



## ***PLANNING COMMITTEE***

***\*2.00 PM – WEDNESDAY, 24 AUGUST 2016***

***COUNCIL CHAMBER - PORT TALBOT CIVIC CENTRE***

***\*(PLEASE NOTE CHANGE OF DATE)***

### **PART 1**

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on the 2nd August 2016 (*Pages 5 - 10*)
3. To Request Site Visit(s) from the Applications Presented

### **Reports of the Head of Planning**

### **SECTION A - MATTERS FOR DECISION**

#### **Planning Applications Recommended for Approval**

4. **Application No: P2008/0798** - Outline Application for Residential Development and Alterations to Existing Access at Forge Washery, Lower Brynamman, Ammanford. (*Pages 11 - 50*)
5. **Application No: P2015/1128** - Integrated transport hub including new highway arrangement, bus canopy, staff facility building, kiosk building (Class A1 and A3), taxi area, hard and soft landscape works and pedestrian areas at Port Talbot Parkway Railway Station, Cramic Way, Port Talbot. SA13 1RU. (*Pages 51 - 62*)
6. **Application No: P2016/0545** - Rear and side raised patio to ground floor level at 3, Ascot Drive, Baglan, Port Talbot. SA12 8YL (*Pages 63 - 68*)

7. **Application No: P2016/0271** - Demolition of two storey building and construction of one dwelling together with the conversion of a window to a door and 1 no.,. additional window to 1 Cambrian Place on the ground floor elevation fronting Abbey Road. 1 Cambrian Place and 45 Abbey Road, Port Talbot. SA13 1HD.  
(Pages 69 - 90)

### **Planning Applications Recommended for Refusal**

8. **Application No: P2016/0117** - Road side service area comprising of Petrol Filling Station and kiosk, Drive-thru coffee shop, car parking, vehicular access and associated works at Land at Glynneath Business Park, adjacent to A465, Gynneath, Neath.  
(Pages 91 - 110)
9. **Application No: P2016/0254** - Proposed pub/restaurant, access, car parking, layout and associated works (Outline permission with means of access and layout to be agreed at Land at Glynneath Business Park, Adjacent to A465, Glynneath, Neath.  
(Pages 111 - 128)

### **SECTION B - MATTERS FOR INFORMATION**

10. Delegated Applications Determined between 26th July and 15th August 2016 (Pages 129 - 138)
11. Appeals Determined (Pages 139 - 142)
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**

**Thursday, 18 August 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,  
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](http://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](mailto: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**

**Members Present:**

**2 August, 2016**

**Chairperson:** Councillor R.G.Jones

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

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

**Local Members** Councillor Mrs.K.Lloyd and A.R.Woolcock

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

**Officers In Attendance** S.Ball, I.Davies, S.Jenkins, J.Griffiths, A.Rees,  
Ms.H.Bowen and Mrs.J.Woodman-Ralph

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1. **ANNOUNCEMENT**

It was with deep regret that the Chair advised the Committee of the death of Cllr. A.J.Siddley. As a mark of respect Members stood for a minute's silence.

2. **MINUTES OF THE LAST MEETING**

**RESOLVED:** That the Minutes of the Planning Committee held on the 12 July 2016 as circulated, be confirmed as a true record.

3. **APPLICATION NO: P2015/0494 - OUTLINE APPLICATION FOR 17 NO DWELLINGS TOGETHER WITH MATTERS OF ACCESS, LAYOUT AND DRAINAGE. AT LAND ADJACENT TO SPORTS CENTRE, TONMAWR, NEATH. SA12 9UR**

Officers made a presentation to the Planning Committee on this Application as detailed in the circulated report.

In accordance with the Council's approved Public Speaking Protocol Mr.C.Edwards (supporter of the development) addressed the Planning Committee.

**RESOLVED:** That following a Site Visit prior to today's meeting, having considered the views of those present, and contrary to the Officer recommendation as detailed in the circulated report, the Application be Approved subject to Conditions and signing of a Section 106 agreement to cover the provision and retention of 7 units of affordable housing, the contribution of £32,922 towards Public Open Space, and mitigation for the loss of reptile habitat. The decision was made on the following grounds:

Section 38 of the Planning and Compulsory Purchase Act 2004 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 paragraphs 9.3.2 and 4.7.8 of Planning Policy Wales, and paragraphs 2.5.50 of the adopted Local Development Plan, while the site is located outside of, but adjacent to, the settlement limit of Tonmawr, it is considered that the site's location between the existing two areas of the settlement of Tonmawr would ensure the development would not amount to an insensitive extension of the settlement boundary, and having regard to such impacts, that the strong degree of public support for the proposed development and associated positive community impacts, and the provision of 7 units of affordable housing, together amount to material considerations of sufficient weight necessary to

justify such development outside of the settlement boundary, which is otherwise contrary to adopted LDP Policy. In addition, while not a material planning consideration, the developer was encouraged to put forward as part of the s106 agreement a package of community benefits as indicated in their submissions.

4. **APPLICATION NO: P2016/0078 - PROPOSED ALTERNATIVE RESTORATION AND AFTERCARE SCHEME IN RESPECT OF THE FORMER MARGAM SURFACE MINE, COMPRISING ENGINEERING AND LANDSCAPING WORKS INCLUDING: PUMPING, EARTHWORKS, SOIL RELOCATION, INSTALLATION OF AN OVERFLOW DRAINAGE CHANNEL, RE-INTRODUCTION OF RIGHTS OF WAY ACROSS THE SITE, AGRICULTURAL (REHABILITATION) WORKS TO ESTABLISH VEGETATION AND DRAINAGE (AMENDMENT TO THE RESTORATION AND AFTERCARE SCHEME APPROVED UNDER PLANNING PERMISSION REFERENCE P2006/1727. FORMER MARGAM SURFACE MINE, FFORD Y GYFRAITH, CEFN CRIBWR. CF32 OBS**

**RESOLVED:** That in accordance with the Officer's recommendation the wording of Condition 2 be amended to read as follows, with all other conditions as shown within the report, attached as Appendix A, remaining unchanged:

That condition 2 read – the approved restoration shall be completed by 31 July 2018. For a period of five years from the date of completion of restoration the restored area shall be managed in accordance with the approved aftercare scheme. The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes.

Reason:

The alternative restoration scheme must be completed as quickly as possible but also in accordance with a programme which does not adversely affect any European Protected Species on site, or the amenities of residents living adjacent to the site.

5. **APPLICATION NO: P2014/1122 - OUTLINE RESIDENTIAL DEVELOPMENT CONSISTING OF 41 DWELLINGS INCLUDING DETAILS OF ACCESS AND DEMOLITION OF THE EXISTING BUILDINGS AT LAND OFF SAMUELS ROAD, CWMLLYNFELL.**

Cllr Kristine Lloyd Local Ward Member and Cllr Arwyn Woolcock on behalf of Cwmllynfell Community Council addressed the Committee engaging in detailed discussion with Officers and Members.

Members received information on an amendment to the circulated report. The Community Council on Page 115 should have read Cwmllynfell and not as stated in the report Cilybebyll.

**RESOLVED:** That in accordance with Officer's recommendations and subject to Conditions as detailed in the circulated report and to the signing of a Section 106 legal agreement to seek financial contributions related to the following Heads of Terms, the application as above be approved:

- £69,741.00 towards education provision;
- £20,500 to protect, promote and enhance the Welsh Language;
- £91,073.67 towards public open space provision;
- £16,600 in respect of biodiversity mitigation.

6. **DELEGATED APPLICATIONS DETERMINED**

Members received a list of Planning Applications which had been determined between the 4 July and 25 July, 2016.

**RESOLVED:** That the report be noted.



7. **APPEALS DETERMINED**

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

Appeal Ref: A2015/0005

Change of use of part of the ground floor from Office building (use class B1) to café (use class A3), external alterations, demolition of garage and associated parking. Briton Ferry Police Station, 155, Neath Road, Briton Ferry, Neath. SA11 2BX.

Decision: Appeal Allowed

Appeal Ref: A2016/0006

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. 70, Neath Road, Tonna, Neath.

Decision: Appeal Dismissed

**CHAIRPERSON**

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## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2008/0798</b>	<b><u>DATE:</u> 05/06/2008</b>
<b>PROPOSAL:</b>	Outline Application For Residential Development & Alterations to Existing Access
<b>LOCATION:</b>	Forge Washery, Lower Brynamman, Ammanford
<b>APPLICANT:</b>	Tolkein Property Ltd.
<b>TYPE:</b>	Outline
<b>WARD:</b>	Lower Brynamman

#### **Background:**

This application is reported to Committee as a material departure from the adopted Local Development Plan.

Members will also note that this application was initially submitted in 2008, and has therefore been the subject of extensive and ongoing discussion between the applicant / agent and officers of the Planning department.

#### **Planning History:**

The site has the following relevant planning history: -

- 1977/126 Erection of coal washing and grading plant and associated bunkers – Approved 24/6/77
- 1982/212 Renewal of consent for coal washing and grading plant bunkers, storage ponds and buildings – Approved 23/7/82
- 1987/212 Renewal of consent for coal washing and grading plant and offices – Approved 15/9/87
- P2001/1318 Residential development – Withdrawn 10/11/01

#### **Publicity and Responses if applicable:**

The application was advertised on site and in the press, with 12 individual properties also notified.

To date, three letters of representation have been received, two objecting and one supporting.

The objections have been made on the following summarised grounds:

- The site falls outside the Unitary Development Plan;
- The site falls within a flood plain;
- Two structures which are Grade II Listed and may be affected by the development. The first being the Brynaman War Memorial and the second being the structure referred to as the Furnace Bank or the stone remains of the Blast Furnace built in 1847. The application form indicates that all buildings within the site are to be demolished and as such it is unclear whether this includes the furnaces;
- The land where the track runs is some 20-25 feet higher than the lower level of the furnaces. If the furnaces do form part of the site then the access to the farm will collapse thus denying the only access to the property;
- The Amman Valley Joint Sewerage Board Trunk Sewer runs through the northern position of the site and across the roadway from the war Memorial to the existing gates. Can the existing sewerage system accommodate the proposed increase?;
- Considerable care should be taken to ensure that all previous contamination is removed from the site prior to the commencement of development;
- A full assessment should be made to identify which trees should be retained;
- The eastern boundary of the land has eroded over a number of years by flood conditions;
- Planning permission was previously granted on the site to erect a building which affected a right of way and it is contended that the legal diversion of this footpath has never taken place;
- Maps supplied by the Authority's Rights of Way Officer indicate that the path is incorrectly plotted;
- any proposal that would damage or destroy a site of archaeological interest and its setting will be required to demonstrate that the need for the development clearly outweighs the value of the archaeological site;
- Is there a need for these houses?
- The proposal will have an impact on the Welsh Language;
- Brynaman is a dormitory village with poor transport links and limited employment opportunities;

- Access to the site is substandard;
- Concerns regarding the issue of road safety, including increase in traffic and lane is in a poor state of repair
- Drainage will have to be addressed;
- Land identified in blue by the applicant falls within Carmarthenshire County Borough and Quarter Bach Community Council. Have they been notified of the application?
- Bats are believed to be nesting in the blast furnaces and the site as a whole attracts a variety of wildlife;
- There is opposition to the proposal from residents of the village;
- More housing would put pressure on existing services within the community and provision should be made for this;
- There a few facilities for adults and young people and this development would make this situation worse;
- Demand in the area for housing is low. The application does not provide details of the type of housing proposed but would suggest that it should be for young people or first time buyers;
- What measures will be put in place to deal with the overspill of parking from the Rugby Club ?;
- How will the parking rights of the existing residents be safeguarded?
- Will the upgraded roadway be able to accommodate larger vehicles together with parked cars ?;
- The site should be developed for business purposes as the area needs jobs;
- The proposal will have an adverse impact on the character of the area;

One letter in support of the application has been received which raises the following comments:

- The proposed residential development of the site would be a great improvement to the present coal wash yard;
- The redevelopment of the site would also allow access to the listed monument.

Head of Engineering and Transport (Highways): No objection subject conditions

Natural Resources Wales: No objection subject to the imposition of conditions.

Head of Property & Regeneration (Estates): No reply, therefore no comments to make.

Welsh Water: No objection subject to conditions. Advises that a public sewer and water main crosses the site and a water supply can be made to serve the development.

Gwent Glamorgan Archaeological Trust: The proposal will require archaeological mitigation.

Arboricultural Officer: No objection

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

Biodiversity Officer: No objections subject to the imposition of conditions.

Gwaun Cae Gurwen Community Council: advises that the highway should be taken into consideration especially by the entrance where the monument lies. This corner of the highway before entering Upper Brynamman is a cause for concern and over the years there have been many accidents and maintenance is non-existent.

Carmarthenshire County Council: No reply, therefore no comments to make.

Contaminated Land Officer – No objection subject to the imposition of conditions.

Wales and West Utilities – No adverse comments.

Head of Environmental Health and Trading Standards (Air Quality): No objection.

Head of Streetcare Services (Parks): advises that a financial contribution will be required. He also advises that any detailed proposals should make provision for a cycleway link to the existing footbridge which crosses the River Amman and into Carmarthenshire.

Cadw: No adverse comments

## **Description of Site and its Surroundings:**

The site comprises an irregular shaped parcel of land with an area of approximately 2.3 hectares, located on the eastern edge, but outside the settlement boundary, of Lower Brynamman. The site is located outside of the residential settlement boundary.

The site was historically occupied by the Amman Iron Works in the early mid 1840's and latterly by a brickworks. Currently a coal depot and washing yard is operational on the site which comprises site offices, a weighbridge, a conveyor, a large garage and a number of hoppers and outbuildings. The use of the site falls within Class B2 of the Town and Country (Use Classes) Order 1987.

To the north of the site is the River Amman which delineates the boundary with the neighbouring authority, Carmarthenshire County Council, to the south by a wooded area known as Cwm Amman and to the west by Station Road (A4069) from which the site is currently accessed along a track which serves as a vehicular access to both the application site and a small cluster of residential properties.

Adjacent to the site's southern and western boundaries are a number of residential dwellings, comprising 6 dwellings to the south and 5 to the west. Apart from a narrow strip to the south-west the site is fringed by trees. Built into the northern facing slope of the site is a furnace bank relating to the historical industrial operations carried out on the site. This is a Grade II Listed structure.

## **Brief description of proposal:**

This application seeks outline planning permission for residential development, with matters of detail except access reserved for subsequent approval.

The proposal includes improvements to the access road and the A4069 Station Road junction as well as a new length of footpath along the north-western edge of the access road.

As the application was submitted prior to the introduction of the new outline provisions the applicant was not required to provide an indicative layout of the number of dwellings proposed or the associated scale parameters. However, in order to illustrate how the site may be developed following submission of the application an indicative layout

has been submitted. This shows the proposed location of the housing adjacent to the western boundary of the site and areas of open space, biodiversity, SUDs and replacement water body to the east. This plan also includes areas of archaeological interest where no development is proposed. The plan also indicates the potential for pedestrian access to the recently replaced footbridge to the north, linking the site to existing public footpaths and Cwmgarw Road.

### **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 for consideration with regard to this application relate to the principle of a residential development at this location having regard to the provisions of the development plan as well as the impact upon the character and appearance of the surrounding area; the residential amenity of the occupiers of the adjacent properties; highway and pedestrian safety of the existing road network; the effect upon biodiversity quality of the application site, drainage, flooding, archaeological interests, contaminated land 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 12: Design (2016)

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

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

Technical Advice Note 18: Transport (2007)

Technical Advice Note 20: The Welsh Language

### Local Planning Policy

Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act 2004, the Council prepared the Local Development Plan (2011-2016) (LDP). The LDP was submitted for Independent Examination to the Planning Inspectorate on 30<sup>th</sup> 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 2<sup>nd</sup> December 2015 when the Council received the Inspector's 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 27<sup>th</sup> January 2016, and therefore the proposal must now be assessed against the following relevant Policies within the LDP:-

#### Strategic Policies

- Strategic Policy SP1 Climate Change
- Strategic Policy SP2 Health
- Strategic Policy SP3 Sustainable Communities
- Strategic Policy SP4 Infrastructure
- Strategic Policy SP6 Development in the Valleys Strategy Area

- Strategic Policy SP10 Open Space
- Strategic Policy SP15 Biodiversity and Geodiversity
- Strategic Policy SP16 Environmental Protection
- Strategic Policy SP17 Minerals
- Strategic Policy SP20 Transport Network
- Strategic Policy SP21 Built Environment and Historic Heritage
- Strategic Policy SP22 Welsh Language

#### Detailed Policies

- Policy SC1 Settlement limits
- Policy I1 Infrastructure Requirements
- Policy OS1 Open Space Provision
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and Land Stability
- Policy M1 Development in Mineral Safeguarding Areas
- Policy M3 Development in Mineral Buffer Zones
- Policy TR1 Transport Proposals
- Policy TR2 Design and Access of New Development
- Policy BE1 Design
- Policy WL1 Development in Language Sensitive Areas

#### **Principle of Development:**

The application site lies outside of, albeit close to, the settlement limit of Lower Brynamman 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*”.

Having regard to the above, it is clear that the proposal would be contrary to policies contained within the Local Development Plan and, accordingly there needs to be material considerations of sufficient weight which outweigh the potential harm caused by such a departure. These matters are considered in detail below:

### Removal of a Non Conforming Use

The applicant has emphasised their view that there are significant and material benefits from the re-development of the site, which include the end of a ‘bad neighbour’ use and/or the prevention of intensification of the current industrial use which could lawfully occur under the current parameters undertaken at the site.

In this regard it is noted that the site has been the subject of many complaints to the Council’s Minerals Enforcement Officer over the years.

The current use of the site as a coal washery and grading plant was granted on appeal in November 1988. Condition 10 states that:

*“When no longer needed in connection with the washery authorised by this permission, all buildings, plant and machinery, wire rope, scrap and other waste materials shall be removed from the site and the site shall be graded to accord with the surrounding countryside in a scheme to be submitted for approval of the County Planning Authority.”*

Notwithstanding the requirements of Condition 10 and the other conditions attached to the consent it is important to note that the consent is not time limited, and therefore could continue indefinitely. For example, the specific operations taking place (coal washing and grading) do not rely upon the extraction of any material from the site itself, but instead relate to the importation of material from various other sources. Therefore the material required for the use of the site is essentially from an infinite resource and the operations on site are not constrained to any degree by this.

Having regard to existing acknowledged local impacts, it is also the case that activities at the site could intensify without restriction, with further implications for the impact on residential amenity as acknowledged by the Planning Inspector in Paragraph 10 which stated:

*“ I consider that the principle problems of the washery arise from the activities of vehicles both within and off the site, including the feeding of the hopper and the passage of vehicles along the private road. “*

There is no time limit to the use, and there are also concerns that the wording of Condition 10 is not sufficiently precise and is unambiguous such that it would result in the clearance of the site and restoration even if the washery were to cease. Moreover the appeal Inspector noted (paragraph 13) that:

*‘Even if the particular development were to be discontinued for one reason or another, it would be difficult to prevent the site from enjoying some form of beneficial industrial or commercial use, which could still generate the movement of vehicles to and from the site.’*

Having regard to all of the above, notably the uncertainty over the future use, condition and impacts, it is considered that the removal of this non-conforming ‘bad neighbour’ use represents a material consideration of significant weight which weighs in favour of allowing the development, subject to the impact of the proposed new development being acceptable in all other respects.

#### Redevelopment of Brownfield / Previously -Developed Site

Notwithstanding the requirements of Condition 10 for the remediation and grading of the site to accord with the characteristics of the surrounding countryside it is also appropriate to consider whether the site falls within the definition of ‘previously developed land’ as set out in Planning Policy Wales (Edition 8) 2016 which states:

*“Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage of the development is included, as defence buildings, and land used for buildings, and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.”*

In addition to the issues of enforceability of condition 10 discussed above, it is also considered that the use of the site does not strictly fall within the exceptions to 'previously developed land' provided by note 2 in the definition contained in PPW, insofar as the use of the site is not related to mineral extraction, nor is it for waste disposal. Accordingly, the site is considered to fall within the definition of previously developed land, which again is a significant material consideration in the determination of this application.

In this respect, Planning Policy Wales emphasises the preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites, with paragraphs 4.9.1 and 4.9.2 stating that: -

4.9.1 Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

### Socio-Economic Arguments

Having regard to the above policy in respect of developments 'which facilitate the regeneration of existing communities', it is noted also that this site is located in an area which has not seen significant new development in recent years.

In this respect, the applicant has stated that the development of residential dwellings will help retain the existing population in the area and attract new occupiers into the Village – helping to sustain existing services and facilities, in line with the aims / strategy of the LDP to ‘reinvigorate the valleys’.

In considering such matters, it is notable 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 Lower Brynamman identified as a ‘small local centre’ – such settlements considered to have adequate public transport links with at least one shop and/or several community facilities, and which provide more limited potential to accommodate new development.

Within this context, although not considered on its own to justify such new residential development outside of the settlement boundary, it is nevertheless considered that its classification together with the other material considerations considered within this report adds weight to the general conclusions that cumulatively there may be sufficient grounds to justify such development.

#### Impact on Listed Building

As identified above, the site incorporates the Grade II Listed Furnace Bank, which is the most obvious and visible remains of the former ironworks and is a high stone-built wall that marks out a section of the southern edge of the site. Accordingly the historic importance of this structure is a material consideration in the determination of this application.

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

material considerations. Having regard to this legal requirement, it is considered that the removal of an industrial use which has the potential to negatively impact on the Listed Building can be justified where the proposed development contributes to its conservation, public accessibility and the appropriate redevelopment of the site for an alternative use.

In this respect, it is considered that the scheme will, subject to matters of detailed layout / design, enhance the setting of the listed building, such that this also weighs in favour of allowing the development.

### Access Improvements / Safety Issues

As part of the outline planning application, detailed proposals for alterations to the existing access to the site have been put forward. These include the improvement of the actual access road, associated vision splays, and the incorporation of a dedicated pedestrian footpath. In this regard, the applicants have also stated that the redevelopment of the site is supported by the majority of the existing residents adjacent to the site, particularly in light of the improvements to the access to the site and the reduction in vehicle and pedestrian conflict through the removal of HGV movements associated with the current operational function of the site.

While it is noted that there has been support for the proposal, there has also been objection. Nevertheless, it is accepted that the existing access is used by a number of large lorries associated with the current authorised use, which certainly has potential to create both safety concerns and impacts on residential amenity. Such matters are, therefore, also considered to have some weight as material considerations.

### Visual Appearance of Site

It has also been suggested that the visual appearance of the site might justify development, and in this regard it is acknowledged that the site could be considered to cause visual, albeit localised, harm. This in itself, however, is not considered to justify such development outside of the settlement boundaries.

## 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".

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 insufficient land supply does not amount to a justification to approve a housing development such as that proposed which is contrary to the adopted LDP.

## Principle of Development Conclusion: Weighing the harm against public benefit

Planning Policy Wales advises throughout that it is for the decision maker to determine the weight to give to respective material considerations, when balancing issues. In this case, the balance is between the removal of a non-conforming use versus harm caused by the development. While harm has been identified in that the proposal would be contrary to the development plan as it represents an unjustified form of development in the countryside, the harm has to be balanced against the benefits delivered by the proposal.

For the reasons given above, it is therefore concluded that while the development would be contrary to the adopted Local Development



Plan, by reason of its siting in the countryside and outside of the adopted settlement boundary, the development of this site for a maximum of 25 no. dwellings would be justified by other material considerations, namely the removal of a non-conforming use and the associated activities and HGV movements, the regeneration of a brownfield site – having regard to concerns that cessation of the use may not result in a remediated site - and the development of residential dwellings will help retain the existing population in the area and attract new occupiers into the Village, helping to sustain existing services and facilities in line with the aims / strategy of the LDP to ‘reinvigorate the valleys’.

Other Matters in respect of the development are addressed in turn below:

### **Affordable Housing:**

With regards to affordable housing the application site lies within Lower Brynamman which is located within the valley areas, wherein Affordable Housing Policy AH1 includes no requirement for affordable housing. This is based on the Viability Study undertaken by the Council in 2012, which found that the valley areas did not support the provision of affordable housing. As such no contribution is required or proposed for this development.

### **Housing Density**

This site falls within the Valleys Strategy Area wherein Policy BE1 (8a) of the adopted Local Development Plan states that ‘*normally a minimum of ... 30 [dwellings] per hectare in the Valleys Strategy Area*’ will be required.

Although the site is approximately 2.3 hectares in size, the site includes a listed building and archaeological constraints together with the requirement to provide on-site open space, all of which affect the ability to achieve the required density under Policy BE1. More importantly, however, discussions have been held with the applicants over many years to address the balance between potentially allowing residential development outside of the settlement boundaries, while minimising the number of dwellings to that which is necessary and appropriate to remediate the site. In this regard, and following viability work, an agreement was reached that the number of units brought forward should be limited to 25 to ‘match’ that needed to enable the remediation

of the site, cessation of the lawful use, and other benefits of the scheme.

### **Visual Amenity:**

With regards to the character of the existing area, Lower Brynamman is characterised by traditional terraced properties and a number of newly-built properties.

The site stands enclosed by mature trees which form a dense screen between the site and adjacent residential properties.

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.

The site is not conspicuous, either from the existing settlement above the steep, northern valley side or the A4069 Station Road/Amman Road which descends the valley side. The topography effectively isolates the site both visually and physically from Brynamman and Lower

Brynamman. In addition, as already noted, the site is a brownfield one and although there will be a change in the character of the site with the replacement of industrial style structures with domestic buildings, it would not be the more fundamental change that would occur if the site was undeveloped rural landscape.

As such it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside. It is accepted that there will be viewpoints where the development will have greater prominence in the wider landscape, but appropriate landscaping should serve to minimise this. The application has also been accompanied by an indicative layout site remediation plan which demonstrates how the remainder of the site (excluding housing) is to be restored and the potential use of Public Open Space to serve the development, together with details of the pedestrian and cycle linkages. Thus it is considered that the harm resulting from the development will be localised and would not be so significant as to justify refusal, particularly bearing in mind the overriding weight to removing what is considered to be an unacceptable use both in residential and visual amenity terms.

### **Residential Amenity:**

As the application is made in outline, the impact of the new development upon the amenity of adjoining properties can only be addressed having regard to the principle of a residential development at this location and the siting of the dwellings and their relationship to existing neighbouring properties. As emphasised earlier in this report, the site is currently operating as an unrestricted general industrial use (Class B2) with no control over the heavy goods vehicles accessing the site. As a consequence, it is considered that the removal of this non-conforming use and its replacement with a residential development will improve the amenities of the occupiers of Amman Cottages in terms of noise and general nuisance.

Although plot layout and design of dwellings would be considered in detail under any subsequent reserved matters application, it is considered that given the separation distances between the proposed dwellings and the existing cluster of dwellings situated to the south, the site can be developed for 25 dwellings together with the associated amenity and parking provision without any unacceptable detrimental impact upon amenity of existing occupiers.

### **Mineral Safeguarding:**

It is 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 considered that the development due to its scale and location will not 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.

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

As detailed above, the proposal is in outline and proposes the erection of 25 houses utilising the existing access to the site off the A4069.

The Head of Engineering and Transport (Highways) has considered the vehicular traffic associated with 25 dwellings – and compared it to the existing authorised use - 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, submission of a road safety audit and restriction on the number of dwellings to be served off the access.

### **Flooding:**

The development of this site has been proposed since 2008 and has been the subject of extensive negotiations and consultation with Natural Resources Wales. This included submission of a Flood Consequences Assessment (FCA) to accompany the application, which states that "*the site should not be designated C2*" (based on the FCA analysis). Nevertheless, the Development Advice Maps (updated as recently as January 2015) identify that the majority of the site is Zone C2.

Accordingly, the proposal represents highly vulnerable development (e.g. housing) which according to TAN15 should not be permitted.

WG advice requires consideration of three tests which requires that development: -

- 1) Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) and
- 2) Its location is necessary to assist a local authority regeneration initiative or strategy<sup>1</sup>, or contribute to key employment objectives, necessary to sustain an existing settlement or region (tests 6.2 i and ii) and
- 3) The site meets the definition of previously developed land (i.e. it is not a Greenfield site) and concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development) (test 6.2 iii) and
- 4) A Flood Consequence Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable. (test 6.2 iv)

In respect of test (i) the site does not fall within C1 according to the DAM, however significant discussion with NRW has been undertaken in respect of the flooding impacts / the extent to which the site would flood, while for (ii) the local benefits of the development are described above, but do not technically amount to a *strategy*.

The site is considered to be previously-developed land and, as described below, NRW is satisfied that flood risk can be managed.

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<sup>1</sup> Regeneration Initiatives will be comprehensive, multi-approach and form part of a suite of initiatives which have been subject to public consultation. Local Authority strategy will be the development plan for the area (deposit version as minimum).

## *Managing Flood Risk*

Following concerns from NRW over the modelling work undertaken as part of the FCA the applicant undertook more extensive work which led to an amended FCA.

In response to the latest FCA, NRW initially advised that if water levels reach the toe of the embankment, a breach analysis should occur along with an inundation assessment of the site. In response the applicant confirmed the following:

- The FCA shows the site to be flood free during a 0.1% Annual Exceedance Probability (AEP) event;
- Some protection is afforded by the bund around the northern half of the site;
- River levels during a 1% plus climate change AEP event are predicted to be approximately 1m below the landward toe of the bund, breach failure does not pose a risk to the proposed development site during an event of this magnitude;
- Land raising along the site's boundary with the river is proposed as part of the planned development to remove any reliance on the bund;
- Land raising will ensure flood water remains confined to the river corridor and the site and access will remain flood free during 0.1 % AEP;
- Land raising is an acceptable and recognised flood risk mitigation measure.

These submissions were further considered by NRW who has subsequently confirmed that the FCA has shown that flood risk can be managed and provided that a condition requiring the site ground levels to be raised to the maximum water level identified in the FCA is imposed, they advise that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy Wales.

Accordingly, notwithstanding its location in Zone C2, it is concluded that flood risk can be managed, such that the development of the site, having regard to the material considerations detailed above, would be acceptable.

It is noted that the The Town and Country Planning (Notification) (Wales) Direction 2012 requires, in respect of 'Flood Risk Area Development', that scheme of 10 or more dwellings where the **whole** (*emphasis added*) of the land where the development is proposed to be located, is within flood zone C2, should be referred to the Welsh Ministers prior to a decision being issued. In this case part of the site falls outside zone C2 and as such there is no requirement to refer the application to Welsh Government.

## **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 and NRW have considered the submitted information and suggested a number of conditions requiring the provision of a 7 metre buffer between the development and the river bank, a method statement for protecting reptiles, replacement of a smaller but higher quality pond at the edge of the development, retention of all mature trees around the perimeter of the site and all new buildings to include artificial nesting sites for birds.

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.

It is therefore considered that the proposed development would not have any unacceptable impact in relation to ecology and biodiversity.

### **Archaeology:**

Glamorgan Gwent Archaeological Trust (GGAT) required an archaeological evaluation prior to the application being determined.

The subsequent archaeological evaluation has been considered by GGAT who advises that the proposed methodology for the development



states that the ground will be raised by imported material in order to reduce the physical impact on the archaeological remains, although some intrusive groundworks and remediation will be necessary. To mitigate the impact on the archaeological resource and that appropriate work is undertaken to lessen this impact GGAT recommends the imposition of a condition ensuring archaeological investigations are carried out.

### **Pollution:**

The Land Contamination Officer and NRW have raised no objections to the proposal having regard to the submitted desk top study, however this report is now considered to be out of date and the suggested conditions make provision for a new and up dated desk study together with a verification report, remediation strategy, long term monitoring and maintenance plan, unexpected contamination and pollution prevention measures. However, the submitted desk study has not identified the likely requirement for gas monitoring due to coal seams and waste within the vicinity of the site and this will need to be addressed.

### **Drainage:**

The Local Authority's Drainage Officer, Welsh Water and NRW have all been consulted and each has raised no objection to the proposal subject to the imposition of conditions.

In respect of foul water, the Head of Engineering and Transport (Drainage) has no objection to the proposal in terms of foul water drainage and has suggested a number of conditions. Natural Resources Wales offers no objection to the proposal as foul water is proposed to be discharged to the main public sewerage system but advise that Welsh Water be consulted to ensure that there is sufficient capacity to accommodate the additional flows.

Welsh Water have been consulted as part of this application and have advised that they have no objection to the proposal as they envisage no problems with the Waste Water Treatment Works for the treatment of domestic discharges from this site. They have suggested standard conditions relating to drainage both foul and surface water which can be imposed by suitably worded condition. They have also advised that a sewer runs through the site. The applicant will be made aware of this by a suitably worded informative.

In respect of surface water, soakaways are proposed and NRW have advised that this is an acceptable method should ground conditions prove suitable although the use of Sustainable Drainage Systems (SUDS) should be investigated in line with the advice contained in TAN 15 and as such it is suggested that a condition is imposed requiring a comprehensive drainage scheme is submitted.

The application is therefore acceptable in terms of drainage.

**Waste:**

Policy W3 – Waste Management in Development – requires proposals for new built development to demonstrate that provision is made for design, layout, storage and management of the waste generated by the development both during the construction phase and occupation. The development, however does not exceed the threshold of 50 dwellings where a Site waste Management Plan is required to be produced.

Natural Resources Wales has provided general advice in respect of the control of waste and suitably worded informatives can be attached to any consent.

**Section 106 Planning Obligations:**

The Community Infrastructure Levy Regulations 2010 came into force on 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> 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.

LDP Policy SP4 Infrastructure – requires developments to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable.

Policy I1 Infrastructure requirements – states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that where appropriate, the impact of new development is mitigated.”

These requirements will include consideration of and appropriate provision for:

- Affordable housing;
- Open space and recreation facilities;
- Welsh language infrastructure (in Language Sensitive Areas);
- Community facilities including community hubs;
- Biodiversity, environmental and conservation interests;
- Improving access to facilities and services including the provision of walking and cycling routes;
- Historic and built environment and public realm;
- Historic and built environment and public realm improvements;
- Community and public transport;
- Education and training.”

To support the above Policies, the Council has recently gone out to public consultation on a draft ‘Planning Obligations’ SPG which sets out the approach and procedures the Council will apply where developers are expected to pay for, or contribute to, improvements to infrastructure that would be necessary as a result of the development. At this stage, however, while the SPG informs the assessment below, the weight that may be attributed to it is limited.

As detailed above, the proposal relates to an outline planning application for 25 residential units. The viability report (Savills 2011) which accompanied the application concluded that 20% affordable housing requirement (the LDP requirement at that time) would necessitate the construction of 85 units, compared with 51 units if the aforementioned requirement was waived. As a consequence, and following lengthy discussions with the applicant it was confirmed that given the constraints of the site, its countryside location together with the potential benefits of removing a non-conforming use and potential uncertainty over securing appropriate remediation of the site if that use were to cease that 25 units could be satisfactorily accommodated on the site.

Since the submission of the Viability Report and adoption of the LDP there is no longer any requirement to provide affordable housing on this site. As the aforementioned report clearly demonstrated that the development would not be able to support the provision of affordable housing (and the scheme now proposes only 25 dwellings) it also means that the development would be unable to deliver other financial contributions which may be considered necessary.

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 and taking into consideration the Viability Report it is necessary to assess how the following requirements will be delivered.

Public Open Space (POS)

In respect of the provision of open space to serve this development, Policy OS1 indicates that where there is a quantitative deficiency in any of the following; outdoor sport, children’s play, informal space or allotment provision such provision will be sought, including the requirement for maintenance, in conjunction with all new residential developments of 3 or more dwellings.

The site lies within the Lower Brynamman Ward, where there are existing shortfalls in non-pitch and children’s play. Within the Amman Valley Spatial Area, there is a shortfall of allotments.

The POS requirement that the site will generate is as follows:

- Pitch sport                      658.4 sq.m.
- Non pitch sport                257.6 sq.m.
- Children’s play                143.1 sq.m.
- Informal play area            314.9 sq.m.
- Allotments                      108.8sq.m.

Given the low density levels there is potential to combine pitch and non-pitch requirements to provide a kickabout area / children’s play area (albeit not equipped) on site, which would allow for small scale sports uses which would be beneficial for residents of the site. Given that the nearest informal open space is approximately 2km from the site, it is

considered appropriate to also provide within the site an informal recreation area.

Subject to the imposition of suitably worded conditions to secure the above necessary POS, the development would accord with Policy OS1 of the adopted LDP.

### Welsh Language Impact

In respect of the impact on the Welsh Language, Policy SP22 states that the Welsh Language will be safeguarded and promoted. In this regard, Policy W1 requires development in Language Sensitive Areas to provide a Welsh Language Action Plan (WLAP), setting out the measures to be taken to protect, promote and enhance the Welsh language.

There is therefore a need to mitigate any negative effects from the development through:

- Supporting the use of the language in the local community; and
- Helping residents of new housing and people who work in new retail, commercial and industrial developments to learn and use the language to offer a Welsh medium service to the public and to create opportunities in work to use the language.

The submitted Welsh Language Impact Assessment (October 2008) and subsequent addendum dated July 13<sup>th</sup> 2016 has been reviewed by the Local Authority's Policy Section who have advised that to accord with LDP policy the developer will need to submit a Welsh Language Action Plan (WLAP) setting out the measures to be taken to protect, promote and enhance the Welsh Language. This Plan will need to identify what measures are proposed to mitigate any negative effects on the Welsh language.

The applicant has stated that the following measures would be incorporated into the development proposal:

- a) Bilingual marketing;
- b) Provision of public open space and connectivity to and with the surrounding community; and
- c) Street names and bilingual signage.

The above measures are considered acceptable and subject to the imposition of a suitably worded condition to secure their provision, the development would accord with Policy WL1 of the adopted LDP.

### Improving access to walking and cycle routes

The Amman Valley Cycle Way is located adjacent to the site and is part of a joint Neath Port Talbot and Carmarthenshire CC project which involves the completion of a rural walking and cycle track connecting Cwmllynfell and Ammanford. The proposed development will improve connectivity to this route via the recently replaced footbridge located on the northern perimeter of the site and as such the proposal will accord with Policy TR1 of the LDP.

### **Other (including objections):**

While the majority of matters raised in local objections have been addressed in the above assessment, the following additional comments are made in relation to the remainder of the objector's responses:

- There are no Tree Preservation Orders (TPO) on the trees within the application site or land directly adjoining it. A full landscaping scheme is required to be submitted as part of the reserved matters application;
- Whilst the impact of development on a public right of way is a material planning consideration, the Authority's Footpaths Officer has confirmed that Footpath 10 is adjacent to the site;
- The future maintenance of the access road would be a matter for the applicant if in private ownership or if adopted the Local Highway Authority;
- If the applicant is required to purchase additional land in order to implement the consent then this would be a private matter;
- The removal of electricity and/or telephone lines is a matter for the applicant and is not a material planning consideration;
- In line with the Authority's adopted procedures Carmarthenshire County Council have been notified of the planning application, and it would be their responsibility to notify Quarter Bach Community Council;
- The publicity for the application was undertaken in accordance with the Local Authority's adopted procedures. In this case all adjoining neighbours were written to, notices erected on site and

advertised in the press. All means of publicity clearly indicate where the details of the application can be viewed;

- The tenure of the housing is not a material planning consideration;
- As this is only an outline application there are no details of the type of dwellings proposed and would be considered as part of the reserved matters application;
- The application site is not allocated for any specific use within the Local Development Plan and as such the application is to be determined on its individual merits;
- As the application represents a departure from the development plan it is required to be determined by Planning Committee;

### **Conclusion:**

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

Having regard to National Policy contained in Planning Policy Wales (2016) together with National Guidance contained within TANs 5, 6, 12, 15, 18 and 20 LDP Policies SP1, SP2, SP3, SP4, SP10, SP15, SP16, SP17, SP20, SP21, SP22, SC1, I1, OS1, EN7, EN8, M1, M3, TR1, TR2, BE1 and WL1 it is considered on balance that the development of the land for housing is acceptable as there are other material considerations together with national planning policy to justify the proposed residential development which outweighs any conflict with the aforementioned LDP policies. Furthermore, the development would not have a significant impact on highway and pedestrian safety, flooding, the setting of a listed building, foul and surface water discharges, or ecological issues. Subject to detailed design at reserved matters stage, it is concluded that there would be no detrimental impact upon the character and appearance of the surrounding area or the residential amenity of neighbouring dwellings.

## **RECOMMENDATION: Approval with Conditions**

### Time Limit Conditions

(1) Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

### Reason

The application was made for outline planning permission.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning and shall be carried out as approved.

### Reason

The application was made for outline planning permission and to comply with requirements of Section 92 of The Town and Country Planning Act 1990.

(3) Application for approval of reserved matters herein before referred to must be made not later than the expiration of three years beginning with the date of this permission.

### Reason

To comply with the requirements of Section 92 of The Town and Country Planning Act 1990.

(4) The development to which this permission relates must be began not later than whichever is the later of the following dates:

(a) The expiration of five years from the date of this permission.

(b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters approved.

### Reason

To comply with the requirements of Section 92 of The Town and Country Planning Act 1990.



(5) Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning)

Approved Plans

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

Location Plan (SAV1)

Red and blue line plan (SAV 2)

Preliminary access arrangement - CSA95SK01

Extent of Works - CSA95SK03

Environmental Report -Blandford Consulting (June 2005)

Welsh Language Impact Assessment (Oct 2008)

Letter dated July 13th 2016 from Geraint John detailing Welsh Language mitigation.

Viability Report - Savills (Feb 2011)

Stage 1 Road Safety Audit (Jan 2008)

Foundation and Highway Construction Appraisal - Austin Partnership (17/4/13)

Access Statement - Savills (May 2008)

Planning Statement - Savills (May 2008)

Flood Consequences Assessment (Oct 2015)

Archaeology Assessment and Site Visit - Archaeology Wales -Dec 2013

Archaeology Evaluation - Archaeology Wales Sept 2014

Reason

For the avoidance of doubt as to the approved development and to accord with Circular 016.2014 on The Use of Planning Conditions for Development Management.

Pre-Commencement Conditions

(7) As part of the submission of the first reserved matters application full details of the existing and proposed ground levels across the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the ground levels are raised to the maximum water level identified in the Flood Consequences Assessment (FCA) which accompanies the application. The development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and flood risk.

(8) As part of the first reserved matters application full details of the proposed open space provision at the site, including details of the timing of such provision, shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided and retained in accordance with the agreed details.

Reason

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policy OS1 of the Local Development Plan.

(9) As part of the first reserved matters application, full details of hard and soft landscaping schemes for the landscaping of all public landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The submitted planting schemes shall include:

- i) indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development
- ii) A statement setting out the design objectives and how these will be delivered;
- iii) Hard surfacing materials and designs;
- iv) details of the design and location of minor artefacts and structures including street furniture, public refuse bins, highway grit bins for development access road and footpaths;
- v) Planting schemes including species, planting densities and sizes at time of planting, including wildlife friendly species and those that will promote habitat creation.

The approved landscaping schemes shall be fully implemented within the first planting season following completion of the development, any trees or plants which within a period of five years from the completion of the residential development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation

Reason

In the interests of amenity, community safety and biodiversity.

(10) As part of the submission of the first reserved matters application details of a Landscape Management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including highway verge areas and public open spaces other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

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

(11) As part of the first reserved matters application a scheme to address the impacts upon the Welsh Language shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based upon the recommendations set out in the letter from GJ Planning dated 13th July 2016. The scheme as approved shall be fully implemented prior to the first beneficial use of any dwelling, or any other timeframe as approved as part of the scheme.

Reason

To ensure the Welsh Language is safeguarded and promoted.

(12) No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved by the Local Planning Authority. The programme and scheme shall be fully implemented as defined in the approved details.

Reason

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied.

(13) No development shall commence on site until, including vegetation or debris clearance works, until a method statement for the protection of reptiles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason

In the interest of protected species and biodiversity.

(14) As part of the first reserved matters application, a scheme for the provision of a replacement pond (smaller but of improved quality to that existing on site) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first beneficial use of any dwelling, or any other timeframe as approved as part of the scheme.

Reason

In the interest of protected species and biodiversity.

(15) As part of the first reserved matters application a scheme which makes provision for a cycleway linking the application site to the existing footbridge shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first beneficial use of any dwelling, or any other timeframe as approved as part of the scheme.

Reason

To promote sustainable means of transport.

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

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

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

(iii) an assessment of the potential risks to:

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

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

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

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

Reason :

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(18) Prior to first beneficial occupation of any dwelling hereby permitted, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 15 shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(19) Prior to first beneficial occupation of any dwelling hereby permitted, artificial nesting sites for birds within the site/on the buildings shall be provided in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be retained on site.

## Reason

In the interest of ecological mitigation, since the proposals remove potential bird nesting/ foraging habitats, and to comply with Policy EN6 of the Neath Port Talbot Local Plan.

(20) No other development shall commence on site until such time as the access road from the A4069 for a length of 130m has been made-up to base course level (with footpath to wearing course) including details of drainage, street lighting and signage / lining in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

## Reason

In the interest of highway and pedestrian safety.

(21) Prior to commencement of any works at the junction a Stage 2 Road Safety Audit for the works to the junction shall be submitted to and approved in writing by the Local Planning Authority, and any items raised in the approved stage 2 Road Safety Audit shall be fully implemented on site as part of the junction improvement works. . On completion of the approved junction works a stage 3 Road Safety Audit shall be undertaken in accordance with the Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, HD 19/15, the findings together with proposed schedule of works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site prior to the occupation of the first approved dwelling. In accordance with the Design Manual for Roads and Bridges Volume 5, Section 2, Part 2, HD 19/15 and within 12 months from the date of the occupation of the first dwelling a Stage 4 Road Safety Audit shall be undertaken and any matters raised to be undertaken on site shall be submitted to and approved in writing by the Local Planning Authority. An approved works shall be fully implemented on site prior to the expiry of 3 months from the date of the approval of the Stage 4 Road Safety Audit details.

## Reason

To ensure any alterations that might be deemed necessary at a technical stage are assessed, and all works carried out on site are assessed in accordance with guidance documentation and any further work required through this assessment being carried out in the interest of vehicle and pedestrian safety.

## Reason

In the interest of highway safety.

(22) As part of the first reserved matters application a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by an assessment which shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, with the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

ii) include a period for its implementation; and

iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme as agreed shall be fully implemented prior to the first beneficial use of the development.

## Reason:

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

(23) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

The statement shall provide for:

a. The parking of vehicles of site operatives and visitors



- b. Loading and unloading of plant and materials, and the routing of construction and delivery vehicles
- c. Storage of plant and materials used in constructing the development
- d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e. Wheel washing facilities
- f. Measures to control the emission of dust and dirt during construction
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works
- h. Scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- i. A demolition method statement including mitigation measures to minimise the impacts of the demolition upon noise and nuisance to adjoining properties.

The approved statement, schemes and mitigation shall be adhered to throughout the demolition and construction period of the development.

Reason

In the interest of pollution control

Regulatory Conditions

(24) There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site. Any drainage pipe, highway drain or highway run-off entering, crossing or discharging into the development site must be accommodated into the site development works by the developer. No buildings shall be erected over or within the safety zone of any culvert or watercourse.

Reason

In the interest of drainage.

(25) The development hereby approved relates to the construction of a maximum of 25 dwellings.

Reason

Since the development of this site is justified only on the basis of a maximum of 25 dwellings, having regard also to interests of visual amenity and to ensure that the site is developed in an appropriate manner having regard to its rural location.

(26) A 7 metre vegetated buffer zone shall be maintained between the development and the riverbank, within which no development or vegetation clearance should take place.

Reason

In the interests of ecology and biodiversity.

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

Reason

To protect the integrity of the public sewerage system

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

Reason

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

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2015/1128</b>	<b><u>DATE:</u></b>
<b>PROPOSAL:</b>	Integrated transport hub including new highway arrangement, bus canopy, staff facility building, kiosk building (Class A1 and A3), taxi area, hard and soft landscape works and pedestrian areas
<b>LOCATION:</b>	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot SA13 1RU
<b>APPLICANT:</b>	NPTCBC - Mr Brian Biscoe
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Port Talbot

#### **Background:**

This application is reported to Committee because it is considered to be a strategically important development which should be considered by Members.

#### **Planning History:**

- **78/2440** – Travel centre – Approved 5/2/79
- **81/3576** – Change of use - disused building to car repair garage – Approved 5/5/81
- **82/4014** – Engineering workshop and alterations – Approved 8/6/82
- **82/4206** – Change of use - vacant workshop to portable tool repairs and incidental sales – Approved 10/1/83
- **83/4335** – Change of use - for car sales and commercial vehicles – Approved 4/5/83
- **83/4589** – Provision of staff bus shelter and cycle shelter – Approved with conditions 19/1/84

#### **Publicity and Responses:**

#### **Statutory Consultees**

National Resources Wales: Significant concerns are expressed with the application **however** if the measures proposed in the submitted Flood

Consequences Assessment are implemented we would not object to the scheme.

Glamorgan Gwent Archaeological Trust: No objections

Network Rail: No objections

Environmental Health and Trading Standards (Contaminated Land): No objections

Environmental Health and Trading Standards (Pollution): No objections

Head of Engineering and Transport (Highways): No objections

Head of Engineering and Transport (Drainage): No objections

30 properties were consulted, and the application has been publicised by means of a Site Notice and in the local press. No responses have been received.

### **Description of Site and its Surroundings:**

The proposed development is located adjacent to Port Talbot Parkway Train Station and the town centre and is bounded by commercial and retail space.

The Port Talbot Parkway Station establishes the western edge of the site whilst the South Wales Police Station and the Grand Hotel establishes the eastern edge. Heilbron Way and Station Road are the two roads that run through the centre of the site.

The site extends to approximately 1.2ha of developed land which includes incidental pockets of green space and tree planting that are bisected by roads and a cycle path. There are a number of bus stops positioned along Heilbron Way Road that runs north south through the site and forms one of the primary routes through the town.

Within the immediate context of the site there are a number of regeneration projects that are either taking place or subject to live or future planning applications. To the north of the site lies the former police station which has a live application comprising of commercial units and apartments, while Port Talbot Parkway Station already has been the subject of recent extensive regeneration works.

**Brief description of proposal:**

This is an application made by the Council under regulation 3 of the Town and Country Planning Regulations 1992 which seeks full planning permission for an Integrated transport hub including new highway arrangement, bus canopy, staff facility building, kiosk building (Class A1 and A3), taxi area, hard and soft landscape works and pedestrian areas. It forms part of a wider regeneration initiative by the council within Port Talbot and is supported among other things by the Welsh Government's Vibrant and Viable Places Programme.

The development will involve a new highway alignment of Heilbron Way to Talbot Road, a new mini roundabout, four pedestrian/cycle crossing points (1 controlled, 3 uncontrolled), a highway containment wall built along the existing fence line adjacent to railway and a new integrated taxi rank. The submitted plans also incorporate a detailed hard and soft landscaping scheme including high quality materials, new trees/ shrubs and a variety of modern urban designed street furniture, and

The submitted plans indicate that the café/kiosk structure will measure approximately 12m in length and 2.7m in height and provide a service area, rest room and sitting area.

The bus canopy will be finished in a profiled aluminium cladding facing the square under a steel main structural support. LED feature strip lighting will be recessed into the soffit. The individual shelters themselves are 6 in number and are finished in steel and glass.

**Material Considerations:**

The main issues with regard to this application concern the principle of this type of development at this location having regard to the adopted Local Development Plan Policy, together with an assessment of the impact of the proposal on highway and pedestrian safety, design and visual amenity, the character of the area as a whole, residential amenity and the potential threat to the site from flooding.

**Policy Context:**

The Council formally adopted the Neath Port Talbot Local Development Plan (LDP) on 27<sup>th</sup> January 2016, within which the following Policies are of relevance:-

- Policy OS2 Protection of Existing Open Space
- Policy TR2 Design and Access of New Developments
- Policy SC1 Settlement limits
- Policy BE1 Design

The new integrated transport hub seeks to provide a link to employment and residential areas in and around the town, improving accessibility, to a variety of means of public transport in addition to increasing the attractiveness of the western side of Station Road to both Commercial and residential development. As stated earlier this proposal is part of a much larger regeneration scheme which has secured Welsh Government funding through the Vibrant and Viable Places programme. This programme involves a number of regeneration projects in the town centre, working alongside key partners to transform the living and working environment of the town centre. Accordingly the principle of the development is considered to be acceptable.

### **Visual Amenity:**

In terms of visual amenity, it is clear that the intention of the submitted scheme is to strengthen the visual linkages between the site and the surrounding area to aid legibility and create a strong sense of place.

It is considered in terms of the immediate surroundings that the hub is in keeping with the recently approved train station as it uses a similar design aesthetic in the proposed buildings, street furniture and associated paraphernalia.

The design has made a conscious effort to have regard to the architectural style of the new train station and this is evident in its material selection and detailing. Similarly the height, scale and mass of the main bus canopy have been designed in context with the train station so that they respond appropriately with the neighbouring structure.

With regard to the established character and appearance of the area, the scheme is very aware of its surroundings and as a result will integrate well with existing built environment. The design of the scheme has also been mindful to consider its presence alongside the future

regeneration initiatives (including the adjacent Police Station site) that have been referenced earlier in this report. Therefore the proposal is considered to have a significant positive impact on the character of the area.

In addition to the above prior to its submission the proposal was considered by the Design Commission for Wales who supported the development subject to some minor amendments. The applicant responded to those recommendations by amending the scheme accordingly.

As a consequence of the above it is considered that the proposed development responds positively to the local design context and will enhance the character and appearance of the surrounding area.

### **Residential Amenity:**

The transport hub seeks to promote key pedestrian movements around the site area from the train and bus station usage which itself generates an element of noise and activity. These activities, however, would not create any unacceptable increase in noise or disturbance to residential properties in the locality, over and above that generated by the traffic using Grove Place and Station Road. Furthermore the openness of the hub allows for the dispersion of the noise generated by the pedestrian activity and given the town centre location, the residents should reasonably expect to experience a level of disturbance associated with activities generated from a busy edge of town centre site.

For these reasons, the development would not have an unacceptable adverse effect on residential amenity.

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

The proposed development has been prepared having regard to the results and recommendations of both a stage 1 and a stage 2 Road Safety Audit. Furthermore the application is supported by a Transport Assessment. The documents confirm that the development will not lead to a road safety problem. Furthermore they confirm that the proposed transport hub would integrate different modes of sustainable travel, reducing travel between the bus and train station and would complement the wider regeneration scheme by providing increased access to facilities without compromising the capacity of the local highway network or the safety of both vehicular and pedestrian traffic.

The Head of Engineering and Transport (Highways) has considered the submitted scheme and offers no objection to the proposal subject to the imposition of suitable conditions. The conditions are concerned with the creation and implementation of a construction method statement and the maintenance and management of the proposed sustainable drainage system. Therefore it is considered that the development will have no unacceptable impact on either highway and pedestrian safety.

### **Archaeology:**

Glamorgan Gwent assessed the proposal and has advised that some mitigation will be required to implement the development. There remains a possibility that archaeological features relating to the monastic use of the area could extend into, and still survive within, the proposed site. Therefore should the application be successful a condition will be attached which requires an intensive watching brief and any consequential mitigation should it be necessary.

### **Open Space:**

Policy OS2 - Protection of Existing Open Space – states that any proposals which would result in the loss of an existing area of open space will only be permitted where it can be demonstrated that:

1. The open space is no longer needed; and
2. There is no shortfall of provision of that category of open space in the ward, before or as a result of the development; and
3. The site would not be suitable to provide an alternative type of open space for which there is a shortfall.

Or:

It can be demonstrated that equivalent or enhanced facilities can be provided on a suitable and accessible replacement site which would serve the local community equally well.

The development would result in a very small area of green open space being incorporated into the transport hub. This area of green open space is surrounded on all sides by a highway network and cannot reasonably be considered as a useable area of open space but is more akin to a grassed roundabout. Its loss will not therefore dilute the areas of useable open space available within this area. Nevertheless, this application proposes to create both an integrated transport hub and an area of practical and useable public realm which is safe to use and accessible to all. Whilst the majority of the site will be hard landscaped,



to ensure that the site is accessible to all users, it will be interspersed with planted areas which will not only soften the overall appearance of the development but will also improve the setting to the existing and proposed buildings which front onto the site. Such a space will not only be used by passengers using the transport hub but may also be used at a future date for the accommodation of events. Accordingly, it is considered that the scheme would improve the quality and accessibility of open space within this area and as such it satisfies the terms of Policy OS2 of the LDP.

### **Flooding:**

National Resources Wales (NRW) Flood Model for the area shows that in a 1 – 100 year flood, plus climate change (30%), the predicted level of water from a flood in the locality currently shows flooding to a depth of between 0.909m in front of the former Police Station and 1.3244 at the junction between Talbot Road and Oakwood Lane. As a consequence of the development, this level rises from 0.909m to 0.998m at the former Police Station and reduces from 1.324m to 1.295m at the junction of Oakwood Lane and Talbot Road.

There is also a requirement to model a 1 in 1000 year flood event. The data from this model reads a pre-development flood depth of 1.199m in front of the Police Station and 1.577m at the junction of Oakwood Land and Talbot Road. In the post scheme development scenario, the levels rise from 1.199m to 1.281m at the former Police Station and reduce from 1.577m to 1.548m at the junction of Oakwood Land and Talbot Road.

The models also indicate that areas immediately surrounding the site could increase from 0.005 to 0.015m. A percentage increase of between circa 0.5% and 1.25% in between scenarios, with the exception of a strip of Network Rails railway track which runs to the north of the site which will incur a 10% detriment of 0.031m in the 1 in 100 year (plus climate change) flood.

In view of the above mentioned modelling data, the application was accompanied by a Flood Consequences Assessment (FCA). The FCA is required in order to assess the existing flood risk and the impact the proposed development would have on the site itself and on the surrounding areas. It confirmed that the development would result in a potential increase in flood risk, however it also concluded that this potential risk could be adequately managed and mitigated. To mitigate

flooding at this location and across the wider Port Talbot town centre, the Council is working on a strategic flood alleviation project with a view to significantly reducing flood impacts across the town centre from the River Afon, which will not only protect properties currently susceptible to flooding but will also allow further regeneration and improvements to take place within and around Port Talbot.

The increased flood risk on the site and in the surrounding areas has been clearly quantified and the necessary mitigation measures have been identified. Those affected (residents that were shown to be in detriment by more than 5mm, 21 properties in total and Network Rail) were notified and consulted directly by the applicant who explained in writing what the potential impacts would be as a consequence of this development and asked for comments from those residents affected within a specified period of time. The letter confirmed that should the applicant receive no response from an individual, it would be assumed that they have no concerns in relation to the impact associated with the development. As a consequence of that independent consultation no responses were received from any of the occupiers of the 21 properties affected by the development. Given the lack of return correspondence, the Council is satisfied that these third parties do not have any issue with the potential increase in flood risk that may occur in the unlikely event of an extreme flood as a result of this development. Whilst responses were not received from the 21 properties potentially affected, a response was received from Network Rail who offered no objection to the development.

This submitted flood information has been assessed by Natural Resources Wales who initially confirm that they have significant concerns in relation to the development however they also confirm in their response that should all the measures proposed within the applicant's FCA be implemented to safeguard the users of the development then they would not object to the development. A condition is included to cover such matters.

As a consequence of the above it is considered that the flood impacts associated with this development are so small yet they can be adequately mitigated against and would not, given flood management plans proposed at a future date, warrant a recommendation of refusal on flooding grounds.

## **Conclusion:**

The proposal will contribute significantly to the character of the area and the ongoing regeneration of Port Talbot under the Vibrant and Viable Places Programme, and would have no unacceptable impacts on residential and visual amenity, on highway and pedestrian safety or in terms of flood risk. The development therefore complies with Policies OS2, TR2, SC1 and BE1 of the Neath Port Talbot Local Development Plan.

## **RECOMMENDATION: Approval with 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:

- Design and Access Statement
- Container 3d Model (café and driver shelter) UG1545-120 REVA
- General Arrangement C19650/GA 3
- Electrical Services 5006-WSp-xx-ST-900-103
- Electrical Services Urban Space Lighting 5006-WSP-xx-ST-900-101 REVT1
- Electrical Services Urban Space Lux Plot 5006-WSP-xx-ST-900-103 REVT1
- Canopy Information Sheet UG1545-009
- Impact Protection Walls Sheet 1 of 4 C19650-PW-9
- Impact Protection Walls Sheet 2 of 4 C196050-PW-10
- Drainage Layout and Proposal Manhole Schedule C19650/E2188-101
- Heilbronn Way Drainage layout C19650/E2188-106
- Site Location, Contractors routes and existing conditions C19650/CR1
- Heilbronn Way Existing system and new foul connection to kiosk C19650/DR6
- 3 Bay Landmark Bay MK 1 Bus shelter detail drawing UG1545-010
- Longitudinal Sections and Cellular Storage C19650/E2188-106

- Highways Adoptable lighting services
- C19650/SU
- Tree Survey Data Sheet
- Geo Environmental Assessment
- Flood Consequence Assessment NPT Transport Hub.
- Flood Consequence Addendum 2
- Soft Landscape Scheme GA 90 002

#### Reason

In the interests of clarity

#### Pre-Commencement Conditions

(3) Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

#### Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

NOTE: Templates of the required Notice and Site Notice are available to download at [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning)

(4) No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Route to be taken by delivery and Heavy Goods Vehicles to and from the site
- iv. Storage of plant and materials used in constructing the development
- v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. Measures to control the emission of dust and dirt during construction.

Reason: In the interest of highway safety.

(5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

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

#### Action Conditions

(6) Notwithstanding the approved plans, prior to work commencing on the reconfigured highway layout, a scheme shall be provided to identify amendments necessary to comply with the recommendations within the stage 2 Safety Audit. The scheme hereby approved shall then be implemented on site and retained as such thereafter.

#### Reason

In the interest of highway safety

(7) Prior to the first use of the transport hub, a flood management plan shall be implemented in accordance with a proposed mitigation strategy incorporating the recommendations within section 4.0 of the Flood Consequence Assessment (Addendum 2) (Clarkebond 02/08/2016), which shall first have been submitted to and approved in writing by the

Local Planning Authority, and the development shall thereafter operate in full accordance with the approved strategy.

Reason: In order to mitigate against the impacts of flooding at the site, in the wider public interest

(8) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

## REASON FOR GRANTING PLANNING PERMISSION

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

The proposal will contribute significantly to the character of the area and the ongoing regeneration of Port Talbot under the Vibrant and Viable Places Programme, and would have no unacceptable impacts on residential and visual amenity, on highway and pedestrian safety or in terms of flood risk. The development therefore complies with Policies OS2, TR2, SC1 and BE1 of the Neath Port Talbot Local Development Plan.

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2016/0545</b>	<b><u>DATE:</u> 01/07/2016</b>
<b>PROPOSAL:</b>	Rear and side raised patio to ground floor level.
<b>LOCATION:</b>	3 Ascot Drive, Baglan, Port Talbot SA12 8YL
<b>APPLICANT:</b>	Mr Huw Thomas
<b>TYPE:</b>	Householder
<b>WARD:</b>	Baglan

#### **Background Information:**

This application is presented to Committee because, since the submission of the planning application, Mr. Carl Quick, the agent, is now employed by the Council's Building Control section. It therefore falls to be determined by Committee under the current delegated arrangements.

#### **Planning History:**

The site has the following relevant planning history: -

- **P1986/5719** Erection of 18 Residential dwelling units  
Approved 2/11/86
- **P1987/6091** Infrastructure to service 18 No. plots Approved  
31/7/87
- **P1990/7727** House – 05/07/1990

#### **Publicity and Responses if applicable:**

4 Neighbouring properties were consulted. To date no representations have been received.

Dwr Cymru Welsh Water – No response received

## **Description of Site and its Surroundings:**

No. 3 Ascot Drive is a detached dwelling house which has a front garden and driveway and a large rear garden which slopes downwards to the rear boundary. Pedestrian access is to the northern side of the dwelling.

An existing raised walkway with railings is located to the northern side of the dwelling and an existing raised patio area with railings is located to the rear of the dwelling.

## **Brief description of proposal:**

Full planning consent is sought for a rear and side raised patio with railings to ground floor level which will connect the existing raised side walkway and rear patio forming a 'wraparound' raised patio area.

The extended Patio area will have a width of approx. 3.6 metres, a depth of 4.1 metres and a height to patio level of approx. 2.6 metres. Railings with a height of 1 metre to match the existing railings will be sited to the outer edges of the raised patio. The external materials will be in keeping with the main dwelling.

## **Material Considerations:**

The main issues to be considered in the determination of this application are the impact upon the character and appearance of the street scene and surrounding area, and the impact upon the amenity of residents within the neighbouring properties.

## **Policy Context:**

The Development Plan comprises the Neath Port Talbot Local Development Plan within which the following policies are of relevance: -

- Policy SC1 Settlement Limits
- Policy BE1 Design

The Household Extension Design Guide is also of relevance.



### **Visual Amenity:**

With regard to visual amenity there is an existing raised patio area with railings located to the side and rear of the property, as such the proposed extended patio will not have any additional or adverse impact on visual amenity than that which presently exists. Furthermore, due to the topography of the rear gardens a number of neighbouring properties also have raised patio areas with railings sited to the rear of their properties. It is therefore considered that the proposed extended patio area will not have an adverse impact when viewed from the street scene and surrounding area.

### **Residential Amenity:**

With regard to residential amenity it is acknowledged that the proposal will be sited closer to No. 5 than the existing raised patio area as it will be sited at a distance of approx. 1 metre from the side boundary, however, it will not project beyond the main back wall of no. 5 Ascot Drive. The windows in the ground floor side elevation of no. 5 are not to habitable rooms. Whilst the existing side and rear raised patio areas currently afford elevated views over the rear garden area of the neighbouring property no. 5 (with no intervening high level boundary screening), the development would bring the raised patio area closer to that property and have potential for some increased impact.

Accordingly, in order to protect the amenities of that property from increased overlooking, it is considered appropriate and necessary to require by condition that a 1.8 metre high opaque privacy screen should be provided to the northern and western corner element of the raised patio. It is therefore, considered that with the privacy screen in place the extended patio would not have an unacceptable impact on the amenity of the neighbouring property.

The extended patio area will be sited at a distance of approx. 7.5 metres from no. 1 Ascot Drive and approx. 20 metres from the properties to the rear. It is therefore considered that due to its size, siting and design it is not considered to have an adverse impact on overlooking, overbearing and overshadowing issues to the other neighbouring residents.

## **Conclusion:**

It is considered that the proposed development will not have a detrimental impact upon the character and appearance of the street scene and surrounding area, or upon the amenities of residents within the adjoining dwellings by virtue of its size, siting and design. Hence, the proposed development would be in accordance with Policy SC1 and Policy BE1 of the Neath Port Talbot Local Development Plan and the Policy document entitled 'A Guide to Household Extensions'.

## **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:

- i. Location and block plan drawing no. 16. 138.08b received on 01/07/2016.
- ii. Existing floor plan drawing no. 16.138.01 received on 27/06/2016.
- iii. Proposed floor plan drawing no. 16.138.04 received on 27/06/2016.
- iv. Proposed floor plan drawing no. 16.138.05 received on 27/06/2016.
- v. Proposed floor plan drawing no. 16.138.06 received on 27/06/2016.
- vi. Existing elevations drawing no. 16.138.02 received on 27/06/2016.
- vii. Proposed elevations drawing no. 16.138.07 received on 27.06.2016
- viii. Existing rear elevation and photographs drawing no. 16.138.03 received on 27/06/2016.
- ix. Plan 1 indicating position of opaque privacy screen outlined in green between poits X and Y and Y and Z on the site plan 1:500.

#### Reason

In the interest of clarity.

## Action Conditions

(3) Notwithstanding the submitted plans, prior to the first beneficial use of the hereby approved raised patio a 1.8m high opaque glazed privacy screen (measured from the surface of the patio area) shall be provided to the northern and western parts of the raised patio between points X and Y and Y and Z as indicated in green on Plan 1 appended to this Notice. A privacy screen (or any subsequent like for like replacement) shall thereafter be retained in accordance with this condition.

## Reason

In the interests of privacy.

## REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed development will not have a detrimental impact upon the character and appearance of the street scene and surrounding area, or upon the amenities of residents within the adjoining dwellings by virtue of its size, siting and design. Hence, the proposed development would be in accordance with Policy SC1 and Policy BE1 of the Neath Port Talbot Local Development Plan and the Policy document entitled 'A Guide to Household Extensions'.

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## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2016/0271</b>	<b><u>DATE:</u> 16/03/2016</b>
<b>PROPOSAL:</b>	Demolition of two storey building and construction of one dwelling together with the conversion of a window to a door and 1 no. additional window to 1 Cambrian Place on the ground floor elevation fronting Abbey Road.
<b>LOCATION:</b>	1 CAMBRIAN PLACE & 45 Abbey Road, Port Talbot SA13 1HD
<b>APPLICANT:</b>	Mr A Holden
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Port Talbot

### Background Information

This application is reported to Committee at the request of the local Ward Member, Councillor Rahaman, on the grounds that the development will increase the footprint of the development to the entire plot, increase the height to a 2 storey building, the change in orientation of the existing rear building and further single storey extension with a high pitched roof will be overbearing on neighbouring property (no 2 Cambrian Place) creating a feeling of enclosure and will have a significant detrimental impact on the amenity and enjoyment of their property, and affect the light and air currently enjoyed.

### Planning History

The site (including no. 1 Cambrian Place to the front) has the following relevant planning history: -

- **P1997/1456** Conversion of dwelling into 2 no. flats, rear extension and the change of use of existing garage /store to a retail unit\* – Approved 19.2.1998

This consent included the following condition: -

(3) Prior to the change of use taking place 3 No. car parking spaces shall be provided within the curtilage of the property, in accordance with a scheme which shall be submitted to and

approved in writing by the local planning authority. The car parking area shall be provided prior to the occupation of the flat hereby approved and thereafter not be used for any purpose other than car parking.

Reason

To comply with the requirements of the Local planning authority concerning off-street car parking.

It is noted that no such scheme for parking was submitted to the LPA for approval.

\* The permission also excluded the change of use of the garage/store (the building subject to this application)

- **P2000/0891** Retention of existing use of a builder's office and store, resiting of office within building and alterations to front elevation – Approved 12.12.2000 (45 Abbey Road)

This permission included a number of restrictive conditions, including a requirement for the windows serving the first floor store facing to the rear of 1 Cambrian Place to be part-obscurely glazed (condition 1); a restriction on no outside storage (2) and restriction on use to a builders store and ancillary office and for no other purpose.

- **P2006/1649** Retrospective application for a change of use from a sweet shop to an estate agency – approved 15.12.2006 (1 Cambrian Place)

### **Enforcement History:**

It is also of note that there was an investigation into residential use of the existing outbuilding a number of years ago, following which an Enforcement Notice was issued on 6<sup>th</sup> July 2010 in respect of “Changing use of outbuilding to two residential flats”.

The Enforcement Notice was served (in summary) because the use had no parking and that it would lead to an increase in parking problems along Abbey Road. No appeal was submitted against the notice, the residential use subsequently ceased and the Notice was complied with.

## Publicity and Responses

Head of Engineering & Transport (Highways) – No objection

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

Biodiversity Section – No objection

Environmental Health – No objection, subject to condition

Wales and West Utilities – No objections subject to conditions

One neighbouring property was consulted and a notice was posted on site. In response, 4 letters of objections have been received. (1 letter has been signed by 4 properties and 2 letters are from the same objector).

The objections are extensive but can be summarised as follows: -

- The proposed increase in the footprint, height and change in orientation of the 45 Abbey Road and an extension which will fill the whole space will be overbearing to the neighbouring property.
- The development will create a feeling of enclosure and will have a significant detrimental impact on the enjoyment and amenity of the neighbouring property, affecting the light and air currently enjoyed.
- The scale of the development is inappropriate to the site as the development represents a 100% development of the footprint of no. 45 Abbey Road. Apart from a doors width the development represents a continuous build of the property.
- The proposed dwelling is to be constructed on the common boundary which the neighbouring property has not given permission for.
- The development is an overdevelopment and over intensification of the use of the site and will be overbearing to the neighbouring property.
- The development reduces the amenity space of the ground floor flat at 1 Cambrian Place
- Lack of parking facilities or cycle storage for the proposed dwelling
- Access to the neighbouring garage will be effected

- It is suggested that the dwelling could be split into two separate residential units in the future
- The objector considers just because there is a bus stop nearby it will not guarantee that public transport will be used
- The agents submitted photographs are not dated or current
- The proposed dwelling is located on a busy road where vision is restricted by parked vehicles
- The previous consented use as a builders store and office was restricted by conditions
- Design of the proposal
- Comments regarding the behaviour of the former tenants of the property
- Question the need for this type of housing
- The proposed external materials of the dwelling cannot be stated as enhancing the area
- The dwelling located on the common boundary will affect the health and wellbeing of the neighbouring property's occupants
- The addition of a new window to the ground floor flat at Cambrian Place will reduce the feeling of safety and security for the flat
- All other properties in area have single storey garages with garden space. No other property is developed on 100% of the plot.
- The proposal provides no landscaping
- The development has not taken into consideration secured by design
- The development does not comply with various points of Policy BE1 design of the Local Development Plan
- The development contravenes the previous planning consent for 1 Cambrian Road which required the provision of 3 no. parking spaces
- Impact of the development on the privacy, sunlight and microclimate
- Why the planning statement is has been retitled to include the existing flats at 1 Cambrian Place and include the "minor" works to the existing flats
- Height differences between the existing property 1 Cambrian Place and the proposed dwelling as described in the submitted planning statement
- The existing flat will have to take their refuse bin through the dwelling to the pavement.
- No refuse storage areas have been provided for the existing first floor flat and the retail unit at 1 Cambrian Place
- Although both 1 Cambrian Place and 45 Abbey Road are under the same ownership concern is if the properties are sold separately then the proposed refuse area for no 45 could be sold separately and 45 would be left with no refuse area.



## **Description of Site and its Surroundings**

The application site comprises land located at the junction of Cambrian Place and Abbey Road, Port Talbot, occupied by two separate buildings, no. 1 Cambrian Place and no. 45 Abbey Road. The site is located in an area predominately residential in character with the majority of the housing being traditional terraced properties.

No. 1 Cambrian Place is an end of terraced property which consists of a ground floor retail unit, currently utilised as a bicycle shop fronting Cambrian Place, one ground floor self-contained flat which is accessed off a pedestrian gate located on the Abbey Road frontage and a self-contained flat to first floor which is directly accessed off Abbey Road. The property is finished in a number of external materials including stonework, facing brickwork, render and dash. The roof of the property is concrete tiles and slate.

No. 45 Abbey Road comprises a detached building, located to the rear of the main building at no. 1 Cambrian Place, and fronting onto Abbey Road. The building occupies the full depth of the site and up to the edge of the rear lane. The building is part single storey and part two storey (with an offset gable fronting Abbey Road), being finished in rough render. It is understood that previously the site was occupied by a stable which was extended. The change of use of the building to a builders store and office was granted planning permission retrospectively in December 2000 (ref. P2000/0891)

The site is located within the settlement limits as defined by Policy SC1 of the Neath Port Talbot Local Development Plan.

## **Brief Description of Proposal**

The submitted detailed application indicates that it is proposed to demolish the existing building at 45 Abbey Road and construct a detached dwelling. It is also proposed to create a new window opening and pedestrian door to the ground floor flat at 1 Cambrian Place along the side elevation fronting Abbey Road.

The proposed new dwelling will front on to Abbey Road and will occupy the full depth of the plot, 6.1 metres and extend for a width of 9.2 metres. The dwelling will consist of a two storey element with a single storey side wing. The dwelling has been design so the roofs will run parallel to Abbey Road having an eaves height of 4.6 metres rising to a

ridge height of 6.26 metres for the two storey element and an eaves height of 2.5m rising to a ridge height of 4.2 metres for the single storey element.

The proposed dwelling will provide a kitchen diner and a bedroom with ensuite facilities at ground floor. The first floor will accommodate a bedroom with ensuite facilities.

The front elevation which fronts Abbey Road will have a pedestrian door and 3 windows serving the kitchen diner. There will be two further windows onto Abbey Road at first floor which serve the bedroom and ensuite.

The side elevation which fronts the rear lane will have a single window at ground floor serving the living area and another at first floor serving the bedroom. The other side elevation which overlooks the proposed dwelling's amenity area has a single ground floor window serving the bedroom. There are no proposed windows to the rear elevation which is located on the common boundary with the neighbouring property no. 2 Cambrian Place.

The dwelling will be finished in pebble dash and will have a pitched roofs of concrete tiles.

The submitted plans indicate a pathway to the side of the dwelling leading to a wall area which allows for bin storage and a small amenity area, there are no landscaping proposals for this area.

There will be no car parking facilities provided within the curtilage of the proposed dwelling.

### **EIA Screening/Scoping Opinion & Habitat Regulations**

As the development is neither Schedule 1 nor Schedule 2 Development on the EIA Regulations, a screening opinion will not be required for this application

### **Material Considerations**

The main issues concern the general principle of residential redevelopment, having particular regard to the history of the site, together with the impact of the proposal upon visual and residential amenity, and highway and pedestrian safety.

## **Policy Context**

### National Policy / Guidance

Planning Policy Wales (Edition 8, 2016) notes at paragraph 9.2.13 that:

“Sensitive design and good landscaping are particularly important if new buildings are to be fitted successfully into small vacant sites in established residential areas.”

Further advice contained in paragraphs 9.3.3 and 9.3.4 warn that insensitive, infilling or the cumulative effects of development should not be allowed to damage an area’s character and amenity. In determining applications local planning authorities should ensure that the proposed development does no damage an area’s character and amenity.

TAN 12 – Design (2009) is also of relevance.

### Local Development Plan

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

- Policy BE1 Design
- Policy SC1 Settlement Limits
- Policy TR2 Design and Access

### **Principle of Residential development**

As the proposed site is located within the SC1 settlement limits defined in the Local Development Plan, the principle of a residential development is generally acceptable, provided the development accords with other criterion-based Policies within the Plan, notably relating to the need to ensure there are no highway, amenity or service objections.

With regards to the issue of affordable housing, as the application site is only capable of providing one dwelling, the developer would not be required to provide any affordable housing as the development would be under the threshold set in the Local Development Plan and emerging Supplementary Planning Guidance.

## Visual Amenity

Policy BE1 requires that all development proposals demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.

Proposals will only be permitted where specified criteria are satisfied, with the following of relevance to this proposal: -

- (1) It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
- (2) It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
- (3) It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
- (4) It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
- (6) It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well-lit environments and areas of public movement);

The application site is located within an established residential area which is predominantly characterised by traditional two storey terraced properties, many with garages accessed off the rear lanes. The application site, although located to the rear of no. 1 Cambrian Place, fronts onto Abbey Road. The pattern of development is such that there are existing properties which front onto Abbey Road and other end of terrace properties, which have the side elevations fronting Abbey Road.

The site is currently occupied by a part single, part-two storey building, which has an authorised commercial use. The building has been vacant for a number of years (other than its unauthorised residential use detailed above) and the appearance of the building and site is currently considered to contribute little to the character of the area, and could be

argued to detract from such character due to its offset gable roof, external box shutter and disparate fenestration.

It is proposed to replace this property with a new residential property, which would differ from the existing building as follows: -

- Frontage Width – Increase from 7.8m existing width to 9.2m
- Two-Storey element
  - Width - increase from approx. 4.85m wide to 5m wide;
  - Eaves height - increase from approx. 3.5 / 3.9m (offset) to 4.6m
  - Ridge Height - increased from 4.9m to 6.26m (with roof form changed to side-on gable to reflect main building at Cambrian Place)
- Single-Storey element
  - Width - increased from 3.1m (2m at rear) to 4.2m
  - Ridge height – Increase from 2.9m (maximum lean-to height) to 4.16m (Roof form changed from lean-to to side-facing gable to reflect adjacent roof form).

While the objector has stated that the 'as built' height should not be considered as the baseline because the building's height was increased without planning permission in the 1980s/90s, no action was taken against such development and, therefore, it is strictly necessary to consider this proposal against the building on site today, which is lawful.

As detailed above, the proposed new dwelling will front onto Abbey Road and will occupy the full depth of the plot, with the design amended from the existing building both in terms of its footprint, height and roof form, with the new roofs running parallel to Abbey Road (side-on gable) to reflect the main building at Cambrian Place.

In terms of visual amenity by virtue of the siting, design and finish of the proposed dwelling, it is considered that the principle of replacing the existing building with a new structure is considered to be acceptable in principle, and to represent a visual improvement to the street scene compared with the existing building occupying the site. The pattern of

development along Abbey Road is also such that the position of the dwelling will not be out of character with the area.

With regard to the design of the new building, it is noted that the existing building has differing roof designs of pitched, mono pitched and flat roofs. These will be replaced by a new dwelling of uniform appearance, which would have two pitch roofs which run parallel to Abbey Road similar to the roof design of the surrounding properties. The proposed dwelling has also been designed so the ridge height, while increased in height from the existing building, would nevertheless remain subordinate to no. 1 Cambrian Place (approx. 1.2 metres below the main ridge and 0.6m below its rear wing).

The window and door openings are positioned and orientated to follow the pattern of the flats at Cambrian Place, while the building would be finished in external materials of dash and concrete tiles which is in keeping with other properties in the area which have a varied mix of external materials including brickwork, stonework spar dash and roofing tiles of slate and concrete tiles.

Accordingly, and having regard to the local concerns expressed over the impact on the streetscene, while it is acknowledged that the redevelopment of 45/45a Abbey road will have some local impact, it is the level of impact upon the visual amenity of the area and the character of the area that are material in the determination of any application. In this regard, it is concluded that the proposed dwelling, while larger than the building which it would replace, would not appear unacceptable within its local context or have any unacceptable detrimental impact upon the character or appearance of this predominately residential surrounding area. It would therefore accord with the aims of Policy BE1 of the Local Development Plan.

### **Residential Amenity**

The impact on the adjoining property at no. 2 Cambrian Place has been the subject of extensive submissions from the neighbour which, in summary, raise concerns that the new building would be larger and higher than the existing building, and would unacceptably increase the physical impact on their property, amounting to an overbearing overdevelopment / intensification of the site which would create a feeling of enclosure and a significant detrimental impact on the enjoyment and amenity of their property, affecting the light and air currently enjoyed.

In respect of the impact upon the amenities of existing residents, the main issues to consider are therefore any potentially unacceptable overbearing and overshadowing impact, along with issues of privacy / overlooking.

### *Physical Impact*

Given the significant concerns raised by the objector, Officers have viewed the relationship with no. 2 Cambrian Place from within that garden and property. In this respect, it is noted that the increase in size of the new building compared to that which exists will have some increased impact on the amenity of that property. That alone, however, is not sufficient to justify refusal of an application, since it is strictly necessary to consider whether such impacts would have an unacceptable impact on the amenity of that property.

In terms of the two-storey element, as detailed above the proposed new dwelling would be slightly wider at two-storeys (and therefore nominally closer to Cambrian Place), and be approx. 1.36m (at its highest point) higher than the existing building. The existing building, however, has a side gable and, therefore, the eaves of the new building would not materially increase the built development (wall) on the boundary. The two-storey element would also not project beyond the existing garage within no. 2's curtilage. The new dwelling would also have an amended roof form sloping away from the neighbouring property, with the ridge sited 3.05m from the joint boundary. Therefore, while higher, it is considered that the height and design of the two-storey element would not increase the physical impact on the neighbouring property to such a degree that it would warrant refusal of this application on such grounds.

Having regard to the above, it is also noted that the new dwelling would have a single storey 'wing' projecting towards Cambrian Place, with an eaves height of 2.5m and ridge height of approx. 4.16m. Again, however, the ridge would be 3.05m away from the joint boundary, and would be viewed against the main two-storey element. The eaves height is also only 0.5m higher than a boundary wall which could be constructed under permitted development rights. While this wing would bring the development closer to the neighbouring property, it is considered that the single-storey scale of the 'wing', and the heights referred to, are such that the impacts of the development on the neighbouring property would not be adversely affected to a degree which would warrant refusal of the application on such grounds.

Concern has been expressed also over an impact on light. It is noted, however, that the site is located to the east of no. 2, and accordingly while the larger building would potentially increase the degree of shadow experienced by the neighbour, this would be restricted mainly to the rear of that curtilage where a garage currently exists adjacent to the existing building, and due to the travel of the sun would be unlikely to have any materially greater impact on the light enjoyed by the property itself or the area of the garden immediately adjacent to the dwelling.

Having regard to the relationship with other properties on Abbey Road and George Street, it is also considered that the increase in size identified above would have no materially greater impact on other properties to the extent that it would warrant refusal of the application on such grounds.

Accordingly, it is concluded that while the new development would increase the impact on the neighbouring property, this would not be to a degree which would materially increase the 'feeling of enclosure' or amount to an unacceptable adverse overbearing impact.

#### *Overlooking / Privacy*

In terms of overlooking, it is noted that the windows of the habitable rooms of the proposed dwelling will be mainly restricted to the front elevation which fronts on to Abbey road; there is a single ground floor window to the side elevation which will be screened by the existing brick boundary wall which separates the proposed dwelling and no. 2 Cambrian Place. The only other windows are to the other side elevation which overlooks the rear lane, both of these windows are to be obscured glazed. It should be noted that no windows are proposed to the rear elevation which is located on the common boundary with no, 2 Cambrian Place.

Accordingly, there would be no unacceptable overlooking or loss of privacy as a result of this proposal. It is also noted that the existing building does have windows looking towards Cambrian place, although condition 1 on permission P2000/0891 requires these to be part-obscurely glazed.



### *Use of Dwelling*

Concern has also been expressed over the potential impact from the use of the new property as a dwelling, having regard to previous noise and disturbance from the unauthorised residential use of the building. In response, however, it is considered that a residential use within a residential area is acceptable in principle, and it would not be possible to refuse an application on such grounds. Moreover, in this case it is also noted that, while the existing building has not been used for many years for its authorised commercial use, such a commercial use could resume in future, and would be likely to have a greater impact than a residential use.

### *Amenity Space*

The proposal includes a reallocation of the amenity space between the new dwelling and the ground floor flat at 1 Cambrian Place. This would mean that the existing GF flat and the new unit would each have a small private amenity area approximately 10 sq.m. in area.

While it is acknowledged that such an area is not large, it would nevertheless afford the occupants of each unit the ability to sit outside and/or use the area for other amenity purposes. Accordingly, the loss of amenity space to serve the existing unit, and provision of some private space to serve the new dwelling, is considered acceptable.

To ensure the privacy of the new area, a window in the GF flat is required to be removed and replaced by a front window (as identified on the plans). It is also considered that a direct door into the amenity area should be provided for the new unit to ensure it is directly accessible and used solely for their purposes. These requirements are conditioned accordingly.

### **Highway Safety (Access, Parking and Traffic flows)**

LDP Policy TR2 - Design and Access of New Development – requires development, inter alia, to have no adverse impact on highway safety or create unacceptable levels of traffic generation; and provide appropriate levels of parking and cycling facilities.

As noted in the planning history section above, planning permission ref. P97/1546 which granted permission for the conversion of the dwelling into 2 no. flats included a condition which required a parking scheme to

be submitted “prior to the use taking place”. No such scheme was ever submitted for approval.

However, following the above approval, planning permission ref. P2000/0891 approved the retention of the outbuilding for a separate commercial use unrelated to the flats (and thus with its own ‘planning unit’ – and stated at that time to be in different ownership). This, effectively, meant that no such parking scheme for the flats could be provided. In any respect, and most pertinently, the condition in question has been breached for a period in excess of ten years, such that no action can be taken against such a breach.

Accordingly, it is necessary to consider the current application having regard to the authorised use of this part of the site (under application ref. P2000/0891) as a builders office and store and weight cannot be attached to the failure to comply with the condition referred to above.

The proposed development is for a single dwelling unit which would normally be expected to have one or two off-street parking spaces provided, yet none can be provided on site. Within the above context, however, the authorised use of the building as a builder’s office and store would normally have its own parking requirements, and also clearly has the potential for a number of movements both from staff and visitors / deliveries to the site.

In this respect, while the site provided for no parking, this is not considered to result in a demonstrably worse situation than that which exists under the authorised use. Although it is acknowledged that Abbey Road is a very busy road, it is also very wide and has unrestricted parking available on the western side of the road.

The Head of Engineering and Transport (Highways) has offered no objection in highway safety terms, considering it to be ‘betterment’ to the existing consented use, and this within that context it is considered that refusal of an application for one dwelling on safety grounds based on lack of parking cannot be justified.

In reaching these conclusions, it is noted that the property has previously had an unauthorised use as two residential units, against which enforcement action was taken due to the absence of parking facilities which would lead to an increase in parking problems along Abbey Road. As detailed above however, it is concluded that the

authorised use of the site, and the fact that the proposal relates to a single unit, is such that it warrants a different conclusion being reached.

It is noted that objectors to the development do not agree with the view taken above in respect of the previous conditions, and believe that the reasons for the requirement for a parking scheme (i.e. To comply with the requirements of the Local planning authority concerning off-street car parking) have only increased in the intervening years. They therefore submit that there remains room for 3 car parking spaces to be provided upon the site, but approving this development would preclude that. Nevertheless, for the reasons stated above, it is considered that a new chapter in the planning history of the site effectively began when permission was granted for the use of the outbuilding, such that the only reasonable approach to take now is to consider the proposals against the existing situation at the site, where no off-street parking exists for either the 4 existing flats or proposed unit.

Accordingly, and as reasoned above, no objections are raised to the development on highway safety grounds, and the development is considered to accord with Policy BE1 and TR2 of the LDP.

### **Ecology (including trees & Protected Species)**

The biodiversity section have offered no objection to the proposal but have requested that an informative be added to the consent in relation to the demolition and that if bats are found on site that work ceases immediately and that Natural Resources Wales be contacted to obtain a licence prior to any works recommencing on site. It is therefore considered that the proposal would not have a detrimental impact upon the biodiversity or ecology in the area.

### **Flooding**

In respect of flooding, National Resources Wales have indicated that based on the outputs of their latest flood modelling, the site is considered to be outside the fluvial flood extents of the River Afan in both the 1% and 0.1 % flood therefore would not require a Flood Consequence Assessment for this application.

It is concluded that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy.

## **Pollution (air and ground)**

The Environmental Health Department has offered no objection to the development subject to the submission of a noise and dust management plan. A condition is attached requiring the submission and approval of this plan.

## **Others (including objections)**

While the above report seeks to address the main planning issues raised in local representations, in response to the letters of objection received the following additional comments are made:

- The objector states that the single brick boundary wall is not suitable to support the proposed development; the development would necessitate the removal of part of this boundary wall and the construction of the rear elevation of the proposed dwelling on the common boundary.

The agent has served notice on the neighbouring property has served notice on the neighbouring property and the agent has been informed that the objector may not give permission to build of the common boundary, however land ownership matters are a private matter between individuals.

- In relation to surface water drainage the plans have been amended to include recessed guttering along the common boundary with no. 2 Cambrian Place and a condition has been attached requiring all surface water drainage to be within the curtilage of the application site.
- Historical issues with the illegal dwelling at the site cannot be taken into consideration in the determination of this application
- With regard to provision of private amenity space for the new dwelling and the existing ground floor flat at 1 Cambrian Place, the submitted plans indicate the existing amenity space located within the curtilage of 1 Cambrian place will be reconfigured and a dedicated area of private amenity space will be allocate to the new dwelling and a separate amenity space will be retained for the existing flat, allowing each a refuse storage area. A condition is attached requiring the private amenities spaces for each property to be retain. It is not considered necessary to require a landscaping scheme for these areas given the urban context and limited area.

- With regard to storage facilities for bicycles the private amenity space can provide cycle storage facilities should the occupiers wish to do so.
- With regard to the comments that the occupier of the ground floor flat at Cambrian Place has to carry the refuse from the amenity space through the flat to the pavement for collection this is the case in many properties and is not a material planning consideration.
- With regard to the point raised that there are no refuse storage facilities for the shop and first floor flat at 1 Cambrian Place, this is the situation at present and there are no changes in circumstances to this proposed under this application.
- With regard to the information submitted by the agent in support of the application. There is no statutory requirement for the submission of photographs dated or undated as part of the application. With regard to the statement that the plans when viewed online and expanded the notes are illegible, The planning officer has spoken and met with the objector and his daughter and discussed plans ensuring the objector is aware of the any notes on the application. With regard to the planning statement again there is no statutory requirement to submit a planning statement for this type of application; the agent has been given the opportunity to correct any inaccuracies in the original planning statement that was submitted and plans. The submission of a planning statement is a non-statutory requirement, although the agent has quoted unitary development plan policies within the planning statement. The development now proposed will be assessed against the policies contained within the Local Development Policies as the adopted development plan for the area.
- The amended plans and supporting information complies with the statutory requirements for full applications and is considered adequate for the purposes of determining the application. It should be noted that the planning statement includes reference to the proposed works at 1 Cambrian Place as the proposed works form part of the submitted application
- A single application for the proposed development at 45 Abbey Road and 1 Cambrian Place has be validated as the red edged location plan indicates the applicant is the owner of the whole site and the development of the dwelling includes land within this red edge to provide amenity space. The development also

necessitates a new door and window to the ground floor flat at 1 Cambrian Place which is located within the red edged plan.

- In relation to the provisions for access for all, this matter will be considered under Part M of Building Regulations . The use of sustainable technologies as part of the development is not a requirement under current planning regulations. The residential units will have to comply with fire regulations which will be enforced during building regulation inspections, with regard to the private security of the property this is a matter for the occupier of the flat.
- The site is located along a bus route which can be used, how it is acknowledged as with every other resident in the area, it is not a guarantee that public transport will be used. It is individual preference if the residents of an area utilise public transport.
- The historical issues with the behaviour of the occupiers of the flats at 45 Abbey Road cannot be taken into consideration in the determination of this application
- The question of the need for this type of housing is not a material planning consideration

## **Conclusion**

It is considered that the proposal represents an appropriate form of infill development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1 and TR2 of the Neath Port Talbot Local Development Plan.

## **RECOMMENDATION: Approval with 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 in accordance with the following approved plans and documents:

### Location Plan

Drawing no. PL001 Revision 14 (16.8.16)

### Reason

In the interest of clarity.

## Pre-Commencement Conditions

(3)Prior to the commencement of work on site a scheme for surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall ensure that proper drainage of the development and to ensure any adjoining land is not interrupted or otherwise adversely affected. The scheme shall be implemented prior to the occupation of the dwelling.

### Reason

To ensure satisfactory drainage.

## Action Conditions

(4) Prior to first beneficial occupation of the dwelling hereby approved, the amenity / bin storage areas serving the new dwelling and the ground floor flat at 1 Cambrian Place shall be laid out in accordance with the details on plan PL001 Revision 14 (16.8.16), including the provision of a 1.8m high privacy wall/fence between the two areas. The amenity areas shall thereafter be retained in accordance with the approved details to serve each unit.

### Reason

In the interests of visual amenity

(5) Notwithstanding the details on the approved plans, the dwelling hereby approved shall not be occupied until such time as: -

(i) a new door has been provided in the south facing elevation of the new dwelling at ground floor to allow direct access into the private amenity area serving the dwelling; and

(ii) the existing ground floor window serving the ground floor flat's bedroom has been removed and the elevation reinstated in materials to match; and

(iii) the new window serving the ground floor flat's bedroom has been provided

The development shall thereafter be retained in accordance with the approved plans as amended by this condition.

Reason: To ensure that direct access is afforded to a private amenity area serving the new dwelling in the interests of residential amenity

(6) Notwithstanding the details submitted and prior to the occupation of the proposed dwelling the windows on the side elevation serving the living room and first floor bedroom shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

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

Regulatory Conditions

(7) The external surfaces of the building(s) shall be constructed of brown pebbledash and brown concrete tiles as specified on plan PL001 Revision 14 (16.8.16).

Reason

In the interest of the visual amenity of the area.

(8) If any bats are discovered during construction works, the work should stop immediately and the applicant should contact Natural Resources Wales immediately, as a licence may be required to continue, as bats are a European protected species and afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

Reason

In the interest of protected species.



(9) No surface water discharges shall be allowed to drain onto the highway.

Reason

In the interest of highway safety.

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

Reason

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

(11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered in any way (including roof alterations, extensions and new windows/doors) without the prior grant of planning permission in that behalf.

Reason

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

#### REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposal represents an appropriate form of infill development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance 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

<b><u>APPLICATION NO:</u> P2016/0117</b>	<b><u>DATE:</u> 21/03/2016</b>
<b>PROPOSAL:</b>	Road side service area comprising of Petrol Filling Station and kiosk, Drive-thru coffee shop, car parking, vehicular access and associated works
<b>LOCATION:</b>	Land At Glynneath Business Park , Adjacent To A465, Glynneath , Neath
<b>APPLICANT:</b>	Waterstone Estates Ltd
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Blaengwrach

### Background

Prior to his recent passing, the late Cllr Alf Siddley called the application into Planning Committee on socio economic grounds.

### Planning History:

The site has a detailed planning history, of which the following is of relevance to this application: -

**93/444** – Business park: B1 (business), B2 (general industry), B8 (storage & distribution), A3 (food & drink) – Approved with conditions 17/11/94

**95/497** – Provision of basic roads and drainage, and changing of levels to allow future development – Approved with conditions 07/03/96

**96/1807** – Earthworks and drainage, re-profiling site to new levels to suit future development (commercial) – Approved with conditions 10/03/97

**97/1278** – Marketing board – Approved with conditions 09/02/98

**97/1408** – Outline permission for use classes B1, B2, B8, A3, C1 and petrol service station. A/C 5/3/98

**99/445** – McDonald's restaurant: little chef restaurant: Esso petrol service station and associated roadworks (adjacent land for future development) – Approved with conditions 12/10/99

**99/1141** – Pole mounted sign – Refused 23/11/99

**99/1243** – Proposed little chef, Glynneath (part of approval no 99/445) submission of details under condition 3-materials-of planning permission no: P/99/0445 – Approved 06/01/00

**99/1244** – Proposed little chef, Glynneath (part of approval No 99/445) submission of details under condition 7(d)-parking- of planning permission No 99/445 – Approved 06/01/00

**99/1247** – Proposed little chef, Glynneath (part of approval No 99445) submission of details under condition 11-parking and surface materials under planning permission No 99/445 – Approved 16/12/99

**00/119** – Submission of details under condition 7 (parking facilities) of previous planning consent 99/445 – Approved 10/03/00

**00/127** – McDonald's logo and estate sign structure – Approved with conditions 10/03/00

**00/252** – Embedded electricity generation plant – Approved with conditions 08/08/00

**00/879** – Approval of details required under Condition 3 of Previous Planning Consent 99/445 – Approved 03/08/00

**00/1018** – Approval of details under condition 2 (landscaping) of previous planning consent 99/445 – Approved 06/11/00

**00/1243** – Infrastructure works to enable future development (including vehicle and pedestrian access, drainage, ground improvement and landscaping) – Approved with conditions 13/03/01

**02/742** – 20,000 sq. ft and 15,000 sq. ft. industrial units at Glynneath Business Park – Approved with conditions 10/09/02

**02/1422** – New factory with linked administration (office) block – Approved with conditions 11/02/03

**03/947** – Outline application - Erection of secure training centre involving the construction of new administration, accommodation, educational and sports facilities, provision of car parking, service yard, erection of perimeter and security fencing, lighting and landscaping to site and relocation of pumping station – Approved with conditions 2/12/03

**10/174** – Replacement signage at roof level on front and both side elevations, five no. free standing internally illuminated signs, one no. banner sign, one no. customer order display, replacement totem sign and signs to be placed on replacement height restrictor – Approved with conditions 6/4/10

**10/180** – External alterations including re-cladding and blocking up of an existing booth window, alterations to entrance door, height restrictor, customer order display and replacement external seating area – Approved with conditions 6/4/10

**10/780** – Discharge of condition 2 (car park drainage) of planning permission 10/180 – Approved 19/8/10

**10/1128** – Creation of temporary car park, un-controlled pedestrian crossing over B4242, temporary footpath and footbridge over the Neath Canal for a period of 24 months – Not Determined

**Publicity and Responses if applicable:**

Blaengwrach Ward: No objections

Blaengwrach Community Council: It is felt that it is a much needed facility for this area, as well as bringing a much needed resource to Blaengwrach it would enhance the development as a tourist area within the Brecon Beacons, Lakes, Pontneddfechan Falls and much more in this area which sadly lacks this kind of amenity.

It would also bring to the area employment which has been diminishing over the last years with the loss of colliery's and industry which has devastated the jobs in the vicinity, with many young people with vision of employment left sadly with very little prospects.

The project is looking to bring up to 60 jobs to the area and an opportunity for apprenticeships in hospitality etc. This is not an

opportunity we can afford to miss, so we are asking you to look at this application favourably and bring this facility to our Community.

National Resources Wales: No objection

Environmental Health and Trading Standards (Contaminated Land): No objections

Head of Engineering and Transport (Highways): No objection

Head of Engineering and Transport (Drainage): No objections

The Glynneath Regeneration group: The Regeneration Group recognise the benefit of the proposed facilities particularly to users of the A465 and also the potential local job creation benefits. However, concerns were also expressed at the impact of the development on the existing town centre. Their view was that the greatest regenerative benefit would be realised if the land was developed with uses that are complementary to the services and facilities in the town centre rather than a duplication.

A Site Notice was displayed and the application was advertised in the local press. One letter of support for the proposal has been submitted by Bethan Jenkins AM pledging her support for the planning application. It is summarised as follows:

The developments will create many opportunities for the villages of Glynneath, Cwmgrach and Resolven. Such opportunities include employment which is needed in the area, it will enhance the area and make it more than a place people pass when travelling on the A465.

### **Description of Site and its Surroundings:**

The site measures approximately 1.8 hectares in area and is situated adjacent to the existing McDonalds restaurant on the A465 Heads of the Valleys Road. To the north and beyond the river is an area of vacant land which received planning permission in 2015 for a primary healthcare centre and pharmacy.

The site is located approximately 1.5km to the south west of Glynneath district centre and beyond the established settlement limits for the purposes of the adopted Neath Port Talbot Local Development Plan.

## **Brief description of proposal:**

The application seeks full planning permission for what is described by the applicants as a roadside service area. This includes a petrol filling station (Heavy Good Vehicles and car pumps) and kiosk, a drive-thru coffee shop (Class A3), access, car parking, landscaping and associated works.

The submitted plans indicate that the coffee shop will incorporate a gross floor area of 170m<sup>2</sup> incorporating a maximum width of 13.6m, length of 17.7m and height of 6.1m (approximate). The materials proposed include dark grey profile metal roofing, white thru-colour render, and red treated horizontal timber cladding.

Turning to the 375m<sup>2</sup> kiosk development, the structure is proposed to have a maximum length of 38m, width of 20.7m and maximum height of 5.9m. The materials proposed consist of orange facing brickwork, a profiled metal roof; grey colour coated aluminium fascias and soffits and painted sand-cement render.

With regard to the filling stations, the plans detail 12 regular pumps with a Heavy Good Vehicle and Tanker pump. Parking provision around the kiosk is provided for with 25 spaces and the coffee shop supplies 34 spaces.

Members should note that this proposal comprises the first of two proposed 'phases', with a second application (App Ref: P2016/0254), submitted in Outline for a restaurant (Class A3) and parking provision for 85 cars. This application appears elsewhere on this agenda.

## **Main Issues:**

The issues to be considered in the determination of this application relate to the principle of the development at this location having regard to the prevailing planning policies, the relevance of the planning history on this site together with any impact on visual and residential amenity, highway and pedestrian safety, and an assessment of relevant material considerations

## **Policy Context:**

### **National Policy**

Planning Policy Wales (Edition 8) 2016

Paragraph 7.6.1 advises:

*“Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:*

- the numbers and types of jobs expected to be created or retained on the site;*
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;*
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.”*

Whilst it is acknowledged that the development will result in the creation of employment opportunities, this is only one of the above factors which must be considered. The other key factors identified above confirm the need to ensure that a development supports the Council's regeneration priorities and wider spatial strategies. In this regard the Council has identified a regeneration priority within the Glynneath area centred around the Park Avenue site. This site was chosen due to its size, ability to accommodate a mixture of commercial and residential uses, and its sustainable and accessible location within the heart of the community, close to the district centre but also close to the A465. This regeneration priority has been further highlighted following the designation of the Park Avenue site as a mixed use Valleys Regeneration Scheme under Policy VRS1 within the adopted LDP. The supporting text associated with this policy goes on to state:

*Within the Upper Neath Valley Strategic Growth Area, the Park Avenue Mixed Use Regeneration Scheme at Glynneath is key to delivering the growth strategy to the area and is considered to present the best*



*opportunity for the growth of the town. A mix of residential and retail uses is envisaged.*

As stated above Policy VRS1 designates a sustainably located site which has been assessed as part of the LDP Examination process to be most suitable to accommodate a range of mixed uses including those proposed under this application. In contrast the application site is detached from the district centre of Glynneath and is located outside settlement limits where there is a presumption against such development. While it is acknowledged that the developer is trying to secure trade from vehicles on the A465, the location of the allocated regeneration site which is also close to the A465 would also secure this aim in addition to supporting the vitality and viability of the district centre of Glynneath. Furthermore the approval of this development may have a negative impact upon existing services within Glynneath as it would capture passing trade from the A465 who might otherwise be encouraged into Glynneath itself. As a result whilst it is acknowledged that the development would lead to job creation opportunities, these could also be realised should the allocated site be developed, which for the reasons specified above is considered to be a more sustainably and appropriately located site and as such does not comply with the objectives of PPW relating to economic development.

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development.

This primarily deals with business uses contained within Classes B of the Use Classes order however the principles can be extended to job creation and economic development opportunities more generally. It amplifies the objectives of PPW as specified above by including a number of considerations which should be assessed for developments which are not in accordance with the sequential test. These tests are assessed in detail within the appraisal to this report.

## **Neath Port Talbot Local Development Plan**

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 30<sup>th</sup> 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 2<sup>nd</sup> 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 27<sup>th</sup> January 2016, and therefore the proposal must be assessed against the following relevant Policies within the LDP: -

### **Strategic Policies**

- Policy SP1 Climate Change
- Policy SP2 Health
- Policy SP3 Sustainable Communities
- Policy SP4 Infrastructure
- Policy SP6 Development in the Valleys Strategy Area
- Policy SP12 Retail
- Policy SP14 The Countryside and Undeveloped Coast
- Policy SP15 Biodiversity and Geodiversity
- Policy SP16 Environmental Protection
- Policy SP17 Minerals
- Policy SP19 Waste Management
- Policy SP20 Transport Network
- Policy SP21 Built Environment and Historic Heritage
- Policy VRS1 Valleys Regeneration Scheme

### **Detailed Policies**

- Policy SC1 Settlement Limits
- Policy I1 Infrastructure Requirements
- Policy R3 Out of Centre Retail Proposals
- Policy EN6 Important Biodiversity and Geodiversity sites
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and land stability
- Policy M1 Development in Mineral Safeguarding areas
- Policy M2 Surface Coal Operations
- Policy M3 Development in Mineral Buffer Zones
- Policy W3 Waste Management in New Development
- Policy TR2 Design and Access of New Development
- Policy BE1 Design

## Principle of Development

The application site lies outside of the settlement limit of Glynneath as defined by Policy SC1 of the adopted LDP, and is therefore defined as being within the 'countryside'.

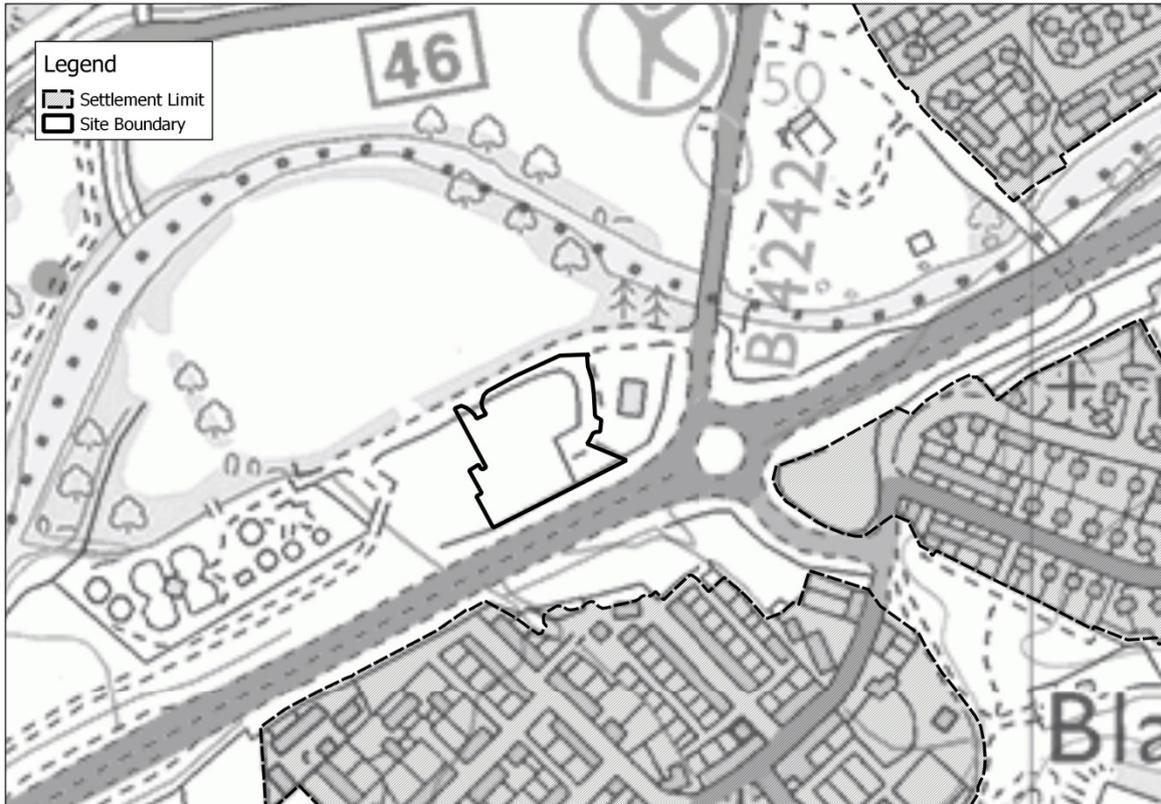
Policy SC1 lists 12 circumstances under which development would be permitted outside settlement limits, with only criterion (1) being potentially relevant to this proposal insofar as it allows a proposal which "constitutes a sustainable small scale employment use adjacent to a settlement limit".

Considering the proposal against this criterion, it is considered that: -

- The proposal is not considered to amount to a *small-scale* development, as the applicant has confirmed that this is phase one of two. The cumulative effect of the existing McDonalds restaurant, a petrol filling station drive-thru coffee shop and the restaurant proposed under phase two would be more than small in scale and would not occupy a sustainable location.
- In terms of the location of the site, it will be sited a minimum distance of 295m from the edge of the settlement associated with Glynneath, 105m from Blaengwrach and 50m from Cwmgwrach. Furthermore the site is separated from the settlement of Glynneath by extensive highway infrastructure, a river and open areas of land, while the A465 which is a dual carriageway separates the site from both Blaegwrach and Cwmgwrach. For these reasons the site cannot be considered as being adjacent to the settlement.

In respect of the second point, the applicant has stated that they consider the site to be 'adjacent' to the settlement limit, and argue that their interpretation of the dictionary definition and its synonyms "close to", "proximate to", "nearby" etc. offer credence to their interpretation.

Nevertheless, the dictionary definition of the word 'adjacent' is: "*next to or adjoining something else*", and if this definition is applied the application site is clearly not adjacent to the settlement limit.



Having regard also to the purpose of the planning policy which seeks to restrict development outside of settlement boundaries, it is considered that such terminology can only reasonably be given its common sense meaning. It is therefore concluded that as a matter of fact the application site is not adjacent to the settlement limit.

Accordingly, it is considered that the proposal does not fall within any of the exceptions allowed under Policy SC1, and therefore the principle of development is contrary to the Local Development Plan.

The proposed development would therefore 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.

## **Material Considerations**

### Site History / Fall-back

The applicants have submitted a planning statement which seeks to rely on the potential to complete the development permitted by P1999/0445 as a fall back option. As noted in the planning history above, consent was granted in October 1999 for “McDonald's restaurant: little chef restaurant: Esso petrol service station and associated roadworks (adjacent land for future development)”.

As described in the site description, only a McDonalds Restaurant associated car parking and access from the main road has been constructed at the site, the restaurant opening in the early 2000s. Despite construction of the aforementioned the developers failed to comply with a number of pre-commencement conditions associated with the development, ie conditions 9, 12, 7A and 7B.

In determining the weight that can be attributed, if any, to the above consent as a fall back, the central issue concerns whether the development of the McDonalds element constituted a lawful implementation of permission P1999/0445.

The applicant's submissions are supported by an opinion drafted by Sasha White QC (26 August 2015) in which he concludes that the “better view” is that the conditions in question were not true conditions precedent and thus non-compliance with them did not prevent lawful implementation of permission P1999/0445.

Officers have therefore sought their own Counsels opinion as to whether planning permission P/99/0445 had been lawfully implemented. In summary it concluded that the Council is entitled to maintain that permission P/99/0445 was never lawfully implemented on the basis that identified conditions (as referred to by the applicant) attached to the permission were not complied with prior to the commencement of development.

On this basis, it is considered that the planning permission granted in 1999 was not lawfully implemented and as such is not extant. As a result the argument put forward by the applicant that they have a fall-back position is not accepted and cannot therefore be considered as a material consideration in this application.

## Appropriateness of the roadside service area / Need

The applicants refer to the Officer report from 1999 which states that “the principle of providing roadside services was accepted at the time of the previous applications, and it is considered that such uses are acceptable in this location”.

This statement was, however, in an entirely different policy context, and followed an earlier decision to approve the principle of such development at the location based on the local policy context at that time. It should be noted that the decision taken at that time, some 17 years ago, had regard to the Neath Local Plan which was the relevant planning policy document at that time. That Plan has since been superseded by the Neath Port Talbot Unitary Development Plan and more recently by the Neath Port Talbot Local Plan which has been prepared in accordance with National Planning Policy and Guidance. Having regard to the views expressed above, it remains the case that the development would fall outside of the adopted Local Development Plan and as such is unacceptable in principle.

The applicant notes that there is no specific guidance on roadside service areas in Wales, but does refer to English Circular 02/2013, stating that the proposal would provide the mandatory service facilities required at roadside service areas (identified in the Circular). In respect of need, they further state that there are no such recognised service areas along the A465 and consequently the proposal will meet a currently unmet need.

It is noted, however, that despite the 1999 approval the site has not been developed for such roadside facilities other than a McDonalds, which itself provides all but one (fuel) of the ‘mandatory’ facilities referred to above. The ‘need’ for such a facility is also questionable, especially when fuel is already available in Glynneath, and may yet form part of the mixed use regeneration scheme put forward through the Local Development Plan and on a site within the settlement limits but close to and accessible from the A465.

## Economic Benefits

The applicants state that the proposal will create employment opportunities which are likely to be recruited locally, and that local contractors will be used during the construction phase, thus further

supporting the local economy. They thus argue that the economic benefits outweigh any Policy concerns.

In considering such matters, it is also noted that National guidance in respect of economic development is contained in TAN23, and in this regard paragraph 1.2.7 outlines that a sequential test should be used 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 clarify 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.

As mentioned earlier in the report, the LDP has allocated a mixed use regeneration site at Park Avenue, Glynneath (VRS 1 - Valleys Regeneration Scheme), which the LDP considers is “key to delivering the growth strategy to the area and is considered to present the best opportunity for the growth of the town. It is a site of significant scale close to the town centre and is therefore key for the future growth and change of the town”

It is not considered that the development strictly amounts to a ‘roadside service’ area given the level of amenities proposed to be afforded on site. Furthermore the development could undermine the delivery of the council’s designated regeneration site to the detriment of the sustainable development of Glynneath.

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

The accompanying evidence suggests the proposal will create up to 32 new jobs. It could however be argued that these jobs would be created on the allocated site which is more sustainably linked to the community of Glynneath, where future employees could reside. The creation of these jobs whilst valued in this valleys community is not sufficient to address the harm caused by this development.

**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.

The only factor of relevance relates to the 32 jobs created by this development. Whilst each and every job created is valued, this development will undermine the delivery of a scheme on the allocated regeneration site at Park Avenue and as such it would be contrary to the policies which seek to promote economic development within this area.

Accordingly, while acknowledging that the proposed use would 'create employment', this is not considered to be of such significant weight that it would justify the development outside of settlement limits to the detriment of the Councils wider regeneration aspirations for this area and it is therefore contrary to Policy SC1 and to the principles contained within TAN23.

### Other Matters

The applicant has also drawn the Planning Departments attention to the judgement in Tesco Stores Limited v Dundee City Council [2012]. This judgement described how the Development Plan is a carefully drafted and considered statement of policy published to inform the public of the approach which will be followed by planning authorities in decision making unless there is good reason to depart from it. It goes on to say that such statements should not be construed as if they were statutory or contractual provision.

Despite the above case, Planning Policy Wales supports a plan led approach to development. An extract from PPW reads as follows:



## *“2.1 Plan-led System*

*2.1.1 The aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society’s needs in a way that is consistent with sustainability principles (see section 4.3).*

*2.1.2 Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The LDP should show how places are expected to change in land-use terms to accommodate development needs over the plan period in order to provide certainty for developers and the public about the type of development that will be permitted at a particular location.”*

The adopted LDP was prepared having regard to National Planning Policy and Guidance. The proposal has been considered against relevant planning policies and all other material planning considerations but remains to be an unjustified form of development which is unacceptable at this location.

### *Principle of Development Conclusion*

For the reasons given above, it is concluded that the development of this site would amount to unjustified new development in the countryside, which fails to accord with Policy SC1 of the Local development Plan. In addition, the applicant’s arguments in respect of the previous consent at the site as a fall-back are not accepted, and notwithstanding the potential economic benefits identified above, it has been concluded that there are no material considerations of sufficient weight to override the harm caused by reason of its failure to meet adopted LDP Policy.

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

### **Retail Impact**

LDP Policy R3 concerns itself with retail proposals outside defined retail centres but within settlement limits. The policy states that out of centre retail proposals will only be permitted where they satisfy the following criteria:

1. It is demonstrated that there is a need for the development; and
2. The development cannot be accommodated within a defined retail centre and is located in line with the sequential approach; and
3. The vitality and viability of existing retail centres will not be undermined taking into account the cumulative effects of other approved retail developments, recently completed developments and plan commitments; and
4. The proposal would not undermine the Council's retail hierarchy or any regeneration schemes that the Council has formally approved;

Or:

5. The proposal is within the Coastal Corridor Strategy Area and is for a new retail unit, change of use or extension resulting in a premises of 100m<sup>2</sup> gross floorspace or less and is demonstrated to serve local neighbourhood needs; or
6. The proposal is within the Valleys Strategy Area and is a new retail unit, change of use or extension resulting in a premises of 200m<sup>2</sup> gross floorspace or less.

It has been argued earlier in this report that there is no justified need for this proposal at this location, moreover it is considered that its location outside both the defined settlement limits and the allocated regeneration site for Glynneath will undermine the delivery of a more sustainable development on the allocated site together with existing services within Glynneath itself. As a result the development would be contrary to criterion 1 and 4 of Policy R3.

In terms of the second criteria, the allocated regeneration scheme site is considered to be more appropriately located and the uses proposed within this application could be accommodated on that site. Turning to the third criterion, as indicated earlier in this report the proposed uses are remotely located from the district shopping centre and whilst it is acknowledged that they are aiming to secure passing trade from the A465, they will also capture the trade which could have been directed into Glynneath itself. This will therefore have a negative impact upon the vitality and viability of the district shopping centre.

The fifth criterion is not relevant to this application. The sixth and final criterion specifies a threshold of 200m<sup>2</sup> of gross floorspace outside of the district shopping centre. The kiosk associated with the petrol filling station incorporates a gross floor area of 375m<sup>2</sup>, while the drive-thru coffee shop has a gross floor area of 170m<sup>2</sup>. When combined this amounts to 545m<sup>2</sup>, which exceeds the threshold specified in Policy R3.

The applicants indicate that because a retail impact is only normally required for proposals over 2,500 sq m, that it must follow that impact cannot be a reason for refusal. They further add that the majority of trade will be from customers already on the A465. Despite this it must be acknowledged that whilst there is a policy within the LDP which allows some form of out of centre retail development, this scheme fails to comply with the criteria associated with that policy. Furthermore there are very serious concerns that the development will reduce or even remove trade which is currently being diverted into Glynneath, to the detriment of its vitality and viability. The development may also affect the ability to attract additional new retail investment to the town, notably at the mixed use regeneration site at Park Avenue Glynneath, which the LDP allocates an indicative convenience floorspace capacity of 660m<sup>2</sup> net which would allow for the provision of a modest sized new foodstore to serve the local catchment, and help to reduce expenditure leakage. This site is considered to be the most appropriate and sustainable location for such new development in the Glynneath area.

The above position is supported by the Glynneath Regeneration group who *recognise the benefit of the proposed facilities particularly to users of the A465 and also the potential local job creation benefits. However they raise concerns with regard to the impact of the development on the existing town centre.*

Accordingly it is considered that the proposal will result in the creation of an out of town development contrary to Policy R3 of the LDP.

### **Visual Amenity:**

Policy BE1 requires all development proposals to demonstrate high quality design which fully takes into account the natural, historic and built environment context and contributes to the creation of attractive sustainable places.

The kiosk building provides a floor space that is associated with the Petrol Filling Station. It is a single-storey mono-pitch design that is broken up in terms of fenestration and materials. The proposed high level dark grey cladding panels are recessive and create the impression of a reduction in massing.

The drive-thru coffee unit is constrained somewhat by the necessities of the practical usage of the drive-thru element of it. The applicant has been mindful with regard to its siting to ensure that the serving window faces south away from the main vista greeting the public. This arrangement means that the queuing customers will be shielded from view by the building allowing the more open and attractive elevation to be seen from the spine road.

The flat site incorporates the existing bund as a shielding mechanism against the A465 to the south whilst the existing hedging and stone walling along the northern boundary are incorporated into the boundary treatments.

Therefore in terms of visual amenity, it is considered that the proposed development by virtue of its scale and massing together with the use of appropriate materials would provide a development which would not have an unacceptable impact on the overall character and appearance of the surrounding area of the streetscene and will integrate into the landscape.

### **Residential Amenity:**

The proposed development by virtue of its location away from nearby properties (the nearest residential property being located approximately 50m at 46 Cefn Gelli) and across significant highway infrastructure, would have no unacceptable impacts upon nearby residential properties.

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

The Head of Engineering and Transport (Highways) has assessed the proposal and is satisfied that the development will not have a negative impact on highway and pedestrian safety. 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.

## **Flooding**

The application was accompanied by a Flood Consequences Assessment and substantial hydraulic modelling where it was concluded that the site is compliant with the requirements of Technical Advice Note 15 (TAN15).

The submissions have been scrutinised by Natural Resources Wales (NRW) who share the conclusion that the site is compliant with TAN15. Therefore the application is considered to be acceptable in terms of any flooding impacts / issues.

## **Mineral Safeguarding**

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

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 considered that the development due to its scale and location will not have a significant impact on the working of the mineral. Moreover, given the sites relationship to existing development namely the McDonalds building and the recently approved health care centre to the south, 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.

## **Conclusion:**

The site is located outside of the defined settlement limit, and outside of land allocated or safeguarded for employment or retail use by the LDP, where such uses should be located in order to steer economic development to the most appropriate and sustainable locations. Policy SC1 only allows exceptions for small scale employment uses, and it is considered that by reason of its scale and location away from the settlement boundary, the proposed development does not amount to an exception supported by Policy SC1. Furthermore the development will undermine the regeneration aspirations of the Council within the Glynneath area as defined under Policy VRS1. Accordingly the proposal would amount to unjustified new development in the

countryside, contrary to Policies SC1 and R3 of the Neath Port Talbot Local Development Plan and is also contrary to the objectives of Planning Policy Wales and the national guidance contained within Technical Advice Note 23 (Economic Development), and that there are no material considerations of sufficient weight which outweigh the harm caused by reason of its failure to comply with the above Policies.

**RECOMMENDATION: Refusal**

(1) The proposed development represents an unjustified form of development outside the defined settlement limits, the development of which would also undermine the sustainable growth of Glynneath contrary to Policy SC1 of the Neath Port Talbot Local Development Plan

(2) The proposed development by virtue of the uses proposed and its location outside the defined district shopping centre and outside the allocated Valleys Regeneration Scheme Site, will adversely affect the function together with the vitality and viability of the district shopping centre and will also undermine the Council's aspirations to deliver a comprehensive regeneration scheme on an allocated and more sustainably located site within Glynneath and as such is contrary to the objectives of Planning Policy Wales, TAN 23 and Policies VRS1 and R3 of the Neath Port Talbot Local Development Plan.

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Refusal

<b><u>APPLICATION NO:</u> P2016/0254</b>	<b><u>DATE:</u> 22/03/2016</b>
<b>PROPOSAL:</b>	Proposed pub/restaurant, access, car parking, layout and associated works (Outline permission with means of access and layout to be agreed).
<b>LOCATION:</b>	Land at Glynneath Business Park , Adjacent To A465, Glynneath , Neath
<b>APPLICANT:</b>	Waterstone Estates Ltd
<b>TYPE:</b>	Outline
<b>WARD:</b>	Blaengwrach

### Background

Prior to his recent passing, the late Cllr Alf Siddley called the application into Planning Committee on socio economic grounds.

### Planning History:

The site has a detailed planning history, of which the following is of relevance to this application : -

**93/444** – Business park: B1 (business), B2 (general industry), B8 (storage & distribution), A3 (food & drink) – Approved with conditions 17/11/94

**95/497** – Provision of basic roads and drainage, and changing of levels to allow future development – Approved with conditions 07/03/96

**96/1807** – Earthworks and drainage, re-profiling site to new levels to suit future development (commercial) – Approved with conditions 10/03/97

**97/1278** – Marketing board – Approved with conditions 09/02/98

**97/1408** – Outline permission for use classes B1, B2, B8, A3, C1 and petrol service station. A/C 5/3/98

**99/445** – McDonald's restaurant: little chef restaurant: Esso petrol service station and associated roadworks (adjacent land for future development) – Approved with conditions 12/10/99

**99/1141** – Pole mounted sign – Refused 23/11/99

**99/1243** – Proposed little chef, Glynneath (part of approval no 99/445) submission of details under condition 3-materials-of planning permission no: P/99/0445 – Approved 06/01/00

**99/1244** – Proposed little chef, Glynneath (part of approval No 99/445) submission of details under condition 7(d)-parking- of planning permission No 99/445 – Approved 06/01/00

**99/1247** – Proposed little chef, Glynneath (part of approval No 99445) submission of details under condition 11-parking and surface materials under planning permission No 99/445 – Approved 16/12/99

**00/119** – Submission of details under condition 7 (parking facilities) of previous planning consent 99/445 – Approved 10/03/00

**00/127** – McDonald's logo and estate sign structure – Approved with conditions 10/03/00

**00/252** – Embedded electricity generation plant – Approved with conditions 08/08/00

**00/879** – Approval of details required under Condition 3 of Previous Planning Consent 99/445 – Approved 03/08/00

**00/1018** – Approval of details under condition 2 (landscaping) of previous planning consent 99/445 – Approved 06/11/00

**00/1243** – Infrastructure works to enable future development (including vehicle and pedestrian access, drainage, ground improvement and landscaping) – Approved with conditions 13/03/01

**02/742** – 20,000 sq. ft and 15,000 sq. ft. industrial units at Glynneath Business Park – Approved with conditions 10/09/02

**02/1422** – New factory with linked administration (office) block – Approved with conditions 11/02/03



**03/947** – Outline application - Erection of secure training centre involving the construction of new administration, accommodation, educational and sports facilities, provision of car parking, service yard, erection of perimeter and security fencing, lighting and landscaping to site and relocation of pumping station – Approved with conditions 2/12/03

**10/174** – Replacement signage at roof level on front and both side elevations, five no. free standing internally illuminated signs, one no. banner sign, one no. customer order display, replacement totem sign and signs to be placed on replacement height restrictor – Approved with conditions 6/4/10

**10/180** – External alterations including re-cladding and blocking up of an existing booth window, alterations to entrance door, height restrictor, customer order display and replacement external seating area – Approved with conditions 6/4/10

**10/780** – Discharge of condition 2 (car park drainage) of planning permission 10/180 – Approved 19/8/10

**10/1128** – Creation of temporary car park, un-controlled pedestrian crossing over B4242, temporary footpath and footbridge over the Neath Canal for a period of 24 months – Not Determined

**Publicity and Responses if applicable:**

Blaengwrach Ward: No objections

Blaengwrach Community Council: It is felt that it is a much needed facility for this area, as well as bringing a much needed resource to Blaengwrach it would enhance the development as a tourist area within the Brecon Beacons, Lakes, Pontneddfechan Falls and much more in this area which sadly lacks this kind of amenity.

It would also bring to the area employment which has been diminishing over the last years with the loss of colliery's and industry which has devastated the jobs in the vicinity, with many young people with vision of employment left sadly with very little prospects.

The project is looking to bring up to 60 jobs to the area and an opportunity for apprenticeships in hospitality etc. This is not an

opportunity we can afford to miss, so we are asking you to look at this application favourably and bring this facility to our Community.

National Resources Wales: No objection

Environmental Health and Trading Standards (Contaminated Land): No objection

Head of Engineering and Transport (Highways): No objection

Head of Engineering and Transport (Drainage): No objection

The Glynneath Regeneration Group: The Regeneration Group recognise the benefit of the proposed facilities particularly to users of the A465 and also the potential local job creation benefits. However, concerns were also expressed at the impact of the development on the existing town centre. Their view was that the greatest regenerative benefit would be realised if the land was developed with uses that are complementary to the services and facilities in the town centre rather than a duplication

A Site Notice was displayed and the application was advertised in the local press.

One letter of objection has been received which objects on the grounds that this has potential to have negative effects on his business and others in the surrounding Glynneath area.

Two letters of support have been received from Bethan Jenkins AM and Jeremy Miles AM which are summarised as follows:

**Bethan Jenkins AM** pledges her support to the planning application.

*She believes that these developments will create many opportunities for the villages of Glynneath, Cwmgrach and Resolven. Such opportunities include employment which is needed in the area, it will enhance the area and make it more than a place people pass when travelling on the A465.*

**Jeremy Miles AM** advises that he has been contacted by the residents and community representatives from Blaengwrach who are in support of the planning application and the potential employment opportunities that the proposal would bring. While acknowledging that the application site

is positioned outside the settlement limits and within the mineral safeguarding area, states: -

*“However, due to existing facilities alongside the proposed development and the cessation of mineral extraction activity in recent years, many residents believe that to recommend refusal at this junction would not reflect the potential benefits to the local community, particularly for the younger generation with the huge potential for the development of apprenticeships in the catering and service industry within such an environment.”*

*“With regards to a threat to existing businesses within Glynneath town centre, it is also believed that the majority of business generated would be associated with passing trade on the A465, primarily motorists which would not divert through the town to access services.”*

### **Description of Site and its Surroundings:**

The site measures approximately 0.95 hectares in area and is situated adjacent to the existing McDonalds restaurant on the A465 Heads of the Valleys Road. To the north and beyond the river is an area of vacant land which received planning permission in 2015 for a primary healthcare centre and pharmacy.

The site is situated approximately 1.5km to the south west of Glynneath district centre and beyond the established settlement limits for the purposes of the adopted Neath Port Talbot Local Development Plan.

### **Brief description of proposal:**

Members should note that this proposal comprises the second of two proposed ‘phases’ for a roadside service area, with the first phase (P2016/0117) appearing elsewhere on this agenda.

This application seeks outline planning permission with all matters reserved for a pub/restaurant, access, car parking, layout and associated works.

The parameters submitted indicate the pub/restaurant will have the following dimensions:

Width 30m (minimum) 35m (maximum)  
Depth 18m (minimum) 23m (maximum)

Eaves height

Single-storey 2.4m (minimum) 3m (maximum)

Two-storey 4.8m (minimum) 5.5m (maximum)

Ridge height

Single-storey 5.4m (minimum) 7.5m (maximum)

Two-storey 8m (minimum) 10m (maximum)

The illustrative plan shows parking for up to 85 spaces.

### **Main issues:**

The issues to be considered in the determination of this application relate to the principle of the development at this location having regard to the prevailing planning policies, the relevance of the planning history of the site together with any impact on visual and residential amenity, highway and pedestrian safety, and an assessment of relevant material considerations

### **Policy Context:**

Planning Policy Wales (Edition 8) 2016

Paragraph 7.6.1 advises:

*“Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:*

- the numbers and types of jobs expected to be created or retained on the site;*
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;*
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.”*

Whilst it is acknowledged that the development will result in the creation of employment opportunities, this is only one of the above factors which must be considered. The other key factors identified above confirm the need to ensure that a development supports the Council's regeneration priorities and wider spatial strategies. In this regard the Council has identified a regeneration priority within the Glynneath area centred around the Park Avenue site. This site was chosen due to its size, ability to accommodate a mixture of commercial and residential uses, and its sustainable and accessible location within the heart of the community, close to the district centre but also close to the A465. This regeneration priority has been further highlighted following the designation of the Park Avenue site as a mixed use Valleys Regeneration Scheme under Policy VRS1 within the adopted LDP. The supporting text associated with this policy goes on to state:

*Within the Upper Neath Valley Strategic Growth Area, the Park Avenue Mixed Use Regeneration Scheme at Glynneath is key to delivering the growth strategy to the area and is considered to present the best opportunity for the growth of the town. A mix of residential and retail uses is envisaged.*

As stated above Policy VRS1 designates a sustainably located site which has been assessed as part of the LDP Examination process to be most suitable to accommodate a range of mixed uses including the use proposed under this application. In contrast the application site is detached from the district centre of Glynneath and is located outside settlement limits where there is a presumption against such development. While it is acknowledged that the application site is prominently located adjacent to the A465 and there is potential to secure trade from vehicles on the A465, the location of the allocated regeneration site which is also close to the A465 would also secure this aim in addition to supporting the vitality and viability of the district centre of Glynneath. Furthermore the approval of this development may have a negative impact upon existing services within Glynneath as it would capture passing trade from the A465 who might otherwise be encouraged into Glynneath itself. As a result whilst it is acknowledged that the development would lead to job creation opportunities, these could also be realised should the allocated site be developed, which for the reasons specified above is considered to be a more sustainably and appropriately located site and as such does not comply with the objectives of PPW relating to economic development.

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development.

This primarily deals with business uses contained within Classes B of the Use Classes order however the principles can be extended to job creation and economic development opportunities more generally. It amplifies the objectives of PPW as specified above by including a number of considerations which should be assessed for developments which are not in accordance with the sequential test. These tests are assessed in detail within the appraisal to this report.

### **Neath Port Talbot Local Development Plan**

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 30<sup>th</sup> 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 2<sup>nd</sup> 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 27<sup>th</sup> January 2016, and therefore the proposal must be assessed against the following relevant Policies within the LDP: -

#### **Strategic Policies**

- Policy SP1            Climate Change
- Policy SP2            Health
- Policy SP3            Sustainable Communities
- Policy SP4            Infrastructure
- Policy SP6            Development in the Valleys Strategy Area
- Policy SP12           Retail
- Policy SP14           The Countryside and Undeveloped Coast
- Policy SP15           Biodiversity and Geodiversity
- Policy SP16           Environmental Protection
- Policy SP17           Minerals

- Policy SP19 Waste Management
- Policy SP20 Transport Network
- Policy SP21 Built Environment and Historic Heritage

### **Detailed Policies**

- Policy SC1 Settlement Limits
- Policy I1 Infrastructure Requirements
- Policy R3 Out of Centre Retail Proposals
- Policy EN6 Important Biodiversity and Geodiversity sites
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and land stability
- Policy M1 Development in Mineral Safeguarding areas
- Policy M2 Surface Coal Operations
- Policy M3 Development in Mineral Buffer Zones
- Policy W3 Waste Management in New Development
- Policy TR2 Design and Access of New Development
- Policy BE1 Design

### **Principle of Development**

The application site lies outside of the settlement limit of Glynneath as defined by Policy SC1 of the adopted LDP, and is therefore defined as being within the ‘countryside’.

Policy SC1 lists 12 circumstances under which development would be permitted outside settlement limits, with only criterion (1) being of relevance to this proposals insofar as it allows a proposal which “constitutes a sustainable small scale employment use adjacent to a settlement limit”.

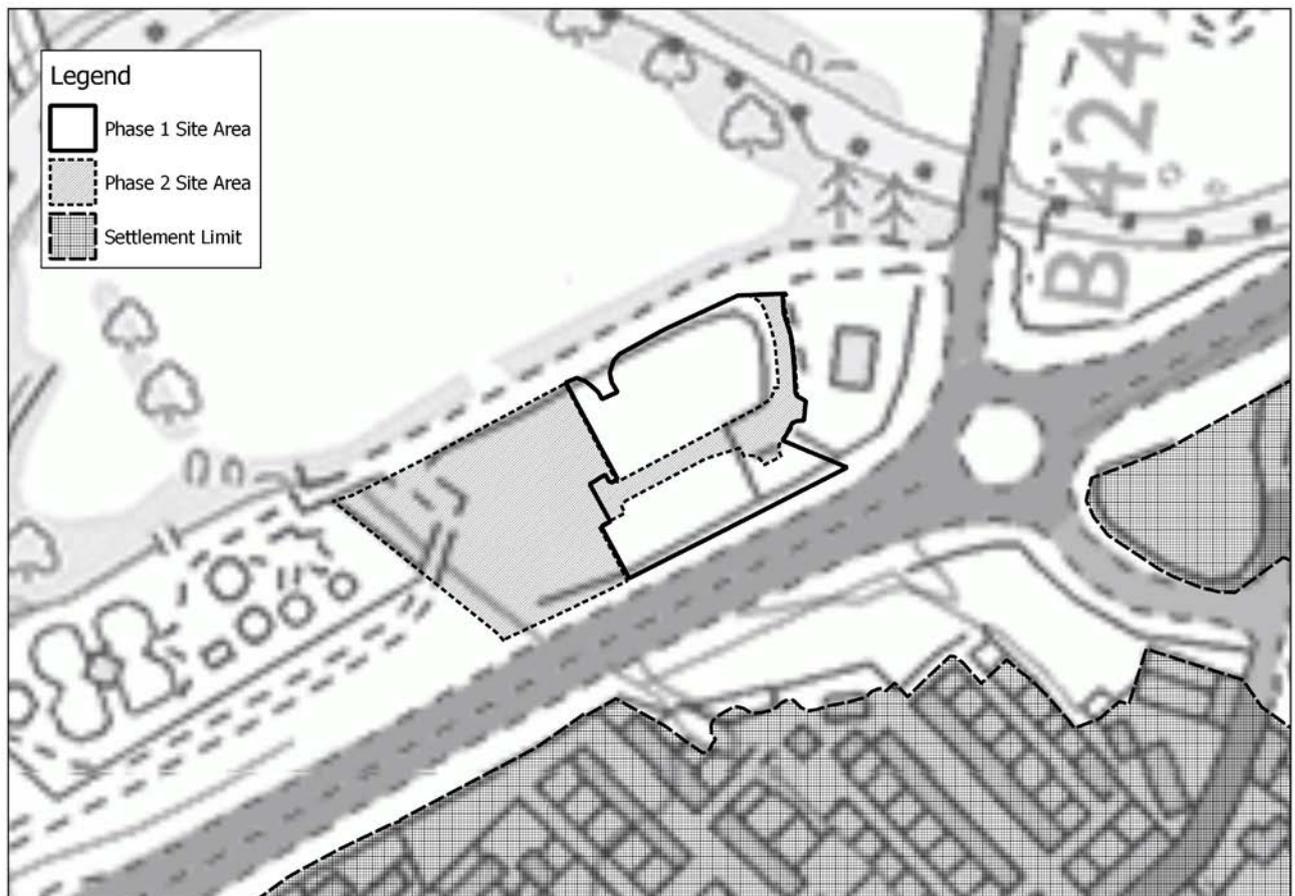
Considering the proposal against this criterion, it is considered that: -

- The proposal is not considered to amount to a *small-scale* development. That the applicant has confirmed that this is phase two of a larger scheme. The cumulative effect of the existing McDonalds restaurant, together with the petrol filling station and drive-thru coffee shop which are proposed within phase one and the pub/restaurant proposed under this application would be more than small in scale and would not occupy a sustainable location.

- In terms of the location of the site, (discounted the access which runs through phase one of the larger scheme) the application site will be located a minimum distance of 400m from the edge of the settlement associated with Glynneath, 205m from Blaengwrach and 45m from Cwmgwrach. Furthermore the site is separated from the settlement of Glynneath by extensive highway infrastructure, a river and open areas of land, while the A465 which is a dual carriageway separates the site from both Blaegwrach and Cwmgwrach. For these reasons the site cannot be considered as being adjacent to the settlement.

In respect of the second point, the applicant has stated that they consider the site to be ‘adjacent’ to the settlement limit, and argue that their interpretation of the dictionary definition and its synonyms “close to”, “proximate to”, “nearby” etc. offer credence to their interpretation.

Nevertheless, the dictionary definition of the word ‘adjacent’ is: “*next to or adjoining something else*”, and applying this definition the application site is clearly not adjacent to the settlement limit.





Having regard also to the purpose of the planning policy which seeks to restrict development outside of settlement boundaries, it is considered that such terminology can only reasonably be given its common sense meaning. It is therefore concluded that as a matter of fact the application site is not adjacent to the settlement limit.

Accordingly, it is considered that the proposal does not fall within any of the exceptions allowed under Policy SC1, and therefore the principle of development is contrary to the Local Development Plan.

The proposed development would therefore 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.

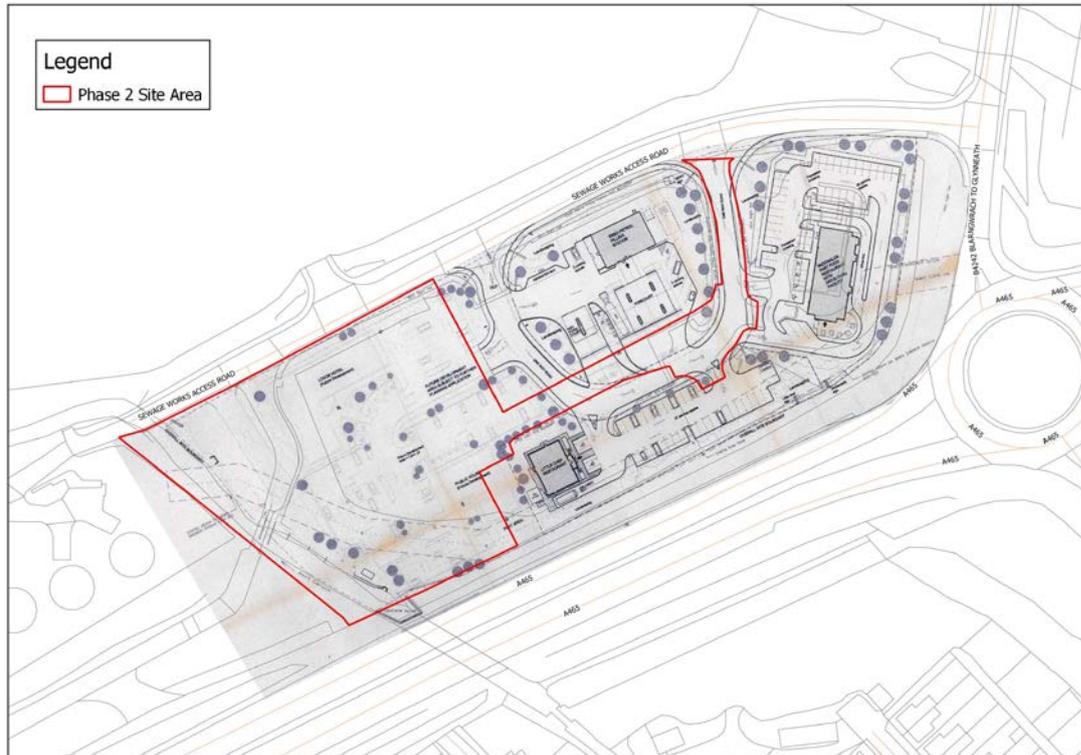
## **Material Considerations**

### Site History / Fallback

The applicants have submitted a planning statement on the associated phase 1 application which seeks to rely on the potential to complete the development permitted by P1999/0445 as a fall back option. As noted in the planning history above, that approved “McDonald's restaurant: little chef restaurant: Esso petrol service station and associated roadworks (adjacent land for future development)” in October 1999.

Whilst the issue of an extant permission being in place was integral to the applicant's justification for the first phase of the development (P2016/0117), it is not an issue with regard to this second phase as the parcel of land subject to this planning application has not received planning permission historically for the uses proposed under this submission.

The plan below shows the extent of the historic planning permission and that of this proposal.



## Economic Benefits

The applicants state that the proposal will create employment opportunities which are likely to be recruited locally, and that local contractors will be used during the construction phase, thus further supporting the local economy. They thus argue that the economic benefits outweigh any Policy concerns.

In considering such matters, it is also noted that National guidance in respect of economic development is contained in TAN23, and in this regard paragraph 1.2.7 outlines that a sequential test should be used 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

clarify 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.

As mentioned earlier in the report, the LDP has allocated a mixed use regeneration site at Park Avenue, Glynneath (VRS 1 - Valleys Regeneration Scheme), which the LDP considers is “key to delivering the growth strategy to the area and is considered to present the best opportunity for the growth of the town. It is a site of significant scale close to the town centre and is therefore key for the future growth and change of the town”

It is not considered that the development amounts to a ‘roadside service’ area given that it proposes a pub/restaurant. The potential harm caused by this development in discouraging growth from within the village boundaries as people use this development as an alternative is considered unacceptable. Furthermore the development could undermine the delivery of the council’s designated regeneration site to the detriment of the sustainable development of Glynneath.

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

The accompanying evidence suggests the proposal will create up to potentially 37 full/part time new jobs. This figure was given by the applicant in relation to the restaurant use. That being considered, the very nature of the restaurant use and the scale parameters given, it is extremely unlikely that this will equate to 37 full time jobs. The creation of 37 jobs however, will not offset the harm to the potential town centre growth initiatives proposed through the valleys regeneration scheme that have been adopted by the local authority which could themselves generate similar if not more jobs within the heart of the community. As a consequence there are serious concerns that the development will adversely affect the delivery of the wider regeneration aspirations for Glynneath.

**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.

The only factor of relevance relates to the 37 jobs created by this development. Whilst each and every job created is valued, this development will undermine the delivery of a scheme on the allocated regeneration site at Park Avenue and as such it would be contrary to the policies which seek to promote economic development within this area.

Accordingly, while acknowledging that the proposed use would 'create employment', this is not considered to be of such significant weight that it would justify the development outside of settlement limits to the detriment of the Councils wider regeneration aspirations for this area and it is therefore contrary to Policy SC1 and to the principles contained within TAN23.

#### *Principle of Development Conclusion*

For the reasons given above, it is therefore concluded that the development of this site would amount to unjustified new development in the countryside, which fails to accord with Policy SC1 of the Local Development Plan. In addition, notwithstanding the potential economic benefits identified above, it has been concluded that there are no material considerations of sufficient weight to override the harm caused by reason of its failure to meet adopted LDP Policy.

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

#### **Retail Impact**

LDP Policy R3 concerns itself with retail proposals outside defined retail centres but within settlement limits. The policy states that out of centre retail proposals will only be permitted where they satisfy the following criteria:

1. It is demonstrated that there is a need for the development; and
2. The development cannot be accommodated within a defined retail centre and is located in line with the sequential approach; and

3. The vitality and viability of existing retail centres will not be undermined taking into account the cumulative effects of other approved retail developments, recently completed developments and plan commitments; and

4. The proposal would not undermine the Council's retail hierarchy or any regeneration schemes that the Council has formally approved;  
Or:

5. The proposal is within the Coastal Corridor Strategy Area and is for a new retail unit, change of use or extension resulting in a premises of 100m<sup>2</sup> gross floorspace or less and is demonstrated to serve local neighbourhood needs; or

6. The proposal is within the Valleys Strategy Area and is a new retail unit, change of use or extension resulting in a premises of 200m<sup>2</sup> gross floorspace or less.

It has been argued earlier in this report that there is no justified need for this proposal at this location, moreover it is considered that its location outside both the defined settlement limits and the allocated regeneration site for Glynneath will undermine the delivery of a more sustainable development on the allocated site together with existing services within Glynneath itself. As a result the development would be contrary to criterion 1 and 4 of Policy R3.

In terms of the second criterion, the allocated regeneration scheme site is considered to be more appropriately located and the uses proposed within this application could be accommodated on that site. Turning to the third criterion, as indicated earlier in this report the proposed use is remotely located from the district shopping centre and whilst it is acknowledged that they are aiming to secure passing trade from the A465, they will also capture the trade which could have been directed into Glynneath itself. This will therefore have a negative impact upon the vitality and viability of the district shopping centre.

The fifth criterion is not relevant to this application. The sixth and final criterion specifies a threshold of 200m<sup>2</sup> of gross floorspace outside of the district shopping centre. Whilst this application is in outline only, the submitted parameters indicate that the pub/restaurant will incorporate a gross floorarea of between 540m<sup>2</sup> and 805m<sup>2</sup> which exceeds the threshold specified in Policy R3.

Furthermore there are very serious concerns that the development will reduce or even remove trade which is currently being diverted into Glynneath, to the detriment of its vitality and viability. The development may also affect the ability to attract additional new retail investment to the town, notably at the mixed use regeneration site at Park Avenue Glynneath. This site is considered to be the most appropriate and sustainable location for such new development in the Glynneath area.

The above position is supported by the Glynneath Regeneration group who recognise the benefit of the proposed facilities particularly to users of the A465 and also the potential local job creation benefits. However they raise concerns with regard to the impact of the development on the existing town centre.

Accordingly it is considered that the proposal will result in the creation of an out of town development contrary to Policy R3 of the LDP.

### **Visual Amenity:**

The application is made in Outline with all matters reserved. The parameters of development proposed would enable a restaurant to be constructed within the area without impacting upon the character and appearance of the area as a whole when viewed with the detailed plans submitted as part of "Phase 1".

As was the case with Phase 1, the flat site incorporates the existing bund as a shielding mechanism against the A465.

Therefore in terms of visual amenity, it is considered that the proposed development could, through the use of a quality design and use of finishes safeguard the overall character and appearance of the surrounding area.

### **Residential Amenity:**

The proposed development by virtue of its location away from nearby properties (the nearest residential property being located at 46 Cefn Gelli) and across significant highway infrastructure, would have no unacceptable impacts upon nearby residential properties.

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

The Head of Engineering and Transport (Highways) has assessed the proposal and is satisfied that the development will not have a negative impact on highway and pedestrian safety. 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.

### **Flooding**

The application was accompanied by a Flood Consequences Assessment and substantial hydraulic modelling where it was concluded that the site is compliant with the requirements of Technical Advice Note 15 (TAN15). This document was scrutinised by Natural Resources Wales who in turn shared the conclusion that the site is compliant with TAN15. Therefore the application is considered to be acceptable in terms of any flooding impacts / issues.

### **Mineral Safeguarding**

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

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 considered that the development due to its scale and location will not have a significant impact on the working of the mineral. Moreover, given the sites relationship to existing and future already approved development including McDonalds and the recently approved health care centre to the south, and given the site's close proximity to the settlement limits and visual prominence, 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.

### **Conclusion:**

The site is located outside of the defined settlement limit, and outside of land allocated or safeguarded for employment or retail use by the LDP, where such uses should be located in order to steer economic development to the most appropriate and sustainable locations. Policy

SC1 only allows exceptions for small scale employment uses, and it is considered that by reason of its scale and location away from the settlement boundary, the proposed development does not amount to an exception for proposals outside settlement limits detailed in Policy SC1. Furthermore the development will undermine the regeneration aspirations of the Council within the Glynneath area as defined under Policy VRS1. Accordingly the proposal would amount to unjustified new development in the countryside, contrary to Policies SC1 and R3 of the Neath Port Talbot Local Development Plan and contrary to the objectives of Planning Policy Wales and the national guidance contained in Technical Advice Note 23 (Economic Development), and that there are no material considerations of sufficient weight which outweigh the harm caused by reason of its failure to comply with the above Policies.

**RECOMMENDATION:            Refusal**

(1) The proposed development represents an unjustified form of development outside the defined settlement limits, the development of which would also undermine the sustainable growth of Glynneath contrary to Policy SC1 of the Neath Port Talbot Local Development Plan.

(2) The proposed development by virtue of the use proposed and its location outside the defined district shopping centre and outside the allocated Valleys Regeneration Scheme Site, will adversely affect the function together with the vitality and viability of the district shopping centre and will also undermine the Council's aspirations to deliver a comprehensive regeneration scheme on an allocated and more sustainably located site within Glynneath and as such is contrary to the objectives of Planning Policy Wales, TAN 23 and Policies VRS1 and R3 of the Neath Port Talbot Local Plan.



## SECTION B – MATTERS FOR INFORMATION

### DELEGATED APPLICATIONS

DETERMINED BETWEEN 26<sup>TH</sup> JULY AND 15<sup>TH</sup> AUGUST 2016

1	App No. P2013/0782	Type Vary Condition
Proposal Variation of condition 1 of P2007/1764 to extend the period of time to commence residential development of 10 houses		
Location Main Road, Onllwyn SA10 9HL		
Decision Approval with Conditions		
Ward Onllwyn		

2	App No. P2014/0614	Type Discharge of Cond.
Proposal Scheme for the management & protection of all woodland, grassland and scrub within area identified in yellow on drawing GIL_PLA_CAW_080211 (condition 76 P2010/0655) and drawing GIL_PLA_CAW_140212 ( condition 71 P2010/0658).		
Location Gilfach Quarry, Near Bryncoch, Neath SA10 8AD		
Decision Approval with no Conditions		
Ward Bryncoch North		

3	App No. P2015/0611	Type Discharge of Cond.
Proposal Details pursuant to condition 10 (Ecological walkover survey), 11 (ecological mitigation and enhancement measures) and 16 (drainage scheme) of Planning Permission P2014/1155 (Approved on the 22-June-2015) (Revised ecological information received 16.10.15)		
Location Sandvik Osprey Limited, Milland Road, Neath SA11 1NJ		
Decision Approval with no Conditions		
Ward Neath East		

4	App No. P2015/0615	Type Discharge of Cond.
Proposal Details pursuant to condition 2 (Scheme to assess the nature and extent of contamination), condition 5 (surface water drainage) and condition 16 (Surface water drainage) of Planning Permission P2014/1155 (Approved on the 22-June-2015) (Mercury Contamination Assessment Received 06.05.16)		
Location Sandvik Osprey Ltd, Milland Road , Neath SA11 1NJ		
Decision Approval with no Conditions		
Ward Neath East		

5	App No. P2015/1117	Type Full Plans
Proposal	Change of use of rear section of building from retail to martial arts centre	
Location	The Garage, Chain Walk, Glynneath, Neath SA11 5HE	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

6	App No. P2016/0116	Type Outline
Proposal	One dwelling (Outline with all matters reserved)	
Location	14 Lloyds Terrace, Cymmer, Port Talbot SA13 3HT	
Decision	Approved subject to s.106	
Ward	Cymmer	

7	App No. P2016/0137	Type Full Plans
Proposal	Detached two storey dwelling, plus detached garage	
Location	Plot Adjacent To, 1 Moorlands/ 4 Cross Road, Dyffryn Cellwen, Neath SA10 9HS	
Decision	Approval with Conditions	
Ward	Onllwyn	

8	App No. P2016/0166	Type Householder
Proposal	Part two storey and part single storey rear extension, raised decking area, dormer window to rear roof slope and roof light to side roof slope	
Location	53 Dinas Baglan Road, Baglan, Port Talbot SA12 8DT	
Decision	Approval with Conditions	
Ward	Baglan	

9	App No. P2016/0178	Type Householder
Proposal	Demolition of existing garage, outbuilding and two storey rear extension, and construction of a two storey and single storey rear extension, front porch, detached double garage and boundary treatment.	
Location	78 Gelligron Road, Rhydyfro Pontardawe, Swansea SA8 4NP	
Decision	Approval with Conditions	
Ward	Pontardawe	

10	App No. P2016/0207	Type Full Plans
Proposal	Detached two storey dwelling plus associated off street car parking, including the felling of a tree protected by TPO.	
Location	36 Nant Celyn, Crynant,	
Decision	Approval with Conditions	
Ward	Crynant	

11	App No. P2016/0221	Type Prior Notif.Demol.
Proposal	Application for prior notification for the demolition of all buildings at the former Wern Works site.- additional information submitted - Amended Demolition Method Statement V06	
Location	Wern Works, Owens Row, Briton Ferry, Neath SA11 2JX	
Decision	Prior Approval Required	
Ward	Briton Ferry West	

12	App No. P2016/0313	Type Full Plans
Proposal	Change of use of communal lounge area to café.	
Location	Llys Penrhys, Curwen Close, Pontrhydyfen, Port Talbot SA12 9UT	
Decision	Approval with Conditions	
Ward	Pelenna	

13	App No. P2016/0333	Type Householder
Proposal	Two storey side and rear extension/annexe	
Location	7 Severn Crescent, Sandfields, Port Talbot SA12 6SY	
Decision	Approval with Conditions	
Ward	Sandfields East	

14	App No. P2016/0334	Type Householder
Proposal	Two storey side/rear annexe	
Location	29 Farm Drive, Sandfields, Port Talbot SA12 6TE	
Decision	Approval with Conditions	
Ward	Sandfields East	

15	App No. P2016/0347	Type Householder
Proposal	Single storey rear extension and retention of retaining walls, steps, outbuilding and decking	
Location	Gwyndy, Penrhiwgoch, Baglan, Port Talbot SA12 8LN	
Decision	Approval with Conditions	
Ward	Baglan	

16	App No. P2016/0398	Type Householder
Proposal	First floor side and rear extension	
Location	2 Westlands, Baglan Moors, Port Talbot SA12 7BW	
Decision	Approval with Conditions	
Ward	Aberavon	

17	App No. P2016/0451	Type Householder
Proposal	Retention and completion of single storey rear extension	
Location	213 Margam Road, Margam, Port Talbot SA13 2AB	
Decision	Approval with Conditions	
Ward	Taibach	

18	App No. P2016/0476	Type Full Plans
Proposal	Single storey extension, and alteration of existing flat roof to form a ridged roof, plus additional parking and bin store	
Location	Community Hall, Cwmbach Road, Cadoxton, Neath	
Decision	Approval with Conditions	
Ward	Cadoxton	

19	App No. P2016/0497	Type Full Plans
Proposal	Ground floor side extension to create an additional hot food takeaway (Use class A3), flue, associated stores and access to first floor flat.	
Location	14 Queens Road, Croeserw Cymmer, Port Talbot SA13 3SN	
Decision	Approval with Conditions	
Ward	Cymmer	

20	App No. P2016/0521	Type Full Plans
Proposal	Detached garage.	
Location	Garage Compound rear of, 33-35 Lime Grove, Cimla, Neath SA11 3PU	
Decision	Approval with Conditions	
Ward	Neath South	

21	App No. P2016/0527	Type Householder
Proposal	Outbuilding	
Location	1 Clos Y Sticlau, Seven Sisters, Neath SA10 9GA	
Decision	Approval with Conditions	
Ward	Seven Sisters	

22	App No. P2016/0529	Type Full Plans
Proposal	Detached dispatch building	
Location	Sandvik Osprey Ltd, Milland Road Ind Estate, Neath SA11 1NJ	
Decision	Approval with Conditions	
Ward	Neath East	

23	App No. P2016/0531	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for a Single storey side extension	
Location	3 Channel View, Bryncoch, Neath SA10 7TH	
Decision	Approval with no Conditions	
Ward	Bryncoch North	

24	App No. P2016/0539	Type Full Plans
Proposal	Detached garage	
Location	Plots 11 And 12 In Garage Compound Off, Chopin Road, Sandfields, Port Talbot	
Decision	Approval with Conditions	
Ward	Sandfields West	

25	App No. P2016/0560	Type Householder
Proposal	Two storey and single storey rear extension.	
Location	31 Colbren Square, Gwaun Cae Gurwen, Ammanford SA18 1HS	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

26	App No. P2016/0561	Type Advertisement
Proposal	4 new internally illuminated fascia signs and 5 relocated internally illuminated fascia signs.	
Location	Mcdonald's Restaurant, Water Street, Afan Way , Port Talbot SA12 6LL	
Decision	Approval with Conditions	
Ward	Aberavon	

27	App No. P2016/0562	Type Householder
Proposal	Single storey rear conservatory and timber decking platform with steps	
Location	3 Dolcoed Place, Dolcoed Terrace, Tonna, Neath SA11 3GZ	
Decision	Approval with Conditions	
Ward	Tonna	

28	App No. P2016/0564	Type Householder
Proposal	Two storey extension plus increased ridgeline and roof alterations.	
Location	Blaen Egel Fawr Farm, Perthigwynion Access Road From A474 Pontardawe Road, Pontardawe, Swansea SA8 4TA	
Decision	Approval with Conditions	
Ward	Pontardawe	

29	App No. P2016/0570	Type Householder
Proposal	Front porch	
Location	Barn 7, Eglwys Nunydd, Margam, Port Talbot SA13 2PS	
Decision	Approval with Conditions	
Ward	Margam	

30	App No. P2016/0572	Type Prior Notif. Telecoms
Proposal	Prior notification for the erection of a 15m high replacement monopole and associated base cabinet.	
Location	Cefn Coed Mine, Junction of A4109, Crynant, Neath SA10 8SP	
Decision	Prior Approval Not Required	
Ward	Crynant	

31	App No. P2016/0581	Type Householder
Proposal	Single storey rear extension.	
Location	1 Clos Y Cwm, Pontardawe SA8 4JZ	
Decision	Approval with Conditions	
Ward	Pontardawe	

32	App No. P2016/0582	Type Householder
Proposal	Single storey rear extension.	
Location	3 Clos Y Cwm, Pontardawe SA8 4JZ	
Decision	Approval with Conditions	
Ward	Pontardawe	

33	App No. P2016/0590	Type Neigh.Auth/Nat.Park
Proposal Pre-submission consultation in respect of Section 36C of the Electricity Act 1989 (Variation of Consents under Section 36) for a generating station for option to deploy an open cycle gas turbine unit at the site.		
Location Abernedd Power Station, Seaway Parade, Baglan Bay, Port Talbot		
Decision No Objections		
Ward Baglan		

34	App No. P2016/0596	Type Change of Use
Proposal Proposed change of use from hairdressers (Class A1) to chiropractor clinic (Class D1)		
Location 33 Villiers Street, Briton Ferry, Neath SA11 2DZ		
Decision Approval with Conditions		
Ward Briton Ferry East		

35	App No. P2016/0602	Type Advertisement
Proposal Replacement signage comprising fascia sign and projecting sign (internally illuminated) to front elevation, 2No wall mounted carpark disclaimer signs (non-illuminated) and fascia sign (internally illuminated) on rear elevation		
Location 48 Station Road, Port Talbot SA13 1LJ		
Decision Approval with no Conditions		
Ward Port Talbot		

36	App No. P2016/0604	Type LawfulDev.Cert-Prop.
Proposal Single storey side extension - Certificate of Lawful Development Proposed		
Location 108 Victoria Road, Sandfields, Port Talbot SA12 6AR		
Decision Approval with no Conditions		
Ward Sandfields East		

37	App No. P2016/0620	Type LawfulDev.Cert-Prop.
Proposal Lawful development certificate for a proposed single storey rear extension.		
Location 29 Bay View Gardens, Skewen, Neath SA10 6NJ		
Decision Issue Lawful Dev.Cert.		
Ward Coedffranc Central		

38	App No. P2016/0628	Type LawfulDev.Cert-Prop.
Proposal	Single-storey rear extension (Certificate of Lawful Development - Proposed)	
Location	3 Bach Road, Sandfields, Port Talbot SA12 7SN	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

39	App No. P2016/0629	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for a single storey rear extension.	
Location	15 Beechwood Avenue, Neath SA11 3TE	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath North	

40	App No. P2016/0630	Type Section34Food&EnvironmentAct
Proposal	Consultation from Natural Resources Wales regarding an application for a Marine Licence under the Marine and Coastal Access Act 2009 to facilitate works to repair concrete supports and rollers supporting above ground pipeline.	
Location	Above Ground Intermediate Pressure Steel Pipeline at Salt Marsh, Baglan Bay,	
Decision	No Objections	
Ward	Baglan	

41	App No. P2016/0632	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning permission P2016/0032 (for retention and completion of raised patio area) to change from concrete slab, to wooden frame and decking.	
Location	18 New Road, Neath Abbey, Neath SA10 7NH	
Decision	Approval with no Conditions	
Ward	Dyffryn	



42	App No. P2016/0633	Type Prior Notif.Demol.
Proposal	Prior notification for the demolition of all buildings on site.	
Location	Cwrt Sart Comprehensive School, Old Road, Briton Ferry SA11 2ET	
Decision	Prior Approval Not Required	
Ward	Briton Ferry East	

43	App No. P2016/0644	Type Discharge of Cond.
Proposal	Details pursuant to condition 3 (drainage scheme) of planning permission P2016/0480 ( 3 No. Sub Stations, plus new exit to car park etc) approved on the 5/7/26.	
Location	Amazon, Ffordd Amazon, Crymlyn Burrows, Swansea SA1 8QX	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

44	App No. P2016/0670	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to planning permission P2015/0882 (part two, part single storey side and rear extension) to remove door from side elevation.	
Location	14 Tyn Y Cae, Alltwn Pontardawe, Swansea SA8 3DL	
Decision	Approval with no Conditions	
Ward	Alltwn	

45	App No. P2016/0677	Type LawfulDev.Cert-Prop.
Proposal	Single storey side extension (lawful development certificate proposed)	
Location	4 Afan Valley Close, Cimla, Neath SA11 3AJ	
Decision	Issue Lawful Dev.Cert.	
Ward	Cimla	

46	App No. P2016/0686	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (certificate of lawful development proposed)	
Location	57 Westlands, Aberavon, Port Talbot SA12 7DD	
Decision	Issue Lawful Dev.Cert.	
Ward	Aberavon	

47	App No. P2016/0688	Type Non Material Amendment (S96A)
Proposal Non-material amendment to application P2015/0039 to alter the cill level of window 17, the addition of a Comms room to mobility scooter store and formation of laundry to roof void area above; amended kitchen layout and removal of sun tunnels from proposal.		
Location Michaelstone Court, Michaelstone Terrace, Cwmavon, Port Talbot SA12 9AW		
Decision Approval with no Conditions		
Ward Bryn & Cwmavon		

48	App No. P2016/0693	Type Discharge of Cond.
Proposal Details to be agreed in association with condition 5 (method of demolition and rebuilding of entrance pillar) of application P2016/0323 (listed building consent) granted on 18/07/16.		
Location Holy Cross Church, Tan Y Groes Street, Port Talbot		
Decision Approval with no Conditions		
Ward Port Talbot		

## SECTION B – MATTERS FOR INFORMATION

### APPEALS DETERMINED

#### a) Planning Appeals

**Appeal Ref:** A2016/0004      **Planning Ref:** P2012/0352.

**PINS Ref:** APP/Y6930/A/15/3140796

**Applicant:** Ryehill Properties (Wales) Ltd.

**Proposal:** Residential Development comprising 78 dwellings with associated demolition of 141 Dinas Baglan Road, access and engineering works (application for outline planning permission with details of access to be agreed.)

**Site Address:** **141 Dinas Baglan Road & Land adjacent & Land rear of 85-139 Dinas Baglan Road & Land Rear of 1-63 Sarnfan Baglan Road, Baglan, Port Talbot.**

**Appeal Method:** Hearing

**Decision Date:** 2 August 2016.

**Decision:** Appeal Dismissed

The Inspector considered that the main issue was whether the living conditions of future occupants of the development would be acceptable with regard to noise. However interested parties also expressed concerns over highway safety.

#### *Noise*

The Inspector stated that there was no dispute that the site experiences relatively high levels of noise from nearby sources, the main source being the motorway corridor. For the purposes of TAN 11 the site is in Noise Exposure Category C (NEC C) and also within a Noise Action Planning Priority Area (NAPPA) as identified in the Noise Action Plan for Wales published by the Welsh Government in December 2013.

There was no dispute that the dwellings could be constructed to ensure that the internal noise levels would be in line with guidance in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The parties were agreed for the purposes of the appeal that 55dB(A) LAeq,16hr would be acceptable with regard to noise levels within the external areas of the plots. Whilst 30 of the proposed units would meet this standard, 24 would fall within the range 56 to 60 dB LAeq,16hr and the remaining 24 would fall within the range 61 to 63 dB LAeq,16hr. These figures were based on a 2.2 metre high acoustic fence being erected along the boundary of the site with the motorway.

Although TAN 11 states that planning permission should not normally be granted for development falling within NEC C, where it is considered that permission should be given, it states that conditions should be imposed to ensure a commensurate level of protection against noise. Noise-sensitive development should not normally be permitted in areas which are or are expected to become subject to high levels of noise.

The Appellant considered that there were sites allocated in the LDP which were not necessarily quieter than the appeal site. Whilst the Inspector accepted that there are similarities between these sites and the appeal proposal in that they are in close proximity to the motorway, the sites do not display the linear characteristics of the appeal site. Moreover, the design of the layout for these sites would have to address the noise issue. She considered that the evidence before her did not confirm that these sites could not be developed to provide acceptable living conditions for future residents in this respect.

In concluding on the principal issue, the Inspector stated that the noise within the external areas of 48 out of the 78 proposed plots would exceed an acceptable level. She was also satisfied that there were suitable alternative quieter sites allocated for residential development and that there are no other factors which provide sufficient or justifiable reason to allow an exception in this instance. She therefore concluded that the proposed development would fail to provide acceptable living conditions for future occupants.

### *Other material considerations*

Interested parties expressed concerns over the proposed access into the site and the effect the design of the junction with the A48 would have on access to their properties and highway safety in general. Particular concerns were raised with regard to 2 Sarnfan Baglan Road the driveway to which is directly opposite the site entrance and leaves the A48 at an oblique angle. Residents were therefore concerned for their safety both as drivers and pedestrians.

The Inspector stated that she could understand the concerns of the occupants and also understood the wider concerns of residents with regard to the changes to the highway layout and the additional traffic which would be generated by the development which would be further increased if a proposed link between the site and the residential estate to the north was implemented. She stated that “whilst common sense dictates that the design of the junction is far from ideal”, she was advised that the safety audit found the proposals to be acceptable. The highway authority raised no objection and she had no substantive evidence to the contrary which would justify dismissing the appeal on highway safety grounds.

The Appellant contended that despite the LDP being only recently adopted the Council was unable to demonstrate five years housing land supply. However, the recently examined Joint Housing Land Availability Study 2016 confirmed a supply of 5.0 years and the need to give considerable weight to housing developments where the study shows a land supply below five years does not apply.

### **Conclusion**

It was concluded that the development would fail to provide acceptable living conditions for future residents by reason of noise and dismissed the appeal.

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