a height of 2.6 metres to the eaves and 2.95 metres to the ridged roof on the front elevation with the rear elevation measuring 3.4 metres to the eaves and 3.75 metres to the top of the ridged roof. This is due to the sloping nature of the site, and to provide a level base.

The building is a pre-fabricated garage type structure, and has been finished in a dark green colour coated metal. The front elevation has a colour coated green roller shutter door measuring 2.4 metres in width by 2.1 metres in height.

Background Information

Members will note that this application is retrospective, and that the outbuilding has already been erected on site.

Further to this, allegations that this building was being used for commercial purposes have previously been drawn to the Authority's attention. The applicant does operate an arboricultural (tree work/landscaping) business, and evidence was provided that the storage of some machinery associated with that business was stored, and collected by staff from the premises. In addition it was alleged that the property was being used as a "base" for the business, and that members of staff regularly visited the property to collect and drop off items associated with the business, and for other work related purposes.

The applicant has since secured alternative premises, and whilst it is understood the applicant still uses the outbuilding to store items related to his personal involvement in the business, and for uses ancillary to the dwelling, they have confirmed that they no longer operate the business from the application site.

Notwithstanding this, the application submitted is to retain an outbuilding within the rear garden area of the residential property, for uses ancillary to the dwelling house only. As such, any alleged business use of this building is not to be assessed or considered as part of this application.

Material Considerations

The main issues for consideration in the determination of this application are whether the proposal would be acceptable in terms of visual amenity and residential amenity in the context of prevailing development plan policies.

Policy Context:

The Council formally adopted the Local Development Plan on 27th January 2016, within which the following Policies are of relevance: -

- SP21 – Built Environment and Historic heritage
- BE1-Design

Permitted Development Rights for Residential Outbuildings

Having regard to the objections raised by the neighbour and comments from the Ward Councillor, it is noted that permitted development rights exist for outbuildings that would not require the benefit of planning permission. Notably, this allows the siting of an outbuilding without the need for planning permission subject to the following:

- The total area of ground covered by outbuildings does not exceed 50% of the total area of the curtilage
- The Outbuilding is not located in front of the building line of the principal elevation
- The Outbuilding does not extend beyond the side elevation of the house when the development would be any closer to a highway than the existing house, or at least 5 metres from the highway – whichever is nearest
- No part of the development within 2 metres of a boundary of the house can exceed a height of 2.5 metres
- No part of the development within 2 metres of the house can exceed a height of 1.5 metres

And specifically in relation to height of outbuildings;

- Outbuildings cannot exceed more than one storey
- The height of an outbuilding cannot exceed 4 metres when the building has more than one pitch (eg dual pitch and hipped roofs)
- The height cannot exceed 3 metres when the building has a single pitch or other roof form
- Flat roof buildings cannot exceed 2.5 metres in height
- Eaves height of the building cannot exceed 2.5m

Therefore in this particular case, this outbuilding requires planning permission because: -

- The development exceeds a height of 2.5 metres within 2 metres of a boundary of the property.

In this case the development ranges in height, when measures 2m from the boundary between approx. 2.8m and 3.5m. An average of 650mm over permitted development allowances.

- In addition for the rear half of the building, the eaves levels, due to the plinth base, exceeds 2.5m. At the maximum the eaves level measured at the rear corner measures approx. 3.4m, this is due to the level platform constructed to place the outbuilding on, being 700mm in height at the rear.

Visual Amenity

With regards to visual amenity, the outbuilding is sited within the rear garden at the end of a shared driveway, alongside a wooden outbuilding which is located within the neighbouring property's (No.45) garden. Due to the orientation of the property and the fact that it will be sited approximately 27.0 metres from the highway, the outbuilding is not highly visible when viewed from the public highway, however it is acknowledged that it is visible from the rear of the immediate neighbouring properties.

The outbuilding is constructed in box profile colour coated metal, and is considered to be an 'off the shelf' pre-fabricated structure, the likes of which can be bought for the purpose of storage, or the garaging of vehicles from many high street or DIY stores.

An objection has been received stating that the external appearance has resulted in a detrimental impact upon the character of their property, and that it is out of character with the character of the village. In this regard it is noted that the finish does not reflect that of the main property, however, having regard to the above it is not considered unusual to have outbuildings within a residential context of this design and finish, nor is it considered that in this location the choice of materials would be sufficient to justify refusal of this application on such grounds. It is also noted that a similar structure using such materials could be constructed under the permitted development rights detailed above on this or other residential properties.

In terms of its size, it is noted that there are outbuildings within the rear gardens of adjacent properties, notably No. 43, which is of a similar scale, albeit of different external appearance, and a smaller wooden building adjacent to the application site within the garden of No. 45.

Taking into consideration the size of the rear gardens, the location, design and scale of the development, it is considered that the outbuilding does not amount to an unacceptable or obtrusive feature

within the rear garden of a residential dwelling. In this regard, whilst it is visible from the rear gardens and rear windows of the adjoining properties, the distances off the properties themselves, and the fact that the external finish is dark green in colour results in a form of development that does not appear out of character or demonstrably detract from the visual amenity of the area.

Policy BE1 of the Neath Port Talbot LDP refers to design, and states that proposals should complement and enhance the character and appearance of a site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment. This Policy is applied to all new development, and it is considered that in the context of an outbuilding within a rear garden that the proposals does not have a detrimental impact upon the host dwelling by its appearance or location nor does it detract from the character and appearance of the street scene and surrounding area. Accordingly the proposals are in accordance with Policy BE1 of the Neath Port Talbot Local Development Plan.

Residential Amenity:

In relation to residential amenity, the outbuilding is located at the end of the driveway approximately 10.0 metres from the rear elevation of the host property. The proposal has a roller shutter door on the front elevation with no windows or doors proposed on either side elevation facing the neighbouring properties

The objection received states that the size, width, height and massing have an unacceptable impact upon their property, and that the location of the outbuilding is overbearing upon their amenity space, and property to the detriment of their amenity including from loss of light.

With regards to the neighbouring property at No. 45 Neath Road the outbuilding will be sited approximately 500mm off the boundary measuring a height to the 2.6 metres to the eaves at the front and gradually increasing to 3.4 metres to the rear. Due to the lack of screen boundary treatments between the two rear gardens the development is highly visible when viewed from the neighbour's garden. However it should be acknowledged, and has been clarified earlier within this report, that under Permitted Development Rights an outbuilding can be erected reaching a maximum height of 2.5 metres within 2.0 metres of the boundary. In addition a wall/ fence up to 2.0 metres in height can be erected on the boundary without planning permission. It is

acknowledged that the erection of a screen fence would significantly obscure the side elevation of the outbuilding, however, it would be located 0.5m closer than the existing building, and whilst either party may wish to erect one in the future, it is not considered that for visual amenity, or privacy that one is necessary to make the development acceptable.

In respect of No. 49 Neath Road the outbuilding has a separation distance of approximately 3.5 metres off the boundary with this property and is screened by the 2.0 metre high mature hedge which follows the length of the boundary.

The outbuilding is approximately 35.0 metres from the rear boundary with the neighbouring properties at 19 and 20 Heol y Nant and is screened by the mature trees on this boundary.

Therefore taking into consideration its size, siting and design in relation to the neighbouring properties, it is not considered to have an unacceptable impact with regards to overlooking, overbearing or overshadowing issues to the detriment of amenities of the occupiers of the adjacent properties. It is accepted that the building is visible to the occupiers of No. 45, but it is not of excessive scale or height to impact significantly upon their amenity or enjoyment of their rear garden to warrant refusal, notably taking into consideration the distances from the rear elevation of the dwelling, and the allowances under permitted development.

In respect of the use of the outbuilding, whether it be for the garaging of vehicles or storage, it is considered that the use of this building for purposes ancillary to the dwelling would not result in any significant harm upon the amenity of adjoining properties.

It is also considered necessary to impose a condition requiring the use of the garage to 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. In this regard, it is noted that any future use of the building for commercial/business purposes would require planning permission. Whilst each application is considered on its merits, it is unlikely in a residential area that a commercial use and operation would be appropriate.

The storage of items in relation to the owners profession, for his personal use would most likely fall within "ancillary use" to the dwelling,

just as the use of an outbuilding for a residents own hobby, such as car restoration for example, could be considered ancillary. However, that would be a matter to consider outside of this application, should any alleged breach of planning justify further investigation.

In this regard, the objectors comment that the building is being advertised as a “garage/workshop” in the sales information for the property would still reflect the approval of this building, since as noted above an outbuilding can be used for a workshop for the occupiers own use, ancillary to the use of the property.

It is therefore concluded that the use of the outbuilding, for purposes ancillary to the dwelling will not have an unacceptable impact upon the amenity of adjoining properties.

Highway Safety (e.g. Parking and Access)

The existing parking arrangements within the front curtilage of the property are to be retained and the outbuilding is located solely within the rear garden area. As such, it is considered that the development has no adverse impact on highway and pedestrian safety.

Objections

It is considered that the objections received have been addressed within the forgoing report. The impacts of the development upon visual amenity, the character of the area, and the residential amenity of adjoining properties has been considered. In addition the issues with use have also been addressed.

The storage of fuels etc, is not a planning matter, and therefore not a material consideration on the determination of this application.

Conclusion

It is considered that the outbuilding does not have an unacceptable impact upon residential amenity, upon the character or appearance of the street scene or the amenity of adjoining properties through its design or scale, and there would be no adverse impact upon highway and pedestrian safety. In addition the use of the building can be controlled by condition, and any potential breach of planning would need to be investigated outside of the determination of this application.

Accordingly, the proposed development is considered to be in accordance with Policies SP21 and BE1 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Approved Plans

(1) The development shall be carried out in accordance with the following approved plans and documents:

P1 Elevations

P2 Ordnance Survey Plan

P3 Block Plan

P4 Sketch plan of shed position

P5 Floor Plan

Reason

In the interests of clarity.

Regulatory Conditions

(2)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.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2016/0494	<u>DATE:</u> 06/06/2016
PROPOSAL:	Retention and completion of football stand
LOCATION:	Briton Ferry Athletic Football Club, Old Road, Neath SA11 2BS
APPLICANT:	Mr Stuart Williams
TYPE:	Full Plans
WARD:	Briton Ferry East

Background

This application has been called in to Planning Committee by Councillor Colin Morgan on highway grounds, who notes the difficulties experienced by local residents in Old Road, Ormond Street, Tyla Road, Darren Road and Ynysmaerdy Road, accessing their homes on match days, and considers that an increase in ground capacity will exacerbate the present position.

Planning History:

P2007/1616 – Multi use changing pavilion: approved 08/04/2008

Publicity and Responses

The application was advertised by Site Notice displayed on 13th June 2016.

To date one letter has been received on behalf of 11 local residents from 9 addresses in Old Road objecting on the following (summarised) grounds:-

- Trees have been cut down to enable base to be laid – new view a vast difference to existing view and does not blend in with surroundings
- No traffic management plan, and stand will result in more people attending games which will result in an increase in traffic to Old Road and more indiscriminate parking

- Existing parking problems with need to call 101 / PCSOs / traffic wardens. Problems occur not just Saturday afternoon but all day Sunday, training nights and nights when games are played 17.00 – 22.00
- Cwrt Sart school to close – currently used for parking
- Previously requested visitor parking – not agreed by Council
- Concern about future accidents

Briton Ferry Community Council: Objects to the proposal due to inadequate parking and highway access grounds.

Pollution Control: No objections

Head Engineering and Transport (Highways): No objections

Head of Engineering and Transport (Drainage): No objections

National Resources Wales: No response received therefore no observations to make

Coal Authority: No objections

Description of Site and its Surroundings:

The application site consists of the Briton Ferry Athletic Football Club located at Old Road, Neath. The football pitch is located to the rear of the residential properties located on Old Road. In the immediate vicinity there are allotments and a cricket pitch to the south and a rugby pitch to the east. Vehicular access is off Old Road.

Brief description of proposal:

The application seeks full planning permission for the retention and completion of a new football stand on the eastern side of the existing playing pitch. The submitted plans indicate that the finished development would have the following dimensions:

Width – 23.7m

Length – 2.9m

Maximum height – 3.0m

The structure will provide for up to 175 tiered tip-up seats and the roof will be finished in a grey cladding.

The applicant has provided supporting information in respect of the existing use and proposal which is summarised as follows:-

- We currently have two men's senior sides competing in the Welsh league every Saturday, we also provide a women's senior side who will be competing in the highest national level - the Women's Welsh Premier League with games played on a Sunday afternoon. We also provide an under 19's team as well as hosting minis (aged 6-8) on Sunday mornings from August-October then again from March-June. This is the same amount of use that we have had in the last 5 seasons.
- Since the club was formed in 2009 we have worked closely with the local residents and Cwrt Sart School to try and solve the parking issues that were raised when we first took over the ground.
- For the last two seasons we have used Cwrt Sart school to provide off road parking for all our bigger games and Sunday mornings.
- We have also worked closely with PCSO David Powell to make sure that if anyone does park illegally outside the ground that they are subsequently prosecuted.
- May the club also go on record to say we would fully support any resident parking claims that our neighbours have as this would solve a lot of the existing problems.
- With the closure of Cwrt Sart imminent we are keen to speak to our local council and the site development team to continue to try and provide an off road parking option for users of our facility.
- The current stand application that we have in place is not due to the volume of spectators increasing but purely due to Football Association of Wales guidelines and funding available for member clubs due to the national sides success of recent years.
- The only difference with the go ahead of the new stand is that spectators will now be able to sit to watch games rather than stand and we will have a designated disabled bay for up to ten disabled spectators.
- After years of applying and failing the club was delighted to finally be given the green light to improve the facility further not only for our teams but for the community as a whole.

- Our aim as always been to wholeheartedly provide the best facility possible for our communities first village and we would like to think that we play our part in not only promoting healthy living but also keeping vulnerable youngsters off the street by promoting grass-roots football.

Material Considerations:

The main issues to be considered in the determination of this application relate to the principle of development at this site taking into account the prevailing planning policies and its effect on visual and residential amenity as well as highway and pedestrian safety.

Policy Context:

The Neath Port Talbot Local Development Plan was adopted by the Council on 27th January 2016, within which the following Policies are of relevance:-

Policy SC1 Settlement Limits

Policy BE1 Design

Policy TR2 Design and Access of New Development

Visual Amenity:

The proposed football stand will be positioned adjacent to the playing pitch on the east touchline. The opposite touchline already benefits from a similar designed stand albeit at a much grander scale. Therefore, for the purposes of its immediate surroundings the development is in keeping with the character of the sports club.

With regard to the streetscene on Old Road, the positioning of the stand and its single-storey nature do not allow it to be visible. Therefore there is no impact on the character and appearance of the established streetscene.

The stand will be visible from the first floor rear windows of some of the properties on Old Road. The stand however, is a development which would be expected to be associated with a football ground and given its modest size in comparison to the pitch it is not considered to be an incongruous introduction to the landscape. In view of the aforementioned it is considered that the proposal would have no adverse impact on visual amenity.

Residential Amenity:

The single storey nature of the proposal and the separation distances of approximately in excess of 100m ensure that there would be no adverse effect on residential amenity / neighbouring properties.

With regard to any additional impacts arising from the proposed new stand, it is noted that the purpose of the stand is not to boost attendance numbers at the ground but instead to offer improved amenity to the supporters of the club. Whereas prior to the construction of the stand, supporters occupying the eastern touchline would be standing, if this development is successful they would not be afforded the opportunity to sit down and be sheltered from adverse weather conditions. Therefore in terms of any potential increase in noise and disturbance, there is not considered to be any increase over and above what currently exists on site such that it would warrant refusal of the application on such grounds. This is a viewpoint that is shared by the Environmental Health department that has offered no adverse comments.

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

Councillor Morgan has expressed concern on highway grounds, stating that it has “become a nightmare” on match days for local residents to access and egress their homes, and that an increase in ground capacity will certainly exacerbate the present position. In this respect it is also noted that the objectors’ letter has referred to existing parking problems which they feel would be exacerbated by the proposed development (along with the closure of the Cwrt Sart school which is used for parking at present).

In response the applicant has noted that since the club was formed in 2009 they have worked closely with the local residents and Cwrt Sart School to try and solve the parking issues that were raised when they first took over the ground. They advise that for the last two seasons this includes use of Cwrt Sart school to provide off road parking for bigger games and Sunday mornings, and that they have worked closely with PCSO David Powell to make sure that if anyone does park illegally outside the ground that they are subsequently prosecuted.

In considering such matters, it is clear that the use of the ground by the Football Club has had some impact locally in terms of parking issues, and that there is potential for closure of Cwrt Sart school to add to

these. It is, however, essential to consider whether this development (as opposed to the existing use of the site) would result in any unacceptable impacts on the local area including parking and highway safety.

In this respect, the highway authority has assessed the proposal and raised no objection to the development, noting that the applicants are not seeking to increase the volume of spectators at the ground, but to provide a seated area for the supporters who attend at present. Therefore this application would not increase traffic volume.

They have also noted that the football ground has historically been accessed off the adopted highway off Old Road Briton Ferry, and that the Traffic Management Section has advised that over the years requests have been made for a Residents parking scheme, with associated Traffic Regulation Orders for Old Road. To date, however, the surveys carried out have not triggered the criteria for a Residents parking scheme to be implemented at this location. In view of this therefore, the highways department has advised that they would not require the applicants to implement such a scheme as it would not be supported by the Councils Traffic Management Section.

Nevertheless, the local concerns have been passed onto the Traffic Management Section, who has agreed to look into this pre-existing parking issue again, and will be undertaking their own investigation independent of the planning application. The closure of Cwrt Sart school, and any impact on parking as a result, is therefore a matter to be considered at that stage rather than as part of this application

Accordingly it is concluded that the development itself would not create or generate any additional use of the ground such that it would be unreasonable to refuse the application on such grounds, having regard also to the fact that this provides an enhanced local facility for a community club.

Conclusion:

The proposed development will provide an enhancement to an existing community facility which would not adversely affect visual and residential amenity nor would it negatively impact on highway and pedestrian safety. The proposal therefore complies with Policies SC1, BE1 and TR2 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Approved Plans

(1) The development shall be carried out in accordance with the following approved plans:

- Block Plan
- Location Plan
- S9107

Reason

In the interest of clarity.

REASON FOR GRANTING PLANNING PERMISSION

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

The proposed development will provide an enhancement to an existing community facility which would not adversely affect visual and residential amenity nor would it negatively impact on highway and pedestrian safety. The proposal therefore complies with Policies SC1, BE1 and TR2 of the Neath Port Talbot Local Development Plan.

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2015/0494	<u>DATE:</u> 13/11/2015
PROPOSAL:	Outline application for 17 No dwellings together with matters of access, layout and drainage
LOCATION:	Land adjacent to Sports Centre, Tonmawr , Neath SA12 9UR
APPLICANT:	Pelenna Property Partnership LTD
TYPE:	Full Plans
WARD:	Pelenna

Background

This application is reported to Committee at the request of the local Ward Member, Cllr Martin Ellis on the grounds that: - there has been an overlap in development plans since the application was submitted which makes consideration of the application by Members important as there is a strong community interest; that the application is arguably an extension to the settlement boundary that has coherence and would provide an important addition to the housing stock in a village with no or few vacant homes of any type, and a strong local demand by my residents and returnees to this strong community; The increased demands on services would be small and the beneficial impact on the community outweighs other considerations; and that Tonmawr is sufficiently close to main services to be a sustainable base for residents in relation to jobs, education and health.

Planning History:

Application Site:

03/0331 New Foul sewer - Approved 6/5/03

Adjoining Site:

03/1086 Outline application for residential development - Approved 2/12/03

06/1432 8 Dwellings - Approved 30/1/07

Publicity and Responses if applicable:

The application was advertised on site and in the press and two individual properties were also notified.

To date the following representations have been received :-

Peter Black (formerly AM) wrote in support of the application and can be summarised as follows:

- Tonmawr is in need of new investment, having just lost its school. This development would be an important signal that the area is open for business, bring new people into the village including youngsters who want to stay in the area.
- Concern is expressed at the way the village envelope has been redrawn around Tonmawr (within the LDP), it appears that having closed the school the Council is now seeking to constrict the areas future development, by excluding land that has previously been considered suitable for housing.

Bethan Jenkins AM - Has written in support of the proposal and is summarised below:

- The development would bring employment, housing and money into an area which has lost their primary school, as well as the Fracking test drilling being approved in Pontrhydyfen. This development would give residents hope for the growth of their village.
- Further information, drawings, plans and biodiversity studies have been provided however a decision has still not been given.

Jeremy Miles AM - Has written in support of the proposal and is summarised below:

- The development is a former asset of Tonmawr 2000, a project developed by local residents for the 'sustainability and wellbeing of the village by opportunities of employment, better health and future growth', the final phase of which was to use the adjacent parcel of land for affordable and sustainable housing
- Concerned about required submission of large volume of additional information before the plans could be registered, and subsequent requirement for extensive biodiversity / reptile

surveys, consequence of which was delays, resulting in the LDP superseding the UDP.

- Concern about different approach between this site and Tonna (Planning Application Ref; P2015/0363)
- Understands that the application has support within the community, and would lead to a development in keeping with the original aims and objectives of the Tonmawr 2000 project. In a village which has recently lost facilities including the closure of the primary school and in sight of the stringent, costly surveys and assessments requested and submitted, asks that full consideration be given to this development at this time.

The applicant has submitted a petition with 245 signatories, collected from Glan Pelenna, Efail Fach, Tonmawr Road, Curwen Close, Danycoed, Brynsiriol, MinY Coed, Maesgwyn, Railway Terrace, Abergwenffrwd Row, Johns Terrace, Blaenavon Terrace and the individual properties sited within the village. The petition offers “Support for the above development which would benefit the community and groups/businesses within” and “requests that the above application be granted planning permission by NPTCBC Planning Committee”. The petition also includes a number of additional ‘comments’ by individual signatories, including: -

- New housing needed in village
- Good idea / good for village
- Tonmawr needs development
- No social housing around

The applicant has also provided 22 letters of support in regard to the proposed development from local properties, clubs and businesses. These letters can be summarised as follows:

- There are limited facilities within the village due to the low population. The prospect of having an increase of families will support the sustainability of the village;
- Off-springs of residents have limited opportunities to purchase suitable properties with no alternative but to move out of the village. This development would also provide the opportunity for young families to return to the village, to quality homes which would reinforce the already strong community spirit;

- High demand for previous self-build plots, with previous seven plots being bought from either existing or previous residents, all of who had been born in the village.
- due to the site's location and it offering a mix including low cost housing, feel it would again offer people the chance to stay right at the heart of the village.
- The development would provide benefits and support to local clubs, groups, facilities and local businesses.
- Increased potential of sustainability for businesses
- The development will improve the reputation and character of the village, providing a 'lift' to the village which has been subdued since the closure of the school, and give the community hope for its future.
- The construction of the dwellings would create jobs for local residents.
- The development will fit comfortably within the upper and lower villages and will not look out of place, while adding balance to the village. It would be a visible improvement to the development land.
- The proposal would improve the path, which is in a poor condition and improve pedestrian access between the upper and lower area of the village.
- due to the development land being set down and the elevated position of John's Terrace, there is no impact of loss of view being caused by the development.
- On an aesthetic aspect, the site will improve the land
- As a Construction Management Professional with over 30 years' experience, and, after looking at the proposed plans, I can comment that it is a well-designed development that will sit naturally within the structure of the existing settlements and is ideally situated next to drainage utilities etc.
- Potential of financial benefit to local firms who employ residents and also residents who are self-employed construction workers with the knock on effect of this money be kept within the village.
- The overall benefit to the village will only be good.

In addition, the applicant has submitted a letter from the **Headteacher of YGG Castell Nedd**, "regarding the educational options that are currently available to the existing residents, and to any prospective residents, within the village of Tonmawr". The Headteacher states that Ysgol Gymraeg Castell-nedd is the designated Welsh school for Tonmawr; that they have a number of children from Tonmawr already

on roll at our school, and have recently seen a steady increase in those numbers since the closure of the village school. Furthermore, a daily bus is provided for these children.

One letter of objection has also been received and can be summarised as follows:

- She has lived in her property since 1951 and had never has a problem with flooding until 2011, when the system could not cope with heavy rainfall which caused the contents of the foul sewer to mix with the storm drain water to flood her garden. She associates this problem with the development of 8 houses close to the proposed development site. She is concerned that an extra 17 dwellings up the valley from her, will only increase until Welsh Water renew/repair their pipes to incorporate extra dwellings on their drainage system. She would like an assurance that if the development was approved it would not cause her more problems than at present.

Pelenna Community Council: advises that they support in principle the outline application and see this as a positive development for Tonmawr.

Natural Resources Wales: No objection

Welsh Water: No objection, subject to the imposition of conditions.

Footpaths Officer: advises that a footpath crosses the site at its frontage.

National Grid Plant Protection: No adverse comments.

The Head of Engineering and Transport (Highways): No objection subject to conditions including need for access to be in accordance with NPTCBC specification for construction of roads for adoption.

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

Biodiversity Officer: No objection subject to the imposition of conditions and S106 Agreement to secure compensation for the loss of reptile habitat and habitats listed under S42 of the Natural Environment and Rural Communities Act 2006.

Land Contamination Officer: No objection subject to the imposition of conditions.

South Wales Crime Prevention Officer: Raises detailed comments in respect of security lighting, landscaping and planting, site layout and boundary identification.

Parks and Neighbourhood Services: No reply, therefore no observations to make.

Play Officer: no reply, therefore no observations to make.

Education Department: No reply, therefore no observations to make.

Description of Site and its Surroundings:

The site is irregular in shape and steeply sloping upwards from north to south and from east to west and covers an area of approximately 1 hectare. The site incorporates part of the access road which serves the existing sports hall and commercial units located immediately adjacent to the western boundary of the site. The site is flanked to the north east by a service road beyond which are the residential properties known as St John’s Terrace. To the east and elevated above the site is the recently completed Pelenna Close, a cul-de-sac of residential properties. The eastern boundary is denoted by a timber fence sited on top of a steep bank, with other boundaries remaining open.

Brief description of proposal:

Outline planning permission including access and layout is sought for 17 dwellings comprising 12 No detached dwellings, 1 No pair of semi-detached dwellings and a terrace of 3 dwellings. Matters of appearance, landscaping and scale are reserved for subsequent approval.

In line with the requirements of outline planning applications, the applicant has submitted scale parameters which are as follows:

	<u>height</u>	<u>width</u>	<u>length</u>
Maximum	12.5m	12m	11m
Minimum	8m	6m	8m

The proposed layout indicates the provision of all dwellings being served by one access point leading off the existing access road serving the sports hall, which would be centrally located within the frontage of the site. The proposed estate road and turning head dissects the site east to west, off which would be a shared drive serving 4 detached properties orientated north to south. Three properties would front the existing access road with the remainder of the dwellings each fronting the proposed estate road.

The layout plan makes provision for pedestrian access to be retained through the site linking the rear of St Johns Terrace to the sports centre. No provision for open space facilities have been included within the proposed layout. Due to the topography of the site extensive retaining works are proposed.

EIA and AA Screening:

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations. The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application.

The proposed development is not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2010 is not required.

Material Considerations:

The main issues to be considered in the determination of this application concern the principle of the proposed development at this location having regard to the national planning policy and guidance and adopted development plan policies, as well as the impact upon the character and appearance of the surrounding area; residential amenity of the occupiers of the adjacent properties; highway and pedestrian safety; the effect upon biodiversity, drainage and pollution together with other issues raised by consultees.

Policy Context:

National Planning Policy:

Planning Policy Wales (Edition 8, January 2016).

- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 6: Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 16: Sport, Recreation and Open Space (2009)
- Technical Advice Note 18: Transport (2007)

Local Planning Policy:

Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council prepared the Local Development Plan (2011-2026). The LDP was submitted for independent Examination to the Planning Inspectorate on 30th September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2nd December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report was published and the recommendations contained within were 'binding', meaning that the Council had to accept the changes recommended by the Inspectors.

The Council formally adopted the LDP on 27th January 2016, and therefore the proposal must now be assessed against the following relevant Policies within the LDP: -

Strategic Policies

- Strategic Policy SP 3 Sustainable Communities
- Strategic Policy SP7 Housing Requirement
- Strategic Policy SP14 The Countryside and the Undeveloped Coast
- Strategic Policy SP16 Environmental Protection
- Strategic Policy SP10 Open Space

- Strategic Policy SP17 Minerals
- Strategic Policy SP20 Transport Network
- Strategic Policy SP 15 Biodiversity and Geodiversity

Detailed Policies

- Policy SC1 Settlement Limits
- Policy I1 Infrastructure
- Policy OS1 Open Space Provision
- Policy EN8 Pollution and Land Stability
- Policy M1 Development in Mineral Safeguarding Areas
- Policy TR2 Design and Access of New Development
- Policy BE1 Design

Principle of Development:

The application site lies outside of, albeit adjacent to, the settlement limit of Tonmawr as defined by Policy SC1 of the adopted LDP, and is therefore defined as being within the ‘countryside’. Given its countryside location, and in the absence of any agricultural or forestry justification, the proposed residential development is as a matter of fact contrary to Policy SC1 of the adopted LDP.

This is supported by national policy with paragraph 9.2.22 of Planning Policy Wales (PPW) noting that:

‘In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in the development plans or from other areas allocated for development, must be strictly controlled.’

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

Material Considerations

The agent has made representations which seek to argue that there are 'Other Material Considerations' which should be weighed against the LDP settlement boundary. In summary, these are as follows: -

- The application in this case was first prepared and submitted in June 2012. For various reasons it was not accepted in that format and a considerable amount of additional information was requested. Because of various delays, including legal issues relating to the owning consortium, it was not until June of last year that we were in a position to submit the application once again, in its revised format. Continuing requests for further information meant that the application was not actually registered until October, and even then we have been asked for additional reptile surveys and contamination reports. This has meant that we have been overtaken by a change in policy.
- The Council has been fully aware for at least 4 years that this site was owned by a consortium of local people who were intent on developing the site for housing purposes on the basis that it fell within the defined settlement in the UDP. Whilst it is understood that the LDP seeks to draw very tight settlement boundaries, it is most surprising that the circumstances of this site were not fully taken into account, particularly when it is virtually surrounded by built form, when there are no other opportunities for development in Tonmawr, and when the existing sports centre and adjoining business units are now also excluded from the settlement.
- The application proposes a high percentage of affordable houses at a time when there is an acknowledged shortage of such dwellings in the area.
- The latest Joint Housing Land Availability Report for Neath Port Talbot indicates that the Borough has a current supply of housing land sufficient only to meet a 2.5 year supply at current rates of demand. This is, of course, significantly below the provision required by Central Government of a 5 year supply. In such circumstances it is incumbent on any Planning Authority to give serious consideration to granting consent for any proposal that in all other respects complies with policy and where the applicants have made it clear that they are both willing and able to take up the permission and get on with the development.

- A recent permission was granted on a site in Tonna where similar circumstances applied, in other words land that was clearly intended for development had been arbitrarily excluded from the settlement by the LDP.
- They have also submitted many representations and a petition from local residents, businesses and clubs, and state that it is evident to them that the development is wanted in Tonmawr and is supported by the Community Council and the Welsh Government Member for the area.

These matters are considered in turn below.

Previous Unitary Development Plan settlement Boundary

The local Ward Member, Cllr Martin Ellis, has called this application to Committee on the grounds that there has been an overlap in development plans since the application was submitted, noting his opinion that the application would be a sustainable extension to the existing settlement boundary where there is a demand for new housing.

It is noted that an earlier application in 2012 was returned to the applicant, and the current application was submitted 3 years later in June 2015, and was not formally validated until 13th November 2015. As noted above, the LDP Examination officially ended on the 2nd December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report was published and the recommendations contained within were 'binding', meaning that the Council had to accept the changes recommended by the Inspectors. The Council subsequently adopted the LDP on 27th January 2016.

In response to comments raised by the Applicant in respect of where the LDP settlement limit has been drawn within the LDP, it is noted that in drawing up the LDP, the identification of a Settlement Hierarchy was used to provide a balanced approach to managing growth, directing development to areas reflecting the attributes contained within that community and their ability to accommodate growth. As well as assessing the role and function of settlements, the Council assessed the capacity of land within settlements to accommodate development and also considered the potential opportunities for settlement expansion.

The classification of settlements in the Plan is based on a six-tier hierarchy, with the settlement of Tonmawr identified as a 'small local centre' – such settlements provide more limited potential to accommodate new development.

The independent LDP Inspectors concluded that, subject to a number of recommended changes, the Plan was 'sound' and provides an appropriate basis for the planning of the County Borough up to 2026. With specific regard to the settlement hierarchy and limits, the extract below presents the Inspectors' findings and conclusions:

“Settlement Hierarchy and Limits

The definition of a settlement hierarchy, together with boundaries around each of them determining the limits of development, are essential for the delivery of sustainable communities and, consequently, the protection of the open countryside. The evidence for both is the Settlement Review and Urban Capacity Study, undertaken in 2011, which is described in the Settlement Topic Paper. Following a review of the existing function of each settlement, the relationships between them, and their future role, a six-tier hierarchy was defined. The LDP assigns each settlement to one of the tiers which range from towns at the top through district, large local and small local centres, to villages and dormitory settlements at the bottom. In addition a settlement limit is defined around each, with the exception of dormitory settlements, taking into account the assessed capacity and potential for development.

Through Policy SC 1 this framework directs appropriate levels of development to various categories of settlement in order to contribute towards the objectives of delivering sustainable communities and maximising accessibility to a range of facilities. It will also help to conserve the countryside consistent with OB 15. The addition of a column to Table 3.1 explaining the role and function of the settlements in each tier, together with further explanation in the text, are necessary to clarify the type and scale of development that is likely to be suitable. A new paragraph will explain the approach to be taken in dormitory settlements which have insufficient facilities to be classed as sustainable locations.

Settlement limits were defined following an assessment of each settlement's capacity to accommodate growth and consideration of a number of factors including: relevant extant planning consents; the

location of small candidate sites; physical constraints to development; the functional and visual relationship between land and/or buildings; and the settlement and opportunities for large scale expansion. We are satisfied that the identification and delineation of the settlement limits in the LDP has been undertaken in a logical and consistent manner. Consequently, boundaries have been defined that strike an appropriate balance between the growth requirements of the area and the need to protect the countryside.

The overarching policies adequately reflect the central planks of the LDP strategy. They are clear, appropriate and based on up-to-date, credible and robust evidence.”

It is considered that the adopted Local Development Plan is consistent with national guidance in relation to settlement strategy. Para 4.7.4 of PPW states:-

*“Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the **need to travel and increasing accessibility by modes other than the private car**. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, well served by public transport, or can be reached by walking or cycling.”*

Having regard to the LDP process, it is acknowledged that the initial application was received in June 2015 while the UDP remained the adopted Development Plan for the area. Nevertheless, the application was not accompanied by the required level of information necessary for it to be validated, and while the agent was aware of the impending change in Development Plan, the application was not formally validated until November 2015. The LDP Inspector’s report was then published only 2 ½ weeks later, and the Plan adopted 10 ½ weeks after publication, with the application not in a position to be determined in advance of the inspector’s report or adoption.

It is also pertinent that the Council was fully aware of the intention to develop this site, not least since the site was put forward as (part of a

larger) Candidate Site (AV24) in July 2010 for residential development, but did not progress beyond Stage 3 of the Candidate Site Assessment. At this stage of the assessment, details of the site were sent to a wide range of external consultation bodies and also all relevant internal Departments. Based on the assessment of the responses received, coupled with the fact that the site was deemed to be not compatible with the Development Strategy of the Plan, the site was not considered deliverable or appropriate and accordingly was filtered out with no further assessment undertaken. Subsequently at the Deposit consultation stage, those promoting the site did not object to the site's exclusion from the Plan and consequently the site did not form part of the 'Alternative Site Register'. This prevented the merits of the site being considered fully by the appointed Inspectors.

Accordingly, it is emphasised that the site was robustly assessed in accordance with the Council's Candidate Site Assessment methodology, and the site proposers were on the Council's database and would have been notified at all stages of Plan preparation. Failure to progress the application to validation between July 2010 and November 2015, while regrettable, is not therefore considered to amount to a justification for allowing development of a site which was considered by the LDP to not be suitable for residential development.

Accordingly, while it is acknowledged that the site was formerly part of the UDP settlement boundary, it is considered that the application was submitted/ validated too late in the process to justify any departure from what is now adopted LDP Policy, and that if permission were granted for residential development on this site it would set an undesirable precedent that would seriously undermine the local and national objectives to safeguard the countryside for its own sake.

Housing Need:

PPW (para 9.2.3) emphasises the need for local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing, and para. 6.2 of TAN 1 - Joint Housing Land Availability Studies (2015) - states that "The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement ... the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The appellants submit that the 2014 Joint Housing Land Availability Report for NPT indicates only a 2.5 year supply, which is below the required 5 year supply.

In response to these submissions, it is noted that while the 2014 Joint Housing Land Availability Study (Published in May 2015) identified a shortfall in the 5 year land supply, the council has since adopted its Local Development Plan, which allocates further land to ensure that a supply is made available to provide an additional 7800 new properties over the life time of the plan (until 2026).

The 2016 Joint Housing Land Availability Study (JHLAS) has also recently been agreed by the Planning Inspectorate (end June 2016), and has confirmed that the current land supply figure for Neath Port Talbot is 5.0 years.

It is therefore considered that there is no justification to approve a housing development such as that proposed, which is contrary to the adopted LDP, on the basis of insufficient land supply.

Affordable Housing Need

The applicant states that the application proposes a high percentage of affordable houses at a time when there is an acknowledged shortage of such dwellings in the area. In this respect, it is noted that the development proposes a total of 17 plots, ten of which would be 'self-build', with the remaining seven being "affordable units to be offered to a social housing provider".

Tonmawr lies within the Afan Valley, wherein Policy AH1 of the Local Development Plan does not require any provision of affordable housing, since the Council's viability study informing the LDP found the valley areas did not support the provision of affordable housing.

The submissions indicate that 7 of the 17 units (equating to 41%) would be affordable housing. While it is understood no RSL is involved in the development proposal, such provision could be secured through a section 106 agreement.

While the proposed provision of affordable housing on this site is noted, and is a material consideration, it is nevertheless considered that this does not justify the development of the site which as identified above

falls outside of the newly-adopted Local Development Plan settlement limits.

In coming to this conclusion, it is also noted in particular that Policies SC1 and AH2 allow for 'affordable housing exception sites' (of up to 9 units) outside identified settlement limits where all of the following criteria, where relevant, are satisfied:

1. Evidence exists in the form of a local housing needs survey (or by reference to alternative housing need data) that there is a genuine demonstrable local need for such accommodation;
2. It is demonstrated that the need for affordable housing cannot be satisfactorily met within existing settlement limits and the development is located adjacent to an existing settlement;
3. The site is solely for affordable housing and there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers.

The Policy supporting text notes that "exception sites are a means of providing affordable housing in areas where there is an unmet need. Whilst preference will always be to provide housing in sustainable settlements and within defined settlement limits, there may be occasions throughout the Plan period when factors, such as the availability of land, may require affordable housing to be sought outside of settlement limits. In such circumstances, this policy will allow RSLs to provide affordable units in areas where there is an identified need that cannot be satisfied within existing settlements".

In respect of this site, however, the proposed development both exceeds the number of units, and does not propose the 100% affordable housing necessary to fall within this Policy, nor is it in any event supported by the necessary level of information to justify such development. Accordingly, in addition to the provision of affordable housing not overcoming the 'in principle' objection to the development, it also cannot be considered to represent an acceptable 'exception site' under Policy AH2.

Precedent on other site

The agent has noted that "a recent permission was granted on a site in Tonna where similar circumstances applied, in other words land that was clearly intended for development had been arbitrarily excluded from the settlement by the LDP".

This comment is understood to relate to land at Henfaes Road (P2015/0363) which was granted planning permission for 3 dwellings in December 2015. This site had previously formed part of a larger site with planning permission, and had been included in the settlement boundary of the UDP.

Furthermore the LDP had not yet been adopted at the time of determination of that application and it therefore fell to be considered against policies contained within the UDP which was the adopted development plan at that time. Consideration was also given to the emerging policies contained within the LDP as they were considered to be material considerations given that the Council had received the binding Inspector's report a few weeks before determination. A decision was made that it would be unreasonable to assess the principle of development at that site based on emerging Local Development Plan Policies alone.

This site, however, is considered to be materially different insofar as it has no planning permission, had been ruled out as a housing site in the LDP candidate site assessment process and the settlement boundaries drawn accordingly, and, while validated in advance of adoption of the LDP, it is considered that for the reasons given above the proposal does not accord with the Local Development Plan. In this regard, the site referred to above is not considered to represent a precedent which would justify approval of development at this site.

Support by the Local Community

The applicant states that it is "evident to them that the development is wanted in Tonmawr and is supported by the Community Council and the Welsh Government Member for the area".

It is noted that the local Ward Member is supportive, and that Bethan Jenkins AM and Peter Black (a previous AM) have written in support of the application.

The applicant has also submitted letters "from nearly all the local businesses within the village showing their support" and received letters of support from residents overlooking the site in Johns Terrace and Pelenna Close.

To date, the Council has received 22 letters of support (summarised above) from local businesses and residents, and a petition with 245 signatories has also been submitted offering support for the proposed development.

These submissions refer, amongst other things, to the potential positive impacts of the development on the community / village and other local facilities / Clubs, in terms of supporting the sustainability of the village; providing the opportunity for young families to return to the village and reinforcing the already strong community spirit.

In response, however, while the submitted representations, and those from the local councillor and Community Council, indicates a strong degree of support from the local Community for this development, the positive community impacts referred to are not considered to outweigh the clear policy objections to development of this site for the reasons expanded upon above, and thus the harm caused by its failure to accord with the Local Development Plan.

Other Matters – Community Benefit

The applicant has submitted a letter which states that “Pelenna Property Partnership Ltd are willing to discuss with NPTCBC that in addition to the provision of an element of affordable housing within the development, a scheme whereby an amount from the sale of each plot at the site, as agreed with NPTCBC, would be contributed into a fund held by others which would be available for not for profit groups/clubs in the locality to be able to on application obtain funding to help with their running costs/ equipment etc. We, the Directors, are in agreement that this can be placed as a condition on the development and we will enter into a unilateral agreement if required”

It is noted, however, that such ‘community benefits’ (even were they submitted formally by a Unilateral agreement) cannot be considered to amount to a material planning consideration that could override the objections to the development above on valid planning grounds.

Visual Appearance of Site

It has also been suggested that the visual appearance of the site might justify development, with residents stating that the appearance will be improved and also referring to the improvements to the right of way through the site, which links the upper and lower parts of the village.

In response, however, it is considered that the site, while not necessarily attractive, does not adversely affect visual amenity to such a degree that this would warrant approval of this application. Moreover, if the condition of the site were to become worse, there are other mechanisms available to address this issue including enforcement action under both the Planning and Environmental Health legislation to secure improvements.

Improvements to the right of way through the site, while welcomed, are also not considered to justify development contrary to the Development Plan.

Principle of Development Conclusion

For the reasons given above, it is therefore concluded that the development of this site would amount to unjustified and unsustainable new development in the countryside, for which there is no agricultural or other justification. In addition, there are no material considerations of sufficient weight to override the harm caused by reason of its failure to meet adopted LDP Policy.

Other matters in respect of the development are addressed in turn below: -

Housing Density

Policy BE1 (8a) of the adopted Local Development Plan states that '*normally a minimum of 35 dwellings per hectare in the Coastal Strategy Area or a minimum of 30 per hectare in the Valleys Strategy Area*' will be required.

This site falls within the Valleys Strategy Area where a minimum of 30 dwellings per hectare in the Valleys Strategy Area' will be required.

The site is approximately one hectare in size and it is proposed to accommodate 17 dwellings. It is acknowledged that the site is steeply sloping which together with the relatively spacious layout affects the ability to achieve the required density under Policy BE1. The fact that the site can only accommodate a low density of development is therefore considered to add weight to the 'in principle' objections that this site is not suitable to accommodate new residential development.

Mineral Safeguarding:

It is also noted that the site is located within a Mineral safeguarding area under Policy M1 of the adopted LDP.

Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensure they are not sterilised or their extraction hindered.

Notwithstanding the above it is not considered that the development due to its scale and location will have a significant impact on the working of the mineral. Moreover, given the site's close proximity to the settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location. Accordingly, there is no objection to the principle of development on mineral safeguarding / Policy M1 grounds.

Visual Amenity:

With regards to the character of the existing area, Tonmawr is characterised by traditional terraced properties and a number of newly-built properties. The application site stands at a significantly lower level than the existing frontage development on St Johns Terrace.

Whilst it is acknowledged that PPW does accept that extensions to existing small groups of dwellings in the countryside may be acceptable, this is dependent on the character of the surroundings and the number of such groups in the area. Indeed, national guidance at paragraph 5.1.1 of PPW recognises the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic wellbeing of individuals and communities. In addition PPW states at paragraph 4.6.4:-

“The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors. Central to this is ensuring that the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source.”

As already noted PPW accepts that new house building in the countryside should be strictly controlled and paragraph 9.3.1 requires that new housing should be well integrated with and connected to the existing pattern of settlements, with the expansion of towns and villages avoiding the creation of ribbon development, the coalescence of settlements or a fragmented development pattern.

It is considered that the proposal will not follow the existing pattern of development and would represent a significant intrusion into the landscape and serve to urbanise the area to the detriment of the existing rural character.

It is therefore considered that the proposal would give rise to a sporadic form of development to the detriment of the character and appearance of the rural area, contrary to National and Local Development Plan objectives to restrict new residential development outside designated settlement areas.

Residential Amenity:

In terms of the impact upon nearby / neighbouring properties, the accompanying information details that the proposed dwelling on Plot 5 would be sited some 10 metres below and a minimum distance of 5 metres from the nearest property No 8 Pelenna Close. The submitted plans also indicate that the proposed units will be located in excess of 21 metres from the rear elevations of the existing properties positioned in St Johns Terrace. The separation distance ensures that the proposed properties would not unacceptably overshadow or have any overbearing impact on the existing houses.

In terms of overlooking, the required separation distance of 21 metres can be achieved to ensure the future privacy of existing and future occupiers is maintained.

Adequate private amenity space to serve the development is proposed.

Having regard to the above, it is concluded that the submitted layout demonstrates that there would be no unacceptable impact on residential amenity of the occupiers of neighbouring properties.

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

The Head of Engineering and Transport (Highways) has considered the increase in vehicular traffic associated with 17 dwellings, and has concluded that the impact of the proposed development can be accommodated within the existing and proposed highway network and that the proposed development will not significantly worsen the free flow of traffic to warrant refusal of the application.

As a result there is no objection to this development on highway and pedestrian safety grounds subject to the imposition of a number of conditions which include the provision of improvements to the existing access road serving the Sports Hall, submission of a Construction Method Statement together with a series of conditions in respect of detailed calculations of retaining structures, future maintenance of the proposed internal roads, and highway drainage.

Pollution:

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

Drainage:

The applicant has stated that they wish to connect to the existing drainage system and have indicated as such in their application form and plans. Welsh Water has confirmed that they have no objection to the proposed development subject to the imposition of a condition that secures the submission of a scheme to secure the provision of adequate disposal of foul, surface water and land drainage from the site.

The Authority's Drainage Engineer raised no objection to the proposal subject to conditions in respect of surface water drainage works.

Ecology:

Technical Advice Note 5: Nature Conservation and Planning states that:

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

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

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

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

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

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

The Authority's Biodiversity Unit has considered the submitted Reptile Survey and Phase 1 Habitat Survey and advised that a S106 agreement is required to mitigate the loss of reptile habitat through the creation of a 40 sq m scrape and 6 hibernaculum sites. This compensation would be subject to a 5 year management plan. They also recommend that conditions are imposed on any consent requiring artificial nesting sites for birds and the translocation of reptiles prior to development.

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

Section 106 Planning Obligations:

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the proposal relates to an outline planning application for the development of the site for 17 residential units. Although this report

outlines the justification for the refusal of the development, it is still necessary to examine what planning obligations would be required if the application were acceptable in all other respects. Having considered the nature and scale of the development, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies, the planning obligations referred to below are considered necessary.

The required contributions would include:-

Public Open Space (POS)

Policy OS1 of the LDP states that where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement for maintenance, in conjunction with all new residential developments of 3 or more dwellings.

Where it is impractical to provide open space and/or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off-site contribution payments.

Having regard to the 'Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls in children's play, allotments and non-pitch sport. There are 2 children's play areas on Tonmawr Road, the one in Upper Tonmawr is within 400m of the site and meets accessibility standards, the one in Dan y Coed is over 400m metres from the site. In respect of allotments there is no formal allotment provision in the Pelenna ward and very limited provision in the spatial area. However there is a small community type garden in the open space near Dan y Coed. With regards to non-pitch sport, the only provision in the ward is a bowling green in Pontrhydyfen, however this site lies beyond the appropriate accessibility standards.

Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development, and there would be a need for the development to contribute towards addressing such deficiency.

Had a recommendation been made that planning permission should be granted, the Heads of Terms for a section 106 legal agreement would have included the requirement for a contribution of £32,922 towards this shortfall (£14,598.75 towards the provision of children's play in Tonmawr; £805.42 towards either allotment provision in the Afan Valley or improvement/enlargement of the community garden in Tonmawr; £17,518.50 has been calculated for non-pitch provision).

Subject to this Section 106 agreement, the development would have accorded with Policy OS1 of the adopted LDP.

Conclusion:

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

Having regard to Policies SP3, SP7, SP10, SP14, SP15, SP16, SP17, SC1, I1, OS1, EN6, M1, TR2 and BE1 of the adopted Neath Port Talbot Local Development Plan; and national planning policy and guidance contained in Planning Policy Wales and in TANs 5, 6, 12, 15 and 16 it is considered that the proposal represents an unjustifiable and unsustainable form of residential development located outside the defined settlement, which would have a detrimental impact upon the character and appearance of the surrounding area for which there are no material considerations which outweigh the harm caused.

RECOMMENDATION: Refuse for the following reason

- (1) By reason of the site's edge of settlement location and the absence of an agricultural/forestry/rural enterprise need. The proposal represents an unsustainable and unjustified form of residential development in the countryside that would detract from the character and appearance of the surrounding area. The development is therefore contrary to the countryside protection objectives of national policy and guidance as contained in Planning Policy Wales, TAN 6- Planning for Sustainable Rural Communities and TAN12- Design, in addition to failing to comply with Policies SP14 and SC1 of the Local Development Plan.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2016/0320	<u>DATE:</u> 04/05/2016
PROPOSAL:	Proposed change of use from former lorry park to caravan/ motorhome storage and servicing
LOCATION:	Former Lorry Park, Tata Steel , Cefn Gwrgan Road, Margam , Port Talbot SA13 2PT
APPLICANT:	Mr Paul O'Dwyer
TYPE:	Full Plans
WARD:	Margam

Background:

The application has been called into Planning Committee by Ward Member Councillor Rob Jones on the grounds that he believes this application should have been recommended for approval. It will create employment and this land has been used for many years as a Lorry storage area on behalf of TATA. If the main entrance to TATA had not been closed the Councillor believes it would still be doing that. The Councillor sees little difference between Lorry storage and Caravan storage.

Planning History:

None

Publicity and Responses:

The application was advertised by site notice displayed on 10th May 2016 and by letter to the adjacent site (ECM2). To date no representations have been received.

National Resources Wales: No objection

Wales and West Utilities: No objections

Head of Engineering and Transport (Highways): No objections

Head of Engineering and Transport (Drainage): No objections

Pollution Control: No objections

Petroleum Officer: No objections

Contaminated Land: No objections

Public right of ways: No objections

Description of Site and its Surroundings:

The site comprises an irregular parcel of land measuring approximately 1.07 hectares. It is currently accessed off Cefn Gwrgan Road and is situated outside but adjacent to the settlement limit, with the Abbots Mews and Abbots Close estates nearby. To the west of the site lies Tata Steel and to the east is a bowling green, tennis court and golf club.

The applicant has indicated that the land has not been in use since 2012 when the land was acquired by Welsh Government. The applicant has referred to a previous use on the site of HGV storage, although there is no lawful planning use on site. Aerial imagery going back to 2004 on the Councils records do not indicate use of the site, nevertheless there is local knowledge that it has been known to be used for HGV use over the years.

Brief description of proposal:

The application seeks full planning permission for the change of use of the land to Caravan/Motorhome storage and servicing. For the purposes of the Use Class Order, this proposed development falls within the B8 Use Class. The applicant has indicated that the capacity of the use will be for 151 units and will look to employ 4 part-time members of staff or 2 full time equivalents.

Material Considerations:

The issues to be considered during the determination of this application relate to the principle of development at this site, having regard to its location outside of the settlement boundary, and its effect on residential and visual amenity as well as any impact on highway and pedestrian safety.

Policy Context:

National Policy

Planning Policy Wales, Edition 8 (2016)

National Guidance

TAN 15 - Development and Flood Risk

TAN 23 - Economic Development

Local Development Plan

The Council formally adopted the Local Development Plan on 27th January 2016, within which the following Policies are of relevance: -

Policy SP1 Climate Change

Policy SP3 Sustainable Communities

Policy SP11 Employment Growth

Policy SP17 Minerals

Policy SC1 Settlement Limits

Policy EC3 Employment Areas Uses

Policy M1 Development in Mineral Safeguarding Areas

Policy TR2 Design and Access of Mineral Safeguarding Areas

Policy BE1 Design

Principle of Development

The site is located outside of, but adjacent to the settlement limits defined by Policy SC1 of the adopted Local Development Plan, and is therefore defined as 'countryside' where Policy SC1 states that development will only be permitted under 12 identified circumstances.

For the purposes of this proposal, Criterion 1 is the most relevant, which allows development where "*it constitutes a sustainable small scale employment use adjacent to a settlement limit*".

The supporting text at paragraph 3.0.17 defines 'employment use' as "*uses that provide significant employment opportunities as set out in Policy EC3*". This requirement for significant employment opportunities is considered to be consistent with National Policy in Planning Policy Wales and TAN 23 (Economic Development) which seek to protect the

countryside and direct development to the most appropriate and sustainable locations.

In locational terms, the site lies adjacent to the defined settlement limit, and therefore could comply with this criterion. The proposed storage use, however, would employ 2 FTE staff and therefore, while acknowledging the local Member's views that it will create employment, it is nevertheless considered that while small in scale, the proposal could not be considered to provide the *significant employment opportunities* necessary to justify such development outside of settlement limits. It is therefore considered to be contrary to Policy SC1 of the adopted Local Development Plan.

Notwithstanding the above, consideration has been given to the thrust of National Policy in TAN23 in respect of economic development, and in this regard paragraph 1.2.7 outlines that a sequential test should be used when identifying land for economic uses, or when determining planning applications. Judgement should be applied to the economic use and its applicability to the particular location. First preferences should be given to sites within settlement limits, second preference to edge of settlement sites, and third preference should consider land in the open countryside. It also notes that if land supply within settlements is already sufficient to meet demand, then generally it will be wrong to identify sites in the countryside

TAN 23 further advises that where a planning authority is considering a planning application ... it should ask three questions in order to help clarity and balance the economic, social and environmental issues. These are considered in turn below:

Alternatives: if the land is not made available (the site is not allocated, or the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where? This test follows from the principle in PPW, that the planning system should steer development to the most sustainable locations.

There is no evidence to suggest that alternative locations have been explored or that the proposal requires this location. In an attempt to steer economic development to the most appropriate and sustainable locations it is considered that the proposal could be located within defined settlement limits or within existing allocated employment areas.

While not strictly part of this 'test', it is also noted that in contrast to the current proposal, it is considered quite likely that an alternative scheme could come forward on this site which could provide the significant employment opportunities required to justify such development outside settlement limits, having regard to the excellent communication links of this site.

Jobs accommodated: how many direct jobs will be based at the site?

This test provides an approximate measure of a development's contribution to the wider economy, but as identified above, it is considered that 2 full time equivalent jobs do not offer the significant level of employment necessary to justify such development on this site.

Special merit: would the development make any special contribution to policy objectives? For example, a major employment site may be a key element of a wider spatial strategy which aligns jobs, development and infrastructure.

With regard to special merit, whilst it is acknowledged that the proposal would make use of previously developed, vacant and underused land, the employment use proposed is not considered to provide significant economic benefit to warrant the location outside of settlement limits.

Accordingly, while acknowledging the local Member's view that the proposed use would 'create employment', this is not considered to be of such significance that it would justify development outside of settlement limits contrary to Policy SC1 and TAN23.

Following the above assessment of the 'principle' of development, other matters are considered in turn below

Visual Amenity:

The application site area is flanked on its western side by an existing industrial site which houses the ECM2 at the entrance to the Tata Steelworks whilst to the north are houses and a golf course to the south-east. While visible from the PDR / Harbour Way, the site is not highly visible in local views, while the character of the immediate area is very much mixed in appearance rather than one distinct uniform pattern. The site, while undeveloped, also has existing boundary

treatments and an adjacent sub-station which ensure it does not have a 'countryside' appearance.

In view of this it is considered that the introduction of a caravan storage facility would not be unacceptably out of character, nor would it have an unacceptable adverse effect on visual amenity given the existing vegetation present on the boundaries which offers a shielding effect to the non-industrial uses. Furthermore should the application have been recommended for approval, a landscaping scheme would have been required by condition to further enhance the site boundaries and soften the appearance of the use and allow it to appear less regimented visually.

Therefore, in view of the above it is considered that there would not be any unacceptable impact on visual amenity to warrant a refusal recommendation.

Residential Amenity:

As identified above, the site is largely screened from adjacent residential properties on Abbots Close, and such screening could be enhanced through a landscaping condition. The nature of the development also does not lend itself to any likely impacts in terms of overlooking; therefore there will be no issues with invasion of privacy in terms of conflict between distances between habitable room windows or the overlooking of private space.

The proposal has been assessed by the Environmental Health Section who have concluded that it is unlikely that neighbouring residential properties would suffer noise or any other statutory nuisance as a result of the proposed activity, with noise levels likely to be quieter than those from the HGV movements that used to take place on this site or its access road.

Therefore after taking into account the above findings, it is considered that the proposal will not adversely affect residential amenity.

Flooding:

The application site lies within zone C2 as defined by the development advice map referred to under Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004). Furthermore National

Resources Wales (NRW) flood information confirms the site is at risk from flooding.

Notwithstanding the above, NRW considers that due to the scale of the development it is not considered that a flood consequence assessment is required in this case. They do however suggest that the applicant should be made aware of the potential risk of flooding to the site property.

In view of the above NRW assessment, the flooding issues on the site are not considered significant and as such would not warrant a recommendation of refusal.

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

The Head of Engineering and Transport (Highways) has assessed the proposal and is satisfied that the proposed use can be accommodated within the existing infrastructure and the storage of caravans will not negatively impact on highway and pedestrian safety.

Conclusion:

The site is located outside of the settlement limit, and outside of land allocated or safeguarded for employment use by the LDP, where such uses should be located in order to steer economic development to the most appropriate and sustainable locations. While the site is located immediately adjacent to the settlement limit, Policy SC1 only allows exceptions for small scale employment uses, and it is considered that the proposed use would not provide the significant employment opportunities necessary to justify such development. Accordingly, in the absence of such justification, and notwithstanding its previous use, it is considered that the proposal would amount to unjustified new development in the countryside, contrary to Policies EC3 and SC1 of the Neath Port Talbot Local Development Plan and guidance in Technical Advice Note 23 (Economic Development).

RECOMMENDATION: Refusal

(1) The site is located outside of the settlement limit, and outside of land allocated or safeguarded for employment use by the Neath Port Talbot Local Development Plan, where such uses should be located in order to steer economic development to the most appropriate and sustainable locations. While the site is located immediately adjacent to the settlement limit, Policy SC1 only allows exceptions for small scale employment uses, and it is considered that the proposed use would not provide the significant employment opportunities set out in Policy EC3 necessary to justify such development and, accordingly, in the absence of such justification, and notwithstanding its previous use, it is considered that the proposal would amount to unjustified new development in the countryside, contrary to Policies EC3 and SC1 of the Neath Port Talbot Local Development Plan and guidance in Technical Advice Note 23 (Economic Development).

SECTION B – MATTERS FOR INFORMATION

APPEALS RECEIVED

a) Enforcement Appeal

Appeal Ref: A2016/0008 **Planning Ref:** P2016

PINS Ref: APP/Y6930/A/16/3150026 and 3150027

Applicant: Mr A. Rees and Ms Milena Anna Willmann

Alleged breach: Without planning permission, change of use from a residential dwelling (Class C3) to a mixed use of residential dwelling (Class C3) and commercial use for provision of music lessons (Sui Generis).

Site Address: 26 Rowan Tree Close, Bryncoch, Neath

Start Date: 15th June 2016

Appeal Method: Written Representations

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SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2016/0002 **Planning Ref:** P2014/0333

PINS Ref: APP/Y6930/A/15/3140798

Applicant: Mr Jonathan Jones

Proposal: Removal of condition 1 and 2 of Planning Permission P2009/0406 approved on the 21/07/09 to allow the property to be used as a residential dwelling house.

Site Address: Hendre Las Farm, Pentwyn Access Road, Rhos

Appeal Method: Hearing

Decision Date: 04/07/16

Decision: Appeal Dismissed

The main issue concerned whether the removal of conditions 1 and 2 of planning permission P2009/0406 complies with national and local policies designed to protect the countryside and promote sustainable development.

The conditions in dispute were nos. 1 & 2 which state that:

1. Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or re-enacting that Order), the development hereby permitted shall be used for tourist holiday accommodation only. Occupation of the holiday accommodation hereby approved shall be restricted to a maximum of 12 weeks within a twelve month period for any individual.
2. From the date of first occupation of the building records shall be maintained of the names of visitors and their dates of

occupation and these records shall be made available to the Local Planning Authority at any time upon request.

The same reason is given for both conditions: To ensure that the accommodation is utilised for tourist holiday accommodation only.

The appellant confirmed at the Hearing that on completion his family occupied the building and that it has never been used as holiday accommodation. A second application seeking unrestricted occupation was submitted in June 2011 around the time the Council issued an enforcement notice requiring compliance with the occupancy conditions. Appeals against the subsequent refusal and the enforcement notice were dismissed, the Inspector concluding that the unrestricted occupation of the building would be unsustainable and was not justified. The enforcement notice was upheld albeit with an extended time for compliance which has now lapsed.

Although the appellant contended that as the building was 'almost identical in design and only marginally different in scale' to the permitted barn conversion, the inspector stated that no matter whether it was by accident or design the barn was demolished and a new building was erected. He stated that it has been a long established principle in planning policy that the approach to the conversion of existing buildings in the countryside is different from that for new build dwellings

The inspector did not accept that the occupation of the building as the appellant's family home is more sustainable than its use as holiday accommodation.

Although the building has never been used for tourism, LDP Policy TO2 allows for changes of use where it is shown that a use for tourism is not viable. The inspector noted the Council concerns regarding the marketing for alternative commercial uses but was satisfied that it has been shown that there is no interest. However, the inspector was not persuaded that it has been demonstrated that holiday use is not viable, noting that the marketing falls short of what one might expect and particularly that done to advertise the 3 cottages on the farm. He also indicated that the methods used to market the other 3 cottages, appears to have been successful and states it is difficult to understand why the same avenues have not been used for Coed y Nant Barn. The failure to

use the type of web sites used to market the 3 cottages makes it difficult to accept that there is little demand for a property of that size.

Furthermore the inspector established that the appellant was not able to provide a satisfactory answer as to why he has not advertised his property on the same sites as his father's cottages.

Despite the other cottages being let, appellant did not use such sites to advertise the cottage to holiday makers throughout the time it took the Council to determine the application (April 2014 to June 2015) or in the time leading up to the appeal and the Hearing (June 2015 to June 2016). The inspector agrees with the Council that this casts doubt on the appellant's commitment to letting the barn as a holiday cottage.

The appellant's argument that tourism is in decline in the area was considered to be undermined somewhat by his father's investment in the 3 cottages, the councils reference to the expansion of the nearby Swansea Valley Cottages, and the recent publication of the Neath Port Talbot Destination Management Plan 2015 to 2020, one of the aims of which is to demonstrate that the Council is committed to supporting the visitor economy in the County Borough.

Whilst the inspector refers to the attempts to sell the property have resulted in and the reduction in asking price he was unable to say whether the discount is appropriate. This was further backed up by the Council argument which stated that any potential investor in such a business, will, in part, base their decision on the success of that business. As it has never been used as a holiday cottage there is no record of how good or otherwise a business opportunity Coed y Nant Barn is.

To conclude, the inspector stated that due to the shortcomings in the marketing of the property, that he did not consider that it has been demonstrated that a holiday use is not viable. Consequently the removal of conditions 1 and 2 of planning permission P/2009/0406 conflicts with national and local policies designed to protect the countryside and promote sustainable development.

Comment

Members will note that following this successful appeal, and in accordance with a previous resolution at Committee, Officers will now formally advise the owner that a period of no greater than six months will now be allowed to comply with the terms of the extant Enforcement Notice at the property, which requires cessation of permanent residential use.

SECTION B – MATTERS FOR INFORMATION

DELEGATED APPLICATIONS

DETERMINED BETWEEN 11TH JUNE AND 3RD JULY 2016

1	App No. P2014/0669	Type Discharge of Cond.
<p>Proposal Details pursuant to conditions 25,26,27,30 & 31 (Lighting, Highways inc. TRO's, barriers and signage & Drainage scheme) of Planning Permission P2010/0880 (Approved on the 14/09/11)</p>		
<p>Location Former Coleg Cwmtawe, Alltycham Drive, Pontardawe, Abertawe SA8 4JX</p>		
<p>Decision Approval with no Conditions</p>		
<p>Ward Pontardawe</p>		

2	App No. P2014/0670	Type Discharge of Cond.
<p>Proposal Details pursuant to conditions 13 & 20 (Surface water drainage and highway works) of Planning Permission P2006/1780 (Approved on the 28/08/07)</p>		
<p>Location Former, Cwm Tawe School, Pontardawe, Swansea</p>		
<p>Decision Approval with no Conditions</p>		
<p>Ward Pontardawe</p>		

3	App No. P2015/0512	Type Discharge of Cond.
<p>Proposal Details to be agreed in association with Condition 4 (Drainage Scheme) of P2014/1128 granted on 3/2/15</p>		
<p>Location Cae Garw Gypsy And Traveller Site, Margam, Port Talbot</p>		
<p>Decision Approval with no Conditions</p>		
<p>Ward Margam</p>		

4	App No. P2015/0915	Type Full Plans
<p>Proposal Erection of a single wind turbine (Height to tip 86.5m) and ancillary works including control cabinet, access track and temporary lay down area.</p>		
<p>Location Land To North West Of, Perthigwynion Farm, Rhydyfro, Neath, SA8 4TA</p>		
<p>Decision Approval with Conditions</p>		
<p>Ward Pontardawe</p>		

5	App No. P2015/0936	Type Discharge of Cond.
Proposal Details pursuant to condition 2 (scheme to assess the nature and extent of any contamination on the site) and 6 (piling details) of Planning Permission P2014/1208 (Approved on the 23-July-2015) (MERCURY CONTAMINATION ASSESSMENT RECEIVED 06.05.16)		
Location Sandvik Osprey Limited, Milland Road, Neath, SA11 1NJ		
Decision Approval with no Conditions		
Ward Neath East		

6	App No. P2015/1066	Type Full Plans
Proposal Construction of a detached building for use as a horse riding arena for the schooling of horses (Amended Location Plan and Block Plan Received 31.05.16)		
Location Gellilwca Fawr Farm, Gwrhyd Road, Pontardawe, Swansea, SA8 4TP		
Decision Approval with Conditions		
Ward Pontardawe		

7	App No. P2016/0088	Type Discharge of Cond.
Proposal Details pursuant to the discharge of conditions 2 (land contamination), 5 (infiltration of surface water drainage), 6 (piling), 10 (drainage scheme) and 11 (construction management plan) of planning permission reference P2015/0089 Approved on the 23-Jul-2015) (MERCURY CONTAMINATION ASSESSMENT RECEIVED 06.05.16)		
Location Sandvik Osprey Limited, Milland Road, Neath, SA1 1NJ		
Decision Approval with no Conditions		
Ward Neath East		

8	App No. P2016/0248	Type Full Plans
Proposal Retention and completion of detached dwelling including porch		
Location Oak Tree Farm, Drummau Road, Skewen, Neath, SA10 6NR		
Decision Approval with Conditions		
Ward Coedffranc North		

9	App No. P2016/0285	Type Householder
Proposal	Single storey rear extension	
Location	71 Tydraw Street, Port Talbot, SA13 1BR	
Decision	Approval with Conditions	
Ward	Port Talbot	

10	App No. P2016/0339	Type Full Plans
Proposal	Extension to existing outbuilding, including increase in eaves height to provide first floor garage with ridged roof.	
Location	Bryn Seion, Main Road, Dyffryn Cellwen, Neath, SA10 9HW	
Decision	Approval with Conditions	
Ward	Onllwyn	

11	App No. P2016/0340	Type Householder
Proposal	Two storey side extension, single storey front and rear extensions	
Location	82 Brooklyn Gardens, Aberavon, Port Talbot, SA12 7PD	
Decision	Approval with Conditions	
Ward	Aberavon	

12	App No. P2016/0361	Type Discharge of Cond.
Proposal	Details pursuant to Condition 6 (Demolition and construction method statement) of Planning Permission P2015/1090 Approved 12/4/2016.	
Location	Lidl Supermarket, Ffordd Parc Ynysderw, Pontardawe, Swansea, SA8 4EG	
Decision	Approval with no Conditions	
Ward	Pontardawe	

13	App No. P2016/0381	Type Householder
Proposal	Retention and completion of store/covered way with raised decking area above and 1.8 metre high side privacy screens	
Location	68 Brytwn Road, Cymmer, Port Talbot, SA13 3EW	
Decision	Refusal	
Ward	Cymmer	

14	App No. P2016/0394	Type Lawful Dev. Cert-Prop.
Proposal	Single storey side extension Certificate of Lawful Development Proposed	
Location	12 Tymaen Crescent, Cwmavon, Port Talbot, SA12 9EA	
Decision	Issue Lawful Dev. Cert.	
Ward	Bryn & Cwmavon	

15	App No. P2016/0405	Type Householder
Proposal	Replacement boundary wall, pillars and gate to part of side boundary	
Location	96 Westlands, Aberavon, Port Talbot, SA12 7DE	
Decision	Approval with Conditions	
Ward	Aberavon	

16	App No. P2016/0406	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (drainage strategy) and 3 (parking area) of planning application P2015/1120	
Location	Caegarw Farm, A48 From Margam Roundabout to Pyle Road, Margam, CF33 6PT	
Decision	Approval with no Conditions	
Ward	Margam	

17	App No. P2016/0413	Type Householder
Proposal	Demolition of existing conservatory, and construction of single storey rear extension.	
Location	20 Heol Y Gors, Cwmgors, Ammanford, SA18 1PE	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

18	App No. P2016/0414	Type Full Plans
Proposal	Change of Use from Class A1 (Retail) to Financial and Professional Services (Class A2)	
Location	49 Windsor Road, Neath, SA11 1NG	
Decision	Approval with Conditions	
Ward	Neath North	

19	App No. P2016/0417	Type Advertisement
Proposal	One No. Non-illuminated projecting sign.	
Location	2 Angel Place, Neath, SA11 1RQ	
Decision	Approval with Conditions	
Ward	Neath North	

20	App No. P2016/0420	Type Householder
Proposal	Two storey and single storey rear extensions.	
Location	3 Stanley Road, Skewen, Neath, SA10 6LN	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

21	App No. P2016/0425	Type Advertisement
Proposal	Replacement totem sign (7.5m in height)	
Location	Lidl Supermarket Baglan Bay Retail Park, Afan Way, Aberavon, Port Talbot, SA12 6NR	
Decision	Advert Approved with Std Cond	
Ward	Aberavon	

22	App No. P2016/0426	Type Full Plans
Proposal	External sports facilities including 2 No. MUGA, with associated lighting and fencing (Revised location to that approved under P2015/0682)	
Location	Learning & Resource Centre, Fabian Way, Crymlyn Burrows, SA1 8EN	
Decision	Approval with Conditions	
Ward	Coedffranc West	

23	App No. P2016/0429	Type Advertisement
Proposal	Replacement of existing flagpole sign with 1 No internally illuminated totem sign.	
Location	Lidl Vale Of Neath Retail Park, Vale Of Neath Retail Park Access Road, Neath, SA10 7AY	
Decision	Approval with Conditions	
Ward	Cadoxton	

24	App No. P2016/0431	Type Full Plans
Proposal	Retention and completion of stable and field store.	
Location	Land Adjacent to, 123 Gwilym Road, Cwmllynfell, SA9 2GU	
Decision	Approval with Conditions	
Ward	Cwmllynfell	

25	App No. P2016/0433	Type Householder
Proposal	Front canopy incorporating first floor balcony	
Location	94 Darren Wen, Baglan, Port Talbot, SA12 8YN	
Decision	Approval with Conditions	
Ward	Baglan	

26	App No. P2016/0434	Type Householder
Proposal	Hardstanding to facilitate the provision of replacement car parking to allow for the conversion of garage to living accommodation.	
Location	161 Brynmorgrug, Alltwen, Pontardawe, SA8 3DP	
Decision	Approval with Conditions	
Ward	Alltwen	

27	App No. P2016/0436	Type Full Plans
Proposal	Detached dwellinghouse and garage (Amendment to application P2015/1105 for siting of house and alteration to garage).	
Location	Plot 26, Forest Lodge Lane, Cwmavon, Port Talbot, SA13 2RX	
Decision	Approval with no Conditions	
Ward	Bryn & Cwmavon	

28	App No. P2016/0437	Type Householder
Proposal	Single storey rear extension.	
Location	29 Cefn Parc, Skewen, Neath, SA10 6YR	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

29	App No. P2016/0438	Type Discharge of Cond.
Proposal	Details pursuant to the partial discharge of condition 11 (Micro siting of turbines) of planning permission P2014/0402 (approved on 02/09/2015)	
Location	Mynydd Gwrhyd, North of Pontardawe, East of Cwmgors	
Decision	Approval with no Conditions	
Ward	Gwaun-Cae-Gurwen	

30	App No. P2016/0439	Type Householder
Proposal	Demolition of existing single storey rear extension and construction of single storey extension.	
Location	17 Quarr Road, Pontardawe, Swansea, SA8 4JD	
Decision	Approval with Conditions	
Ward	Pontardawe	

31	App No. P2016/0441	Type Householder
Proposal	Demolition of existing garage and single storey rear extension construction of single storey side extension including integral garage and roofspace accommodation, plus dormers to front and rear.	
Location	15 Serecold Avenue, Skewen, Neath, SA10 6ED	
Decision	Approval with Conditions	
Ward	Coedffranc West	

32	App No. P2016/0443	Type High Hedges
Proposal	Application to reduce height of trees / hedge under the High Hedges Legislation (Part 8 of the Anti Social Behaviour Act 2003).	
Location	146 Ridgewood Gardens, Cimla, Neath, SA11 3QG	
Decision	High Hedges No Grounds	
Ward	Cimla	

33	App No. P2016/0445	Type Householder
Proposal	Front porch	
Location	11 Lewis Street, Pontrhydyfen, Port Talbot, SA12 9TH	
Decision	Approval with Conditions	
Ward	Pelenna	

34	App No. P2016/0447	Type Householder
Proposal	Single storey rear extension	
Location	27 Channel View, Sandfields, Port Talbot, SA12 6JF	
Decision	Approval with Conditions	
Ward	Sandfields East	

35	App No. P2016/0450	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2014/0402 (Approved on 02/09/2015) to allow 24 hour working for four days during turbine foundation concrete pour and turbine erection and for alterations to the design and layout of the sub-station building		
Location Mynydd Y Gwrhyd, North of Pontardawe, East of Cwmgors		
Decision Approval with Conditions		
Ward Gwaun-Cae-Gurwen		

36	App No. P2016/0460	Type Full Plans
Proposal Retention of ATM to front elevation.		
Location 15-16 New Road, Skewen, Neath, SA10 6UT		
Decision Approval with Conditions		
Ward Coedffranc Central		

37	App No. P2016/0462	Type Full Plans
Proposal Change of house type to incorporate conservatory to rear.		
Location Plot 105, Crymlyn Grove, Skewen, Neath, SA10 6EA		
Decision Approval with Conditions		
Ward Coedffranc West		

38	App No. P2016/0466	Type Advertisement
Proposal Advertisement Collar		
Location 15-16 New Road, Skewen, Neath, SA10 6UT		
Decision Approval with Conditions		
Ward Coedffranc Central		

39	App No. P2016/0467	Type LawfulDev.Cert-Prop.
Proposal Single storey rear extension - Certificate of Lawful Development (Proposed)		
Location 37 Sitwell Way, Sandfields, Port Talbot, SA12 6BH		
Decision Issue Lawful Dev.Cert.		
Ward Sandfields East		

40	App No. P2016/0474	Type Advertisement
Proposal	One internally illuminated fascia sign, plus one internally illuminated dual faced projecting sign.	
Location	27 Green Street, Neath, SA11 1DF	
Decision	Approval with Conditions	
Ward	Neath North	

41	App No. P2016/0477	Type Householder
Proposal	Single storey front extension.	
Location	Tyn Yr Heol, Tareni Gleision Access Lane, Cilybebyll, Pontardawe, Swansea, SA8 3JL	
Decision	Approval with Conditions	
Ward	Rhos	

42	App No. P2016/0479	Type Householder
Proposal	Extension to existing front dormer	
Location	21 Maeslan, Rhos Pontardawe, Swansea, SA8 3HH	
Decision	Approval with Conditions	
Ward	Rhos	

43	App No. P2016/0481	Type Householder
Proposal	Single storey rear extension plus raised decking and screen fencing.	
Location	48 Cimla Crescent, Cimla, Neath, SA11 3NN	
Decision	Approval with Conditions	
Ward	Neath South	

44	App No. P2016/0510	Type Non Material Amendment (S96A)
Proposal	Non material amendment to P2015/0177 granted on 13/05/2015 to replace a window with a door in the side elevation and replace a door with a window in front elevation	
Location	5 Cwm Y Dwr, Briton Ferry, Neath, SA11 2YT	
Decision	Approval with no Conditions	
Ward	Briton Ferry East	

45	App No. P2016/0511	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for the proposed conversion of existing integral garage to living accommodation plus external alterations.	
Location	69 Cimla Crescent, Cimla, Neath, SA11 3NR	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath South	

46	App No. P2016/0517	Type LawfulDev.Cert-Prop.
Proposal	Single storey side and rear extension (Certificate of Lawfulness Proposed)	
Location	5 Fairfield, Aberavon, Port Talbot, SA12 6YD	
Decision	Issue Lawful Dev.Cert.	
Ward	Aberavon	

47	App No. P2016/0519	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to application P2015/0325 to add an additional window to gable end above patio door in north west elevation.	
Location	Glyncastle House, Glyncastle, Resolven, Neath	
Decision	Approval with no Conditions	
Ward	Resolven	

48	App No. P2016/0551	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (proposed use) - Single storey side extension.	
Location	23 Bethesda Road, Ynysmeudwy, Pontardawe, Swansea, SA8 4QQ	
Decision	Issue Lawful Dev.Cert.	
Ward	Pontardawe	