



## ***PLANNING COMMITTEE***

***2.00 PM - TUESDAY, 27 JUNE 2017***

***COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE***

### **PART 1**

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on 6 June 2017 (*Pages 5 - 10*)
3. To Request Site Visit(s) from the Applications Presented

### **Report of the Head of Planning**

### **Section A - Matters for Decision**

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

4. **Application No: P2017/0248** (*Pages 11 - 36*)  
New single storey primary school for 420 pupils, plus nursery accommodation for 38 pupils, and ancillary sprinkler tank, refuse storage, on-site car parking, on-street car parking, a playing field and Multi use games area, means of enclosure, hard surface play areas, and associated engineering works. Former Cwrt Sart Comprehensive School, Old Road, Briton Ferry, Neath. SA11 2ET.
5. **Application No: P2016/0717** (*Pages 37 - 58*)  
Detached split level dwelling, with associated engineering works and off street car parking. Land Adjacent to 261, Graig Road, Godre'r Graig, Swansea. SA9 2NZ.

## **Planning Application Recommended for Refusal**

6. **Application No: P2016/0929** (*Pages 59 - 68*)  
Retention and completion of change of use of building to 4x4 Vehicle Repair Centre (Use Class B2), plus engineering operations and retaining works to create 4 parking spaces to rear with ramped access. Tyre and Exhaust Centre, Commercial Street, Abergwynfi. SA13 3YL

### **Section B - Matters for Information**

7. Delegated Applications Determined between 26 May and 19 June 2017 (*Pages 69 - 78*)
8. Appeals Received between the 21 March 2017 and the 19 June 2017 (*Pages 79 - 80*)
9. Appeals Determined (*Pages 81 - 92*)
10. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**S.Phillips**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Wednesday, 21 June 2017**

## **Committee Membership:**

**Chairperson:** Councillor S.Paddison

**Vice  
Chairperson:** Councillor H.N.James

**Members:** Councillors A.R.Aubrey, S.Bamsey, R.Davies,  
W.F.Griffiths, S.K.Hunt, C.J.Jones, D.Keogh,  
S.M.Penry, R.Thomas, S.Pursey

**Cabinet  
UDP/LDP  
Member:** Councillor A.Wingrave

## **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 for each 'category' (objector; supporter; applicant/agent; Town/Community Council for each application. Full details are available in the [Council's approved procedure](#).

In addition, if an objector registers to speak, the Applicant/Agent will be notified by the Council.

Should you wish to discuss any aspect of public speaking, please contact the Democratic Services Team on 01639 763713.

### **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 2.00p.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 2.00pm 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 re-distributed prior to the commencement of the meeting.

## PLANNING COMMITTEE

**Members Present:**

**6 June, 2017**

**Chairperson:** Councillor S.Paddison

**Vice Chairperson:** Councillor H.N.James

**Councillors:** A.R.Aubrey, S.Bamsey, R.Davies, W.F.Griffiths, S.K.Hunt, C.J.Jones, D.Keogh, S.M.Penry, S.Purseley and R.Thomas

**Local Member:** Councillor C.Edwards (Minute No. 4)

**Officers In Attendance:** Mrs.N.Pearce, S.Ball, I.Davies, T.Davies and Mrs.T.Davies

**LDP/UDP Member:** Councillor A.Wingrave

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1. **MINUTES OF THE PREVIOUS MEETING HELD ON 28 MARCH, 2017**

**RESOLVED** That the Minutes of the Planning Committee held on the 28 March 2017, as circulated, be confirmed as a true record.

2. **SITE VISITS**

**RESOLVED:** That, no site visits be held on the applications before Committee today.

3. **APPLICATION NO: P2017/0245**

Officers made a presentation to the Planning Committee on this Application (detached three storey dwelling, incorporating lower level garage, and associated retaining works at Building Plot adjacent to, 7 Heol Y Graig, Cwmgwrach, Neath SA11 5TW) as detailed in the circulated report.

**RESOLVED** That following the site visit prior to today's meeting on 6 June 2017, and in accordance with Officers' recommendations, Application No. P2017/0245 be approved with conditions as detailed within the circulated report.

4. **APPLICATION NO: P2017/0112**

Officers made a presentation to the Planning Committee on this Application (development of new roadside services, to include sales building (use class A1), forecourt canopy, underground storage tanks, car care facilities, coffee shop/restaurant with drive thru facility (A1/A3), car parking, landscaping and associated works at Land Between A465 and, High Street, Blaengwrach, SA11 5NZ) as detailed in the circulated report.

In accordance with the Council's approved Public Speaking Protocol, Councillor C.Edwards (Local Ward Member), P.Richards (Town/Community Councillor, against the application), L.Jenkins (also against the application, for different reasons), followed by J.Sutton (Agent), addressed the Planning Committee.

Committee then debated the application in line with the protocol.

In line with the paragraph 14.6 of the Council's Rules of Procedure, Councillor S.Bamsey exercised his right for his individual vote to be recorded at this item – the Councillor voted against the proposal.

**RESOLVED** That following the site visit prior to today's meeting on 6 June 2017, and in accordance with Officers' recommendations, Application No. P2017/0112 be approved with conditions as detailed within the circulated report, and the additional/amended conditions as follows:

1. Amended condition 7 as follows:

(7) Prior to work commencing on site, a scheme shall have been submitted to and approved in writing by the Local Planning Authority detailing the measures (both on- and off-site) which will be put in place to prevent the use of the site/development at any time for the purpose of servicing or

fuelling Heavy Goods Vehicles (HGVs), with the use of the site by HGVs restricted only to those servicing the fuel tanks at the filling station. In addition to physical measures on site, the scheme shall include the specification and location of a highway sign to be designed in compliance with Traffic Signs Regulations and General Directions 2016 advising motorists of the HGV restriction. The Approved signage and measures shall be implemented prior to the first beneficial use of the development hereby permitted, and thereafter retained at all times.

Reason:

In the interest of highway safety.

2. Additional condition (No. 19 with subsequent conditions re-numbered): waste / refuse / litter management scheme:

(19) No building hereby permitted shall be occupied until such time as a waste/refuse/litter management scheme – which shall provide for waste bins, screens/enclosures and regular management of the site - has been submitted to and approved in writing by the local planning authority, and all approved measures implemented on site. The use shall thereafter be operated in accordance with the agreed scheme.

Reason:

In the interests of visual amenity.

3. Additional Condition 22: Restriction on hours of operation for A3 use:

(22) In respect of the Class A3 drive-thru coffee shop/restaurant, customers are not

permitted on the site (including drive-thru) or premises outside the hours of 07:00 to 23:00.

Reason:

In the interests of residential amenity.

4. Amended condition 14 as follows:

(14) Prior to work commencing on construction a scheme shall be submitted to the Local Planning Authority for written approval detailing pedestrian, cycle and vehicular access improvements fronting onto chain road, including measures designed to ensure that safe access to the pedestrian underpass to the north is maintained. This scheme as approved shall remain open to the public thereafter and shall be implemented prior to the first use.

Reason:

In the interest of visual amenity.

5. **APPLICATION NO: P2014/0825**

(Note: An amendment sheet in relation to Application Number: P2014/0825 was circulated prior to the meeting, on which the Chairperson had allowed sufficient time for Members to read, in respect of application items on the published agenda, the Chairperson had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

Officers made a presentation to the Planning Committee on this Application (Installation of 13 wind turbines with a maximum tip height of 120m to generate up to 39 MW, together with ancillary development including substation and control building, on site



underground electrical cables, stone site access tracks, temporary construction compounds, turbine foundations and temporary crane pads at Foel Trawsnant, Bryn, Port Talbot) as detailed in the circulated report.

**RESOLVED:** That in accordance with Officers' recommendations, Application P2014/0825 be approved subject to the Conditions and Section 106 Agreement with heads of terms as detailed within the circulated report.

6. **APPLICATION NO: P2017/0421**

Officers made a presentation to the Planning Committee on this Application (change of use from dwelling (C3) to a House of Multiple Occupation (C4) at 85 Talbot Road, Port Talbot SA13 1LA) as detailed in the circulated report.

**RESOLVED** That in accordance with Officers' recommendations, Application No. P2017/0421 be approved with conditions as detailed within the circulated report.

7. **APPLICATION NO: P2017/0276**

Officers made a presentation to the Planning Committee on this Application (children's play area including associated equipment plus section of ball top fence and basketball hoop at Land At Abernant Park, Glynneath, Neath SA11 5BB) as detailed in the circulated report.

**RESOLVED** That in accordance with Officers' recommendations, Application No. P2017/0276 be approved with conditions as detailed within the circulated report.

8. **DELEGATED APPLICATIONS DETERMINED BETWEEN 21 MARCH AND 25 MAY, 2017**

Members received a list of Planning Applications which had been determined between the 21 March and 25 May 2017, as detailed within the circulated report.

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

**CHAIRPERSON**

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2017/0248</b>	<b><u>DATE:</u> 07/04/2017</b>
<b>PROPOSAL:</b>	New single storey primary school for 420 pupils, plus nursery accommodation for 38 pupils, and ancillary sprinkler tank, refuse store, on-site car parking, on-street car parking, a playing field and Multi use games area, means of enclosure, hard surface play areas, and associated engineering works.
<b>LOCATION:</b>	Former Cwrt Sart Comprehensive School, Old Road, Briton Ferry, Neath SA11 2ET
<b>APPLICANT:</b>	Director Of Education
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Briton Ferry East

### SITE AND CONTEXT

The application site is located on land off Old Road, Briton Ferry.

The site measures approximately 3.8 hectares in area and was formerly occupied by Cwrt Sart Comprehensive School, which comprised a number of school buildings, playing fields and tarmac areas, with vehicular access off Old Road. The surrounding area consists mainly of residential properties with a mix of commercial properties.

The site gradually slopes down to the west, and also slightly from the north up to the south. The highest plateau housed school buildings (four main blocks) as well as an outbuilding, caretaker's house and playing fields. Centrally located within the site was the main school building to the front of which was a concrete surfaced outdoor tennis court and Astro Turf pitch. Carreg Hir standing stone is located close to the southern boundary.

### BACKGROUND TO NPTCBC 21<sup>ST</sup> CENTURY SCHOOLS PROGRAMME AND STRATEGIC OVERVIEW

The Council is responsible for promoting high educational standards and for delivering efficient primary and secondary education. Having the right schools in the right place and ensuring that they are fit for the 21st century learner is the challenge facing the Council. Achieving this will

involve reviewing the number and type of schools the Council has in its area, and assessing whether or not best use is being made of resources and facilities.

Implementing the Strategic School Improvement Programme (SSIP) involves reviewing existing provision and determining the number and type of schools needed to deliver education effectively and efficiently across the County Borough. It will most likely lead to substantial change involving opening new schools, closing existing schools, merging or amalgamating schools, federating schools and promoting new initiatives that support collaborative working between schools.

The Council has decided to review its provision on the basis of:

- educational standards;
- the need for places and the accessibility of schools;
- the quality and suitability of school accommodation;
- effective financial management.

At its meeting of 20th July 2016 the Council's Cabinet decided to implement the proposal to establish an English-medium, community primary school at this site.

## DESCRIPTION OF DEVELOPMENT

This is a full planning application for the construction of a single storey school building, access arrangements, car parking, tarmac fenced MUGA, boundary treatment, landscaping and associated service facilities and engineering operations.

The former secondary school has been demolished and a new, state of the art primary school built is proposed in its place, which will replace and serve the combined catchment areas of Brynhyfyd Primary, Llansawel Primary and Ynysmaerdy Primary schools. The new English-medium community primary school for boys and girls aged 3-11 years will accommodate 420 full-time pupils and 75 part-time (38 a.m./37 p.m.) pupils, and will have sufficient capacity for pupils from the area.

### Building Design and Scale

The new 'U' shaped school building is proposed to be located in the centre of the site, running along the north-west to south-east axis. The

proposed buildings will be single storey with a small area extending to approximately 6m in height to accommodate the hall area.

The proposed building equates to a total of approximately 2500m<sup>2</sup> of gross internal floor-space with 4 main core areas as follows, all with access directly to outside play space:

- Admin/Dining/Halls
- Nursery/Reception
- Infants
- Juniors

The overall height of the proposal has been reduced from the previous teaching blocks on the site, making the new development more in keeping with the surrounding urban and residential context. Given that the general form comprises simple rectangular elements, the elevations have been articulated with coloured panels to provide depth and interest together with windows which have a vertical emphasis.

The proposed roof is of a low pitch standing seam solution with moderate overhangs, split by high level clerestory windows that let natural light down in to the central spaces of the school with a combination of facing brick and composite feature colour cladding to the walls.

#### Access and Car Parking:

The proposal includes a dedicated staff and visitor car parking which has been designed relative to the transport assessment requirements. All of the onsite vehicular parking has been accommodated on the southern corner of the site adjacent to the existing entrance off Old Road.

The proposed scheme provides 82 on site car parking spaces (76 staff spaces plus 6 disabled staff/visitors spaces) and an estimated 20 additional off-street parking spaces outside of the school grounds along Old Road for parent drop off and/or residents' parking.

The proposal also includes parking laybys adjacent to Old Road within the application site, but outside of the school grounds. This could be used for parent drop off and/or residents' parking where necessary.

It is proposed that all school traffic will access and egress the site from the existing entrance on Old Road. An additional pedestrian access is located to the west of the site off Pant yr Heol.

### Sports and Play Facilities:

The proposal will provide one new grass pitch to the east of the school which subject to school management will be available for community use. This is located on land currently occupied by the existing school and sports pitch. A new MUGA (Multi-use games area) is also proposed to the north of the new school building. Informal play areas are proposed adjacent to the new building.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

### PRE-APPLICATION CONSULTATION / NEGOTIATIONS

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 a Pre-Application Consultation (PAC) was carried out by the developer. The consultation exercise took place between 22<sup>nd</sup> October 2016 and 20<sup>th</sup> January 2017. The consultation involved notifying local residents within the surrounding area, together with Ward members, and specialist consultees, who were directed to the website where the details of the development were available.

As a result of the consultation 3 comments were received from local residents. The comments related to the siting of the proposed MUGA in relation to their properties, past issues when the previous comprehensive school occupied the site and concerns over light pollution from flood lights.

Following the PAC process the scheme was amended to exclude the floodlighting and provide additional "drop off" bays.

### PLANNING HISTORY

The application site has the following relevant planning history: -

- P2016/0633 – Prior notification for the demolition of buildings on site – Prior approval not required. 12/8/16

## CONSULTATIONS

**CADW:** No objection.

**Natural Resources Wales:** Raises significant concerns.

**Glamorgan Gwent Archaeological Trust:** No objection, subject to condition.

**Sports Wales:** No objection

**Neath Town Council:** No objection.

**Briton Ferry Community Council:** No reply, therefore no comments to make.

**Welsh Water:** No reply, therefore no comments to make.

**Crime Prevention Design Advisor:** No objection subject to conditions.

**Contaminated Land Unit:** No objection, subject to conditions.

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

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

**Biodiversity Unit:** No objection, subject to conditions.

**Environmental Health Section:** No objection, subject to conditions.

**The Coal Authority:** No objection, subject to a condition.

## REPRESENTATIONS

The neighbouring properties were consulted and site notice displayed on April 13<sup>th</sup> 2017. The application was also advertised in the press on 22<sup>nd</sup> April 2017.

In response, to date 1 no. representation has been received, with the issues raised summarised as follows: -

- Currently a green steel fence stands some 18 metres from the rear boundaries and was erected after complaints were made. Whilst the school has been demolished it is hoped that the fence will remain, however it is assumed that the proposed landscaped area will maintain the distance.

## REPORT

### National Planning Policy / Guidance

#### [Planning Policy Wales](#) (Edition 9, November 2016)

Technical Advice Note 5:	Nature Conservation and Planning	
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	
Technical Advice Note 18:	Transport (2007)	
Technical Advice Note 24:	The Historic Environment	

### Local Planning Policies

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

#### Strategic Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP5** Development in the Coastal Corridor Strategy Area
- **Policy SP10** Open Space
- **Policy SP11** Employment Growth
- **Policy SP12** Retail
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP17** Minerals
- **Policy SP18** Renewable and Low Carbon Energy



- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP22** Welsh Language

#### Topic based Policies

- **Policy SC1** Settlement limits
- **Policy OS1** Open Space Provision
- **Policy OS2** Protection of Existing Open Space
- **Policy I1** Infrastructure Requirements
- **Policy EN8** Pollution and Land Stability
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy W3** Waste Management in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

#### *Supplementary Planning Guidance:*

The following SPG was approved in October 2016 and is of relevance to this application: -

- [Parking Standards](#)
- [Pollution](#)
- [Affordable Housing](#)

#### 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.

### Issues

The main issues for consideration with regard to this application relate to the principle of 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 and historic interests, contaminated land together with other issues raised by consultees.

### Principle of Development

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of constructing a school on the site of an existing one is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

### Impact on Visual Amenity

As previously stated, the proposed development would ultimately replace the existing old school buildings with a fresh and modern 21<sup>st</sup> Century primary school. The main school building has been developed as a single storey block, the overall height of the proposal has been reduced from the former two storey teaching blocks on the site, making the new development more in keeping with the surrounding urban and residential context.

Given that the general form comprises simple rectangular elements, the elevations have been articulated with a mixture of colour and brick panels to provide depth and visual interest to the elevations. In respect of the roof design, it is noted that this is of a relatively low pitch with moderate overhangs, split by high-level clerestory windows that let natural light down in to the central spaces of the school. It is therefore considered that the proposed school building would be a significant improvement over the existing old school buildings, and would have no unacceptable impact upon the character and appearance of the surrounding area or street-scene.

In respect of the car parking and drop-off areas specifically, these would be sited to the front of the site adjacent to Old Road. It is noted that the proposal also requires the loss of some trees, but these would be replaced with new landscaping/ planting throughout the site. The use of brick paving would also reduce the visual impact of the large parking and drop-off areas, and provide a contrast to the tarmac road area. Given the context and scale of the overall proposal, and the variety of buildings which previously occupied the site it is considered that this element would not have a detrimental impact upon the overall character and appearance of the surrounding area or street-scene.

With regards to the new sports facilities, as these would replace existing ones within the site, it is considered that these would provide an acceptable addition within the street-scene, given the existing educational context of the site.

It is therefore considered that in terms of visual amenity and the character of the area that the overall proposed development would provide an appropriate addition to this area, and therefore accords with Policy BE1 of the Local Development Plan.

#### Impact on Residential Amenity

With regards to potential impacts from the school building itself, it is noted that the building would be single storey in height, which is a reduction over the buildings which formerly occupied the site. The school is also set centrally within the site, with the majority of windows looking east or west, albeit with a small number of windows on the northern and southern elevation. Nevertheless, due to the siting of the main school building relative to the surrounding neighbouring properties, and the minimum separation distance of 40 metres involved, it is considered that the overall proposal would not create any unacceptable overbearing or privacy impacts on surrounding residential properties.

In respect of the proposed MUGA it is noted that the nearest residential properties would be 6-10 Harvard Jones Close. These would be located approximately 13m to the north of the fence-line enclosing the MUGA. It should be noted that this area was formerly occupied by a much larger tennis court. Whilst it is acknowledged that these properties have rear facing windows on the southern elevation a close boarded fence separates the application site from these properties. As it is

acknowledged that there were existing sports facilities at this location, it is considered that the proposal would not create any significant overlooking issues or unacceptable disturbance over and above that which may have been experienced previously.

Turning to the proposed car parking and drop-off bays specifically, although these would be located towards the front of the site, it is noted that there would be a separation distance of approximately 20m from the staff/visitor car park to the properties in Tyla Road. It should also be noted that these spaces would face east, away from these properties. The addition of landscaping along the fence line of the school grounds will assist with screening the car parking area from these residential properties. As a consequence it is considered that the parking area would not create an unacceptable impact on residential amenity.

In respect of potential noise and disturbance from the proposal, including the proposed sporting facilities, the Environmental Health Section has assessed the submitted External Noise Assessment and Construction Methodology Plan and offers no objection to both the construction phase and completed development, including sports pitches subject to conditions. These conditions relate to the submission of a Community Engagement Plan as the demolition of the existing school has generated a significant amount of complaints, in particular in relation to noise, vibration and dust. Therefore, as the residents have already had negative experiences with works on site it is considered essential that the developer ensures that potential sources of disturbance are controlled and negative impacts minimised. Whilst the Construction Methodology touches on pollution control in relation to dust, noise and vibration additional information is required to identify further potential sources of disturbance and the control measures which will be implemented through the imposition of conditions requiring the submission of an Environmental Management Plan and a piling method statement.

Provided these are imposed on the application it is considered that the development would be acceptable in terms of potential noise and disturbance of neighbouring residential properties within the local area.

In addition to potential noise and disturbance, it should be noted that any flood lighting of the site and especially the sports pitch has the potential to impact on neighbouring properties, especially during evenings. No specific lighting plan has been submitted in support of the application, however, in order to ensure there are no unacceptable

impacts on neighbouring residents, a condition is proposed to require submission of a lighting scheme (covering the whole of the site) to ensure that any lighting is adequately angled and or shielding erected to prevent unacceptable light spillage. Given the potential for local impacts, it is further suggested that a condition is also attached which would require post-operation monitoring in the event of complaints being received to ensure the approved scheme has been implemented correctly to minimise such harm. Provided these are imposed on the application, it is therefore considered acceptable in terms of impacts on amenity relating to external lighting of the site.

As such it is considered that the overall proposals accord with the principles set within Policy BE1 of the Local Development Plan.

### Parking and Access Requirements and Impact on Highway Safety

#### *Parking Provision*

As previously stated the proposal involves the creation of a new parking/drop-off area to the front of the new school building on the site. This area would be accessed off Old Road. A new parking lay-by is also proposed along Old Road, outside of the school grounds. This would be available for both parent drop-off and residents' parking. It is proposed that all school traffic will access and egress the site from Old Road.

The school would cater for approximately 458 pupils with a maximum requirement of 62 members of staff, most of which are full-time.

The approved parking Standards SPG states that, for new schools, 1 space should be provided per 5 children (maximum standards). Based on the above capacity a total of 92 spaces are required to serve the new school.

The proposed scheme provides 82 parking spaces (76 staff/visitor plus 6 disabled spaces) plus 20 additional off-street parking spaces outside of the school grounds along Old Road for parent drop off and/or residents' parking. This would total 102 spaces. In addition to setting maximum (not minimum) standards, the approved SPG also includes a sustainability tool which makes it possible to reduce the level of parking required by a development. The criteria measures the sustainability of a development in terms of walking distance to local facilities, public transport and cycle routes and frequency of local public transport. The SPG also refers to developments where Travel Plans should be

required by condition, such a plan allowing for the relaxation of parking requirements.

Having regard to the relatively sustainable nature of the site, the fact that the school is a replacement on the site, and the fact that a travel plan will be sought by condition, it is considered that the extent of parking and drop-off broadly accords with the Parking Standards SPG (October 2016), and represents an acceptable amount of parking to serve the development.

### *Access Arrangements*

The proposals incorporate utilising the existing vehicular and pedestrian access points to the school both during construction and operation of the school. The developer has submitted a Construction Method Statement in support of the application, which specifies the hours of construction (7am to 6pm Monday to Fridays) 8am to 1pm Saturday and Sundays) and delivery restriction times (to avoid peak school times).

It should be noted that the submitted scheme and supporting transport assessment and construction method statement have been fully assessed by the Head of Engineering and Transport who offers no objection to the proposed development, subject to conditions. These relate to the provision of Traffic Regulation Orders, travel plan, provision of bicycle parking, construction/ delivery restrictions. Provided the requested conditions are imposed on the application, it is therefore considered that the overall scheme, as proposed, would not create any unacceptable highway or pedestrian safety issues.

### Biodiversity / Ecology

The Local Authority's Ecologist has advised that the proposals will remove potential bird nesting/foraging habitats which must be mitigated for under the Habitat Regulations (amended 2012). As such they have recommended that the new building should include artificial nesting sites for birds. This can be imposed by a suitably worded condition. The application is therefore considered acceptable in terms of biodiversity.

## Flood Risk / Drainage

It should be noted that the application site is located partially within the flood zones B and C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15 Development and Flood Risk (July 2004).

Schools are classified by TAN 15 as 'highly vulnerable' as detailed in Table 3-2 and consequently should not be considered within areas of Flood Zone C2, however as acknowledged by NRW there is no change in vulnerability of the site as a new school is being proposed on the site of a previous school. The vast majority of the site, including all buildings, parking, main access, will be located in Zone B with a small area falling within Zone C2.

The application has been accompanied by a detailed Flood Consequences Assessment (FCA). Following a review of the FCA, NRW have confirmed that the proposed building is free for the 0.5 % plus climate change AEP<sup>1</sup> event and the 0.1 % AEP event. A review of the model shows that the western side of the development site is at flood risk from climate change for both the 0.5% and 0.1 % APE tidal risk for both the baseline (pre development) and proposed changes to the site. Flooding that does occur for the proposed development would be in the western extent of the site within the green areas, pedestrian access onto Pant yr Heol and part of the playground. The pedestrian route is affected in the 0.5% plus climate change event and the 0.1 % AEP event to a depth ranging between 0.5 and 1m. Whilst the main entrance off Old remains flood free.

The FCA advises that any additional changes in ground levels has the potential to reduce suitable flood storage or change flow paths, which would increase the impact on third parties. The FCA has thus modelled pre- and post-development flood levels, which confirm that there is very little change in flood levels as a result of the proposed development. There is however one exception, this relating to a small portion of a neighbouring garden directly to the south of the proposed school where there is an increase of flood depth of up to 10cm in the 0.5% plus climate change event. It is due to the third party detriment that NRW has raised significant concern. Nevertheless, the FCA also refers to the margin of error and "confidently conclude that this does not constitute a 'real' increase in flood risk"

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<sup>1</sup> Annual Exceedance Probability

Having regard to the above, the concerns of NRW are noted, while also noting that the increase referred to above is in an area that is not currently showing as flooding. Nevertheless, whilst it is regrettable that the development impacts on this property's garden contrary to the guidance contained in TAN 15, it is considered that on balance the predicted depths are negligible and such an impact can be addressed through a suitably designed drainage scheme. Moreover, the drainage condition will require design works to seek to prevent such third party detriment if at all possible.

The Head of Engineering and Transport (Drainage Section) has also assessed the submitted proposal, and notes that there is the potential for fluvial flooding from the ordinary watercourse which crosses the site. As a consequence the Drainage Officer offers no objection to the overall proposal, subject to conditions in respect of a full drainage scheme and further investigation in relation to both surface water flood risk and fluvial flood risk and the associated mitigation measures.

Provided these are imposed on the application, it is therefore considered that the proposed development would be acceptable in terms of potential flood risk.

#### Contaminated Land

The site has been identified as potentially contaminated land, however a Geotechnical and Geo Environmental Report was submitted in support of the application, which has been assessed by the Contaminated Land Unit. They offer no objection to the proposal, subject to conditions. As such, it is considered that the proposed development would be acceptable in terms of pollution.

#### Impact on Historical Interests

Planning Policy Wales explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Para A5 of Technical Advice Note 24: The Historic Environment elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause



damage, or which would have a significant impact on the setting of visible remains.

As referred to earlier in this report a Scheduled Ancient Monument known as Carreg-Hir Standing Stone (GM170) stands on the site. Previously it was surrounded by the buildings of the former school, but these buildings have now been demolished and the stone will be in an area of open space with a car park to the east and a 2.4 weld meshed fence to the west. As a consequence, it is considered that the removal of the existing buildings and the siting of the proposed development away from the stone will have a significant beneficial impact on the scheduled monument and its setting.

### Archaeology

A written scheme of Investigation for an Archaeological Watching Brief was submitted in support of the application, which has been assessed by Glamorgan Gwent Archaeological Trust. They note that a Scheduled Ancient Monument is in situ and as such would have been an important feature and may mark some other buried archaeological feature. As the site has an archaeological constraint and that the historical assets within the wider area indicate that currently unknown, below-ground archaeological remains may survive and be encountered during the course of the development. In order to overcome this, they recommend a condition is imposed on the application requiring an archaeological watching brief, to ensure that any remains encountered are properly investigated and recorded. Provided the suggested condition is imposed on the application, it is therefore considered acceptable in terms of archaeology.

### Coal Mining

The application site falls within the defined Development High Risk Area and as such a Mining Desk Study Report has been submitted in support of the application which has been assessed by The Coal Authority. The Report concludes that the risk to the proposed development from historic shallow mine workings is considered to be low, however due to likely presence of shallow coal seams, there remains a possibility of unrecorded workings below the site. Accordingly, the Report indicates that if piled foundation solution is to be used it would be prudent to undertake an intrusive ground investigation in the form of boreholes in order to establish the condition of shallow coal seams. It is recommended that a condition is imposed on the application requiring

these site investigation works are undertaken. Provided that this suggested condition is imposed it is considered that the requirements of Planning Policy Wales can be met in that the site can be made safe and stable for the proposed development.

### Other Matters

As identified earlier in this report, representations were received in response following the publicity exercise. In response to the issues raised which have not been addressed elsewhere in this report, the following comments are made:

The submitted details indicate that the existing rear boundary treatment separating the residential properties in Harvard Jones Close and the application site will be maintained with a proposed MUGA and landscaped buffer adjacent to the boundary. It is considered that this buffer which varies in depth of between 5 and 30 metres is sufficient to ensure that the amenity of adjacent residents is safeguarded.

### 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 application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area over and above that experienced from the previous school. Furthermore, the development would not have a significant impact on highway and pedestrian safety, flooding, the setting of a scheduled ancient monument, foul and surface water discharges, or ecological issues. Hence, the proposed development would be in accordance with Policies SC1, OS1, OS2, EN8, RE2, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

## CONDITIONS:

### Time Limit Conditions

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

### Reason

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

### Approved Plans

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

Topographic survey- T47430/S271/02

Location Plan- T47430/LOC

Location Plan – A1145-001

Site Plan-A1145-002 Rev A

Proposed Plans, Elevations/Images –A1145-003

Topographical Survey- SAAC.16.024

Existing and Proposed Sections- A1145-004

Archaeological Written Scheme of Investigation- Report No 2016/043 (July 2016)

Level 2 Flood Consequences Assessment (JBA Consulting) –June 2017

Quantum Geotechnical – Mining Desk Study (20/1/17)

Land Contamination Preliminary Risk Assessment-E4/5/006 May 2016

Tree Survey, Categorisation and Constraints Report – Steve Amber and Sons Tree Specialists Ltd.(Dec 2016)

Quantum Factual Ground Investigation Report (Report No G915/FR)

Design and Access Statement

Transport Assessment - Atkins December 2016

External Noise Assessment (1610129R01)-26/10/16

Pre Application Consultation Report-9/3/17

Construction Methodology Plan (N17-12PS/001 Rev A)

Reptile Survey- Rob Colley-July-August 2016

### 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 until an intrusive site investigation (including boreholes) indicating the nature and extent of any land instability and also to confirm coal mining conditions at the site has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the local planning authority before any development begins. In the event that the site investigations confirm the need for remedial works to treat the recorded mine entry and/or any areas of shallow mine workings within the application boundary, and/or any other mitigation measures (e.g. gas protection) a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The site shall be remediated in accordance with the approved measures as part

of the approved development and prior to commencement of development on site (as may be appropriate).

#### Reason

To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

(5) No development shall take place until an Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Environmental Management Plan shall identify all significant noise, dust, and vibration sources; monitoring details; detail the physical and operational management controls necessary to mitigate emissions. The plan shall also detail any complaint investigation procedures. The approved Environmental Management Plan shall be adhered to throughout the operation of the approved use.

#### Reason

To protect the amenity of the locality, especially for people living and/or working nearby.

#### Action Conditions

(6) Prior to the commencement of the building of the superstructure a 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 minimized, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(7) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition (Please insert the condition number requiring remediation to be carried out) 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.

(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.

(9) Prior to first beneficial use of the primary school hereby permitted, a parking survey, in accordance with a methodology which shall first have been agreed in writing by the Highway Authority, shall be undertaken between the hours of 08.00 and 09.30 and 15.00 and 16.00 on the following streets:-

- Old Road for 200 metres in either direction of the main access into the school.
- Tyla Road, Darren Road, Station Road, Farm Road and Penrhiwtyn Drive.
- Harvard Jones Close, Maydrew Way, Ormond Street and Pant Y Heol.

No later than three months following the opening of the school, a follow-up survey shall be conducted which shall seek to identify any impacts arising from the development, along with any mitigation proposals (if required), the results of which shall be submitted for the written approval of the Local Planning Authority within one month of the survey being completed. Any on street mitigation measures identified as part of the survey shall be implemented in accordance with the agreed details within 4 months of the approval of such details.

Reason

In the interest of highway and pedestrian safety

(10) Prior to work commencing on the public parking bays and footway along Old Road a scheme at a scale of 1:200 shall be submitted to and approved in writing by the Local Planning Authority detailing the following:-

- Street lighting proposals to include the relocation of any lamp columns
- Highway drainage to include the relocation of existing road drainage
- Widening of the footway to 3.0 metres including construction details of the footway and parking bays
- Relocation of existing bus stop/shelter.

These details as approved shall be implemented prior to the first beneficial use of the school.

Reason: In the interest of highway and pedestrian safety.

(11) Prior to work commencing on constructing the main vehicular access a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the vehicular barrier system which shall include measures to prevent pedestrians from walking under them.

Reason

In the interest of pedestrian safety.

(12) At least 4 months prior to the school opening a scheme for the alterations to existing Traffic Regulation Orders and the introduction of new Traffic Regulation Orders along Old Road shall be submitted to and approved in writing by the Local Planning Authority. This scheme as approved shall be implemented prior to first beneficial use.

Reason

In the interest of highway and pedestrian safety.

(13) Within 3 months of the first beneficial use of the school commencing, a travel plan shall be submitted to be approved in writing by the Local Planning Authority and shall include reduction targets of vehicles accessing the site and a monitoring regime. Full monitoring shall take place in the 1st, 3rd and 5th year with an interim report in the 2nd and 4th year the result of which shall be submitted to and approved in writing by the Local Planning Authority. After five years of operating the first travel plan, a further travel plan addressing any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan shall be submitted to and agreed in writing by the Local Planning Authority within three months, and implemented accordingly within three months following its approval.

Reason

In the interest of highway and pedestrian safety.

(14) Notwithstanding Drg A1145-002 prior to first beneficial use of the school a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing bicycle parking at a ratio of 1 stand per 5 staff, 1 stand per 20 children and motorcycle parking at 5% of the car parking provision this scheme as approved shall be implemented prior to first beneficial use.

Reason

To promote sustainable means of transport.



(15) Prior to their use in the development hereby approved, details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity.

(16) Prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the whole site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all external lights, the specification, intensity of illumination, predicted lighting contours (Lux plots), together with proposed hours of operation and any mitigation measures required. The scheme shall also demonstrate that dark corridors are retained for the movement of wildlife, and provide timescales for the installation of all lighting. The approved lighting shall be implemented on site in accordance with the approved scheme only, and retained as such thereafter.

Reason

In the interest of residential amenity and to prevent any unacceptable light spillage, and in the interest of biodiversity and protected species.

(17) Prior to the installation of any temporary construction lights on site, the location of all external lights, the specification, intensity of illumination, together with any mitigation measures required shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved scheme only.

Reason

In the interest of residential amenity and to prevent any unacceptable light spillage, and in the interest of biodiversity and protected species.

(18) Notwithstanding the submitted details, prior to the first beneficial use of the new school, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how all native trees that are to be removed will be replaced by at least 2 native trees of local provenance, details of wildflower areas, soft landscaping to include a majority of native and/or wildlife friendly species, protection of existing trees. All planting, seeding or turfing

comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development hereby permitted, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species.

#### Reason

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

(19) Prior to the commencement of works on the superstructure of the school building, details for the provision of artificial nesting sites for birds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include manufactured bird bricks incorporated into the fabric of the building or alternatively artificial nest boxes placed on the outside of the building. Development shall be undertaken on site in accordance with the approved scheme, and retained as such thereafter.

#### Reason

In the interest of biodiversity, as the proposals will remove potential bird nesting/foraging habitats which must be mitigated for under the Habitat Regulations (amended 2012).

(20) Prior to the installation of any CCTV cameras on site a scheme detailing their location and specification shall be first submitted to and approved in writing by the Local Planning Authority. The cameras installed on site shall be in accordance with the approved scheme only, and retained as such thereafter.

#### Reason

In the interest of visual and residential amenity.

(21) Prior to the first beneficial use of the school commencing, a scheme detailing the number, type and location of the solar PV panels shall be submitted to and approved in writing by the Local Planning Authority. The approved solar panels shall be installed prior to the first use of the school, and maintained at all times thereafter for energy generation.

## Reason

In the interest of visual amenity and in accordance with Policy RE2 of the Neath Port Talbot Unitary Development Plan.

(22) Notwithstanding the submitted drainage strategy prior to works commencing on the drainage of the site a revised drainage strategy which shall include appropriate design solutions to prevent flooding to adjoining 3rd party land shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall take into account the impermeable area's utilised within the revised FCA , the capacity of the existing culvert and This strategy as approved shall be implemented prior to first use and retained as such thereafter.

## Reason

To ensure all flooding risk has been investigated and mitigated to avoid potential flooding onto third party land or the public highway, and to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(23) Within one month of the date of this consent a Community Engagement Plan which shall include a complaints procedure shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.

## Reason

In the interest of residential amenity.

(24) No piling activities for the construction of the authorised development may commence until a piling method statement has been submitted to and approved by the local planning authority. This shall include a detailed justification for the piling methodology to be used for this development, and details of all mitigation measures to be implemented on site to prevent noise and nuisance to adjoining noise sensitive receptors. Piling shall be carried out in accordance with the approved method statement unless otherwise approved by the local planning authority.

## Reason

For the protection of residential amenity during the construction phase.

## Regulatory Conditions

(25) The approved Construction Method Statement shall be adhered to throughout the construction period.

### Reason

In the interest of protection of the environment

(26) All proposed boundary treatments and means of enclosures as detailed on Drawing No A1145-002 Rev A shall be erected on site prior to the occupation of the associated development, and retained as such thereafter.

### Reason

In the interest of visual and residential amenity.

(27) The archaeological programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme, Cwrt Sart Comprehensive School, Old Road, Neath Port Talbot, Archaeological Written Scheme Of Investigation, GGAT Report Number 2016/043, dated July 2016.

### Reason

In order to mitigate the impact of the works on the archaeological resource.

(28) All works to the trees on site shall be undertaken in accordance with the approved Tree Survey, Categorisation and Constraints Report and in accordance with BS5837:2012 Trees in relation to design, demolition and construction.

### Reason

In the interest of visual amenity and biodiversity.

(29) During all excavation works on site, trenches shall be covered overnight or means of escape provided in them to prevent any wildlife becoming trapped inside.

### Reason

In the interest of biodiversity.

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

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

<b><u>APPLICATION NO:</u> P2016/0717</b>	<b><u>DATE:</u> 04/05/2017</b>
<b>PROPOSAL:</b>	Detached split level dwelling, with associated engineering works and off street car parking
<b>LOCATION:</b>	Land Adjacent to 261 Graig Road, Godre'r Graig, Swansea SA9 2NZ
<b>APPLICANT:</b>	Mr Hugh Jones
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Godre'rgrraig

## **BACKGROUND INFORMATION**

This application is reported to Planning Committee as the applicant is Councillor Hugh Jones, Ward Member for Cwmllynfell and adopted delegated procedures require that applications submitted by Councillors are determined at Planning Committee.

## **SITE AND CONTEXT**

The application site is a parcel of land located on the northern side of Graig Road. The site slopes steeply in a south-eastern direction down towards Graig Road, and has been the subject of extensive excavation and clearance work, undertaken prior to the submission of this application. Previously the site consisted of relatively dense shrubbery growing on undulating land. A number of trees are still located both within and to the periphery of the site.

There are a number of residential properties situated along the Graig Road frontage. Number 261 Graig Road, a detached dwelling known as Glyn Mawr, is located immediately to the west boundary of the application site. To the east boundary a property known as Oakdene is located in an elevated position above the application site set at a distance of approximately 23.8m away. To the east a further residential property fronts Graig Road, set some distance from the application site by a vegetated embankment.

Within the site itself there is an existing surface water drainage channel that leads to a culvert running under Graig Road.

The site is located within the settlement limits as defined by Policy SC1 of the Neath Port Talbot Local Development Plan. Planning permission in outline was granted in August 2008 for one dwelling on this site. This application has now lapsed.

## **DESCRIPTION OF DEVELOPMENT**

The proposed dwelling would sit within the front section of the plot and would be split level with the site being excavated to allow the new dwelling to be set within the existing slope. The building would appear as three storeys from the front elevation and two storeys from the rear. This design reflecting the restricted size and topographical constraints of the site.

The dwelling is of a contemporary design and would be slightly lower than the ridge height of the existing adjacent properties with a maximum ridge height of 9.2m to the front and 6.35 to the rear. It will have a maximum width of 9m metres and maximum depth of 10.8 metres, and be constructed with a slate pitched roof with its elevations being predominantly finished in a combination of natural stone and larch cladding to external walls.

Part of the first floor on the front elevation would be recessed into the dwelling forming a full width balcony. Similarly at second floor level, a balcony is proposed within the roof space. Vehicular access to the site would be directly from Graig Road, with a driveway leading to an integral garage at ground floor level.

To the rear the construction of a stepped garden is proposed with two main levels created though levelling the land and retaining works. Reinforced earth embankments are proposed to the side boundaries.

## **NEGOTIATIONS**

The drainage arrangements / constraints, ecological issues, issues of contaminated land and requirements for details of retaining works to be submitted were discussed prior to registration of the application. Clearance and ground works, including changes in ground level were undertaken on site that resulted in land stability and drainage concerns prior to the submission of an application.

Supporting information was submitted during the course of this application seeking to address these concerns, and it will be noted that



environmental integrity or neighbouring properties and health and safety.

- Boundary of site is not correctly aligned to the land registry document.
- Development resulting in land contamination from leaked fluids coming from digger placed on site
- Concerns about the reliability and integrity of the information and conclusions presented in the Land Quality Assessment
- Unsuitable construction plot given original topography and existing drainage infrastructure
- Design and suitability of retaining walls and structures proposed not adequate and does not take account of all relevant factors. Specifications as to what methods and materials are to be used during the excavation and early construction phases required showing how adjoining land will not collapse.
- Land is unstable with over-steepened slopes as a result of works undertaken and adjacent land has been undermined and is unstable as a result of the applicants' activities. Backfill or retaining structure required to stabilise our property along the length of the boundary and maintain the integrity of both our and the applicants' land.
- Protection of adjacent land from instability as a result of existing and proposed works
- Land Quality Assessment and the Technical Note on the Stability of Land Adjacent to 261 Graig Road, Godrergrraig have been unable to take account of prior work undertaken by the applicants in noting that there is no evidence of historical instability. Further, more comprehensive land report, required.
- Mynydd Allt-y-Grug is known as the moving mountain due to major land slippages that have occurred twice further along Graig Road – concerns about the safety of this development, both for the development itself, our property and the highway below.
- Established watercourse present on the site
- Temporary Headwalls and culvert have been completely blocked with sediment and detritus causing flooding to the road
- Adequacy of drainage report
- Impact on existing drainage infrastructure
- Inadequacy of temporary drainage works
- Earth moved by digger blocked all the open water channels on the site and surface water from adjacent property cannot now drain away on to application site causing flooding. Existing channel needs to be reinstated.



## **REPORT**

### **National Planning Policy:**

[Planning Policy Wales](#) (Edition 9 2016) sets out the Welsh Government's land use planning policy in respect of 'Promoting sustainability through good design' and 'Planning for sustainable buildings', which includes the role of local planning authorities in delivering good sustainable design.

Design is defined in PPW as:

“the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.”

PPW emphasises that:

“Good design is also inclusive design. The principles of inclusive design are that it places people at the heart of the design process, acknowledges diversity and difference, offers choice where a single design solution cannot accommodate all users, provides for flexibility in use, and, provides buildings and environments that are convenient and enjoyable to use for everyone.”

National Guidance:

The following [Technical Advice Notes](#) are also of relevance

### Technical Advice Note 12: Design

2.5 Good design is not inevitable. It requires a collaborative, creative, inclusive, process of problem solving and innovation – embracing sustainability, architecture, place making, public realm, landscape, and infrastructure.

2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.

2.7 A holistic approach to design requires a shift in emphasis away from total reliance on prescriptive standards, which can have the effect of stifling innovation and creativity. Instead, everyone involved in the design process should focus from the outset on meeting a series of objectives of good design. The design response will need to ensure that these are achieved, whilst responding to local context, through the lifetime of the development (from procurement to construction through to completion and eventual use). This analysis and the vision for a scheme can be presented in a design and access statement where one is required.

Technical Advice Note 18: Transport

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

Local Policy:

The Development Plan comprises the Neath Port Talbot County Borough Council Local Development Plan (2011 – 2026) (LDP) which was adopted in January 2016 and within which the following policies are of relevance: -

The application site lies within the settlement area as defined in the Neath Port Talbot Local Development Plan.

Strategic Policies

- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection

Topic Based Policies

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability

## Supplementary Planning Guidance:

The following SPG was approved in October 2016 and is of relevance to this application: -

- [Parking Standards](#)

## ISSUES

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

### Principle of Development

While the site benefited from outline planning permission which was granted in 2008, the period for the submission of reserved matters lapsed in 2011. Notwithstanding this, the proposed development lies within the settlement limits, as defined under Policy SC1 of the Neath Port Talbot Local Development Plan. Therefore the principle of a residential development on this site is generally acceptable subject to the development having no unacceptable impacts and complying with all other relevant policy.

### Impact on Visual Amenity

Policy BE1 of the Local Development Plan relates to design. It states that;

*“All development proposals will be expected to 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 all of the following criteria, where relevant, are satisfied:*

*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;*

*5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;*

*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);*

*7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;*

*8. It uses resources, including land and energy, as efficiently as possible through:*

*(a) Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;*

*(b) The layout and form of the development does not preclude the reasonable use of other adjacent land;*

*(c) Developing brownfield land in preference to greenfield land where possible;*

*(d) Minimising building exposure while maximising solar gain.*

*9. Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;*

*10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities."*

The appearance of dwellings in the vicinity of the application site while predominately two storey in nature is not uniform. However the general characteristic of buildings along Graig Road is for them to be set in an elevated position above the road. The proposed dwelling to some extent departs from this principle as it is stepped down slightly from the adjacent properties to the east and west. This reflects the site constraints and opportunities, with a split level dwelling set into the

embankment with 3 storeys to the front elevation reducing to two storeys to the rear. This responds to the site's steep gradient allows for a level ground floor level with direct access for a garage onto Graig Road, allowing off site parking to be provided.

Setting the property into the embankment, also serves to reduce the overall massing and scale of the dwelling, appearing to be built into the natural landscape. The scale and massing is further reduced through the use of reinforced earth embankments to the side boundaries, limiting the requirement for excessive large retaining walls.

The balcony features and window openings to the frontage adds variation to the primary elevation of the building and breaks up an otherwise simple elevation. Furthermore, the use of traditional and natural materials in the external finishes, i.e. timber cladding, and stone echoes the traditional materials used within properties in the surrounding area and the suburban location of the application site.

Whilst clearly adopting a more contemporary style of architecture than many of its near neighbours, the fundamental characteristics of the context are respected. Furthermore, the proposals provide a residential development that is appropriately scaled and formed, would sit comfortably within its surroundings including the prevailing topography and thus preserve the character and appearance of the street scene.

Having regard to the above the development is considered to comply with the overarching thrust of national Planning Policy Wales, especially TAN: 12 Design, in terms of promoting and enhancing design standards generally. Further to this it is considered to comply with Policy BE1 of the Local Development Plan.

#### Impact on Residential Amenity

The proposed detached dwelling has adequate outdoor amenity space, offered through balconies and terraces / gardens. The internal space is considered spacious and features rooms of an acceptable scale with adequate natural lighting and outlooks in order to offer a good residential environment.

In terms of immediate neighbours, Oakdene is well separated from the east boundary of the application site set away at a distance of approximately 24m. Furthermore, there is a separation distance between the boundary of the site and the side elevation of number 261

Graig Road of approximately 5.8m. Both properties are also located on higher ground.

The level of separation between the two adjacent dwellings together with the fact that the proposed dwelling is set down from these properties, is considered to be sufficient to avoid any unacceptable overbearing impact.

In terms of overlooking, side facing windows are proposed, together with front balconies and a rear terraced garden. However, other than the ground floor balcony that will require screening to one side, it is not considered that the proposed dwelling will have any negative impact on the residential amenity enjoyed by the occupiers of both adjacent properties in terms of overlooking. This is as the proposed dwelling is set below the levels of the adjacent properties and a 1.8m high timber close boarded fence is proposed to the perimeter of the application site. This relationship will ensure that any views from side facing windows and terraced garden areas will be obscured by the finished ground levels and proposed fencing. The second floor balcony area is screen by nature of its design that dictates that it is recessed within the main form of the house.

Notwithstanding this, as referred to above, a condition will be imposed requiring that screening is provided to the west elevation of the first floor balcony in order to obscure views towards the adjacent property at 261 Graig Road.

It is therefore considered that the proposed development would have no detrimental impact upon the residential amenities of the residents of the neighbouring properties in terms of potential unacceptable overlooking, overshadowing and overbearing impact.

#### Parking and Access Requirements and Impact on Highway Safety

The submitted plans show that the dwelling is to be accessed directly off Graig Road, and incorporates an integral garage and parking and turning area which would be set approximately level with the road frontage.

The Head of engineering and Transport (Highways Section) has no objection to the proposed development subject to conditions.

As such, it is considered that this dwelling will not adversely affect either vehicular or pedestrian safety and the proposal is therefore acceptable on highway safety grounds.

### Biodiversity / Ecology and Trees

Policy EN6 - Important Biodiversity and Geodiversity Sites - states that development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Interest for Nature Conservation (SINCs), sites meeting SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42 habitats or species will only be permitted where:

- 1. They conserve and where possible enhance the natural heritage importance of the site; or*
- 2. The development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site.*

*Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable.*

Whilst there are no protected trees on this site the application site has been identified as a Site of Interest for Nature Conservation (SINC), while also being within the boundaries of an Ancient Woodland.

The Biodiversity section has objected to the development because the site is identified as a SINC. Concern has also been expressed because the loss of ancient woodland, the loss of which cannot be compensated, such that the only option would be to allow the site to regenerate naturally back to woodland.

These concerns are acknowledged, and it is regrettable that site clearance has been undertaken prior to the submission of a planning application, resulting in adverse impacts on elements of the ancient woodland / SINC. A total of 10 trees will also need to be felled in order to accommodate the proposed development.

Noting that the works to clear and change the levels of the land have already taken place, and the woodland left is now of relatively low quality, the applicant has amended the scheme to exclude land beyond the extreme north boundary of the site to assist in the implementation of a scheme of mitigation. No details of the actual mitigation proposed

have been provided, however the parcel of land measures approximately 95 sq.m. and a condition can be imposed requesting that the detail of the mitigation scheme is provided prior to commencement of development on site. The scheme could for example include compensatory woodland/hedgerow planting.

It is also of note that Natural Resources Wales (NRW) in their response, are aware that the site is classified as ancient woodland, and as such “it is regarded as irreplaceable and considered seriously in planning policy”. Nevertheless, they note that the area is relatively small, and whilst raising their disappointment that the site was cleared prior to the submission of an application, accept that this is the current position, and offer no adverse comments in relation to biodiversity or ecology, subject to there being no further impact on surrounding woodland.

In concluding on this matter, the site clearance works have been undertaken and permission for the removal of the scrub and vegetation alone did not require permission. In addition the site lies within settlement limits and the principle of residential development, as clarified previously is acceptable, and notably in this case planning permission has previously been granted for development of this site. Within this specific site and policy context, it is thus concluded that the harm resultant from the works already undertaken have significantly affected the ecological value of the site, and whilst there is potential for this to re-establish, the development can provide a level of mitigation which whilst unable to replicate the lost habitat, will go some way in mitigating its loss. It is thus considered that the proposed residential development would, on balance, be acceptable and the impacts on biodiversity described above in this instance would not merit the refusal of this planning application.

### Land Stability and Development Design

Policy EN8 states that proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity or would expose people to unacceptable risk due to the following will not be permitted:

- Air pollution;
- Noise pollution;
- Light pollution;
- Contamination;
- Land instability;



- Water (including groundwater) pollution.

Proposals which would create new problems or exacerbate existing problems detailed above will not be acceptable unless mitigation measures are included to reduce the risk of harm to public health, biodiversity and/or local amenity to an acceptable level.

The council's engineering / structures section advise that there is no history of natural land instability in the particular area the application site is located. A walkover survey provided by the applicant that includes reference to land stability concurs with this view. Notwithstanding this, the application site has been subject to extensive excavation works prior to the submission of the planning application. Furthermore, given the sloping topography of the application site, the proposed development requires that the site would be significantly excavated to allow the new dwelling to be set within the existing slope. This, together with the restricted width of the application site and its relationship with adjoining properties and their curtilages means that the proposal needs to take account of land stability in the development design.

While some supporting information has been submitted with the application in respect of this issue, the councils engineering / structures section is of the view that it is insufficient to fully address the matter. A condition can however be used to secure the required and relevant detail. Such a submission will need to include retaining wall details, slope details / design, temporary support works and general information on land stability. This investigation and analysis would clearly have to demonstrate that the site can be safely developed and that the proposed development will not have an adverse effect on structural stability of neighbouring properties (during and post-construction).

Subject to compliance with the above mentioned condition, it is concluded that the proposed development would not be at risk due to ground instability and that the development at the site if designed correctly would not cause instability to adjoining buildings, land or infrastructure, subject to the imposition of suitably worded conditions.

#### Drainage and Flood Risk

While the Authority's drainage engineer has confirmed that there are no ordinary watercourses on the land following inspection, it is apparent

that the site has been historically accepting drainage water from land outside of the applicant's control that adjoins the site.

There are currently a total of 4 tributaries located within the site through which the site is accepting surface water from the hill side. 3 of these are located towards the north boundary of the site and a fourth towards the land immediately to the south west (upslope of Glyn Mawr). The fourth drain has been cut into the hillside at the level of the top boundary of the site and captures water that would otherwise run downslope toward Glyn Mawr. This open ditch discharges onto the top southwestern corner of the site. Water from each of the tributaries is eventually captured and then discharged to the culvert that crosses beneath Graig Road.

Correspondence received from members of the public makes particular reference to the excavation and drainage works that have been carried out at the site and the fact that they have interrupted existing drainage arrangements to the detriment of adjoining properties, particularly number 261 Graig Road, and the highway which has led to instances of flooding.

The applicant has submitted a drainage strategy that includes calculations and supporting drawings together with a temporary drainage scheme to cover the period until the site is developed. It is understood that the temporary scheme has been implemented on site, and a condition is imposed requiring such temporary works (identified on dwg. 002 rev. A) to be retained until such time as the permanent drainage solution has been implemented.

The long term drainage scheme as proposed collects 3 out of the 4 surface water tributaries referred to above. These are then discharged into a flow control chamber and then discharges at an acceptable rate downstream together with sufficient attenuation on site. It does however fail to provide evidence of the fourth intake which is required to accept surface water discharge to the site from 261 Graig Road (Glyn Mawr), as the site has done so historically.

The drainage proposals have been assessed by the Councils own Land Drainage Officer who generally concurs with their conclusions, subject to a condition requiring that provision is made for the development to accept the historic surface water from the adjoining land via a fourth intake.

## Contaminated Land

The applicant has submitted a Land Quality Assessment which has been assessed by the council's contaminated land officer. Initial concerns centred on whether the site was in fact a landfill. However, the council's contaminated land officer has confirmed that this is not the case. Notwithstanding this, it is recommended that a standard contaminated land condition is imposed so that if any unexpected contamination is encountered during development the council can ensure that it is dealt with appropriately.

Concerns were also raised in respect of the reliability / accuracy of the land quality assessment as it appeared to refer to adjacent land / property. However, the council's contaminated land officer is not concerned that this minor error would impact the conclusions of the report and is content that adequate information was available to carry out the assessment.

## Other Matters

A number of issues have been raised by objectors to this application. The issues associated with drainage, land stability, the land quality assessment and the environmental implications of the development have been addressed within this report.

Other concerns have been raised in relation to construction vehicles causing contamination, the developer allegedly carrying out criminal damage and unregulated / hazardous works and health and safety issues – each of these issues are dealt with under separate legislation outside of planning control. Finally, the issue relating to landownership / land registry matters is not a material planning consideration.

Officers have considered carefully all objections to these proposals and have come to the view that the objections raised do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed in this report.

## 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 application the

determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

The development is considered be a justified and appropriate form of residential development within settlement boundaries, complying with Policies SP15, SP16, SP20, SP21, SC1, TR2, BE1 , EN6, EN7 and EN8 of the Local Development Plan and also complying with the principles of good design as set out within TAN12: Design and Planning Policy Wales, which encourages and promotes good design principles having regard to a site's specific opportunities and constraints.

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:

- Drawing No. 001 Rev A - Site Location plan
- Drawing No. 002 Rev A - Existing site survey
- Drawing No. 003 Rev C - Proposed site plan
- Drawing No. 004 Rev A - Existing and proposed site sections
- Drawing No. 005 - Existing and proposed site sections 2
- Drawing No. 006 - Existing and proposed site sections 3
- Drawing No. 007 - Proposed elevations
- Drawing No. 008 - Proposed floor plans

Reason

In the interests of clarity.

## Pre-Commencement Conditions

(3) Notwithstanding the submitted drainage scheme, with the exception of works required in connection with the temporary drainage scheme identified on drawing 002 rev. A, no development shall commence until such time as amended details of a permanent land drainage scheme for the site (including a management and maintenance regime and timeframe for works) that also fully ensures historical land drainage connections to the site from adjoining land and how they will be permanently incorporated into the development and measures for land drainage during construction, has been submitted to and approved in writing by the local planning authority. The dwelling hereby approved shall not be occupied until such time as the approved drainage scheme has been implemented in accordance with the agreed timeframe of works, and shall thereafter be retained, managed and maintained in accordance with the agreed management and maintenance plan.

### Reason

In the interest of satisfactory drainage of the application site and to ensure the drainage of any adjoining land is not interrupted or otherwise adversely affected.

(4) Notwithstanding the submitted information, no development shall take place until details of all retaining works and final slope design have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):

i) A construction methodology outlining how the proposed works can be undertaken within the application site and not detrimentally impacting upon land adjacent to the site; ii) earthworks / slopes showing existing and proposed finished levels or contours; iii) retaining wall details including calculations; iv) temporary support works; v) hard surfacing materials; vi)

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

### Reason

In the interests of public safety, to protect the stability of the site and adjacent land and in order to ensure adequate design of retaining features and slopes

(5) Prior to commencement of development on site an ecological mitigation scheme which shall include a tree re-planting scheme and landscaping proposals, shall be submitted to and agreed in writing with the local planning authority. The scheme shall include a tree replanting scheme which shall include tree numbers, species, location, full specification and planting methods and post planting maintenance. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

#### Reason

In the interest of visual amenity and biodiversity in order to mitigate to the loss of trees and habitat resulting from the development.

(6) Notwithstanding the submitted plans, prior to first occupation of the dwelling hereby approved, details of a privacy screen to west facing elevation of the first floor balcony shall be submitted to and agreed in writing by the local planning authority. The agreed privacy screen shall be in place prior to occupation of the dwelling and retained and maintained as such thereafter.

#### Reason

In the interests of residential amenity

#### Action Conditions

(7) The temporary drainage works identified on dwg. 002 rev. A shall be fully implemented on site within two months of the date of this decision, and shall thereafter be retained in its approved form until such time as the permanent drainage solution required by condition (3) has been implemented on site.

#### Reason

In the interest of satisfactory drainage of the application site and to ensure the drainage of any adjoining land is not interrupted or otherwise adversely affected.

(8) Prior to their first use in the development, samples of the materials to be used in the construction of the external surfaces of the development, including retaining structures and driveways / turning areas, hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(9) All retained trees on the site and adjoining land that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

In order to protect the long term health of the trees to be retained.

(10) Prior to occupation of the dwelling, three off-street parking spaces, of which one shall be retained in the integral garage, shall be provided for the dwelling and retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(11) Prior to the occupation of the dwelling, the associated car parking spaces as shown on drawing 003 Rev C shall be hard surfaced in porous asphalt or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house to a maximum gradient of 1 in 9 and no less than 1 in 150. The drive/hard standing shall be drained so that no surface water including roof and yard flows out onto the public highway or vice versa and maintained as such thereafter.

## Reason

In the interests of highways and pedestrian safety

(12) Notwithstanding the submitted plans, the masonry boundary wall fronting the highway shown on drawing no. 003 Rev c shall be constructed to a height of no greater than 600mm and the timber close boarded fence to the boundary of the site shall be reduced to 600mm in height within 1m of the highway. Both the wall and fence shall be retained and maintained as such thereafter.

## Reason

In the interests of highways and pedestrian safety and in order to allow for adequate vehicle and pedestrian visibility.

(13) Notwithstanding condition 12, the approved boundary treatment indicated on drawing number 003 Rev C 'proposed site plan' shall be completed prior to occupation of the development hereby approved and retained and maintained as such thereafter.

## Reason

In the interests of residential amenity

## Regulatory Conditions

(14) If during the course of development, any unexpected land instability issues are found / occur which were not previously identified, development shall cease immediately and measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The development of the site shall incorporate the approved measures which shall be retained [for the period agreed in the remediation scheme / in perpetuity].

## Reason

In the interests of public safety and to protect the stability of the site and adjacent land

(15) 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.

(16) Foul water and surface water discharges shall be drained separately from the site.

Reason

In the interest of adequate drainage.

(17) Any gates fronting onto the highway shall be of a type which open inwards only, and retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no fences, gates or walls over 600mm in height shall be erected within the curtilage of the dwelling house forward of any wall of that dwellinghouse which fronts onto a road or private access drive.

Reason

In the interest of visual amenity and highways and pedestrian safety

(19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no garages or outbuildings shall be erected (other than those expressly authorised by this permission).

## Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the elevated ground levels of the application site

(20) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

## 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 additional windows, having regard to the particular layout of the development and design of the dwelling

(21) 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), there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) 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 of the development and elevated ground levels of the application site

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

## Reason

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

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Refusal

<b><u>APPLICATION NO:</u> P2016/0929</b>	<b><u>DATE:</u> 16/11/2016</b>
<b>PROPOSAL:</b>	Retention and completion of change of use of building to 4x4 Vehicle Repair Centre (Use Class B2), plus engineering operations and retaining works to create 4 parking spaces to rear with ramped access.
<b>LOCATION:</b>	Tyre And Exhaust Centre, Commercial Street, Abergwynfi SA13 3YL
<b>APPLICANT:</b>	Mr Aaron Merret
<b>TYPE:</b>	Change of Use
<b>WARD:</b>	Gwynfi

### BACKGROUND

Members are advised that Cllr Ralph Thomas requested that the application is determined by Planning Committee due to concerns over visual amenity of the site, including the outside storage of vehicles, and on-street car parking issues.

The application was originally heard at the Planning Committee meeting on 10<sup>th</sup> January 2017, at which time Members resolved to DEFER the application “to allow Officers to investigate and clarify the exact nature of the use/operations being undertaken at the site to ensure that the application precisely identifies and seeks to retain the use which is currently operating from the premises”.

Following an investigation by officer’s and confirmation by the applicant, the description has since been amended from “Retention and completion of change of use of building to Tyre and Exhaust Centre (Use Class B2), plus engineering operation and retaining works to create 4 parking spaces to rear with ramped access” to the following:

“Retention and completion of change of use of building to **4x4 Vehicle Repair Centre (Use Class B2)**, plus engineering operations and retaining works to create 4 parking spaces to rear with ramped access”.

Additional consultation has been undertaken, with the original report having been amended to reflect the Officer’s assessment of the revised proposal following re-consultation.

## SITE AND CONTEXT

The application site is located at the Tyre and Exhaust Centre, Commercial Street, Abergwynfi.

The site comprises a detached commercial building current utilised as a 4x4 Vehicle Repair Centre (Use Class B2). A yard area has been created to the rear by excavating material. It is located on the outside of a 90-degree bend off Commercial Street, and is sloping in profile from the south down to the north.

## DESCRIPTION OF DEVELOPMENT

This is full planning application for the retention and completion of a change of use of the building to a 4x4 Vehicle Repair Centre (Use Class B2), plus engineering operations relating to the excavation of material, plus a new 1.35m high retaining works to create 4 new parking spaces to the rear of the building. These would be accessed via a new roller-shutter door to be inserted into the rear elevation of the building. A new ramped access off Commercial Street is also proposed to the side elevation of the building with 2.1m security gates.

Members should note that following a complaint to the Authority, the Enforcement Officer visited the site to investigate. He found that the property was previously used as a private garage (non-commercial) and that a commercial garage was now operating at the premises without the benefit of planning permission. The developer was advised that there may be some concerns with on-street car parking. In order to potentially overcome this, excavation works were undertaken by the applicant to create a parking yard to the rear of the property. Again, this was done without the benefit of planning permission.

The application for the retention of the use and engineering works has been submitted as a result of further investigations by the Planning Enforcement Officer.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

## PLANNING HISTORY

None

## CONSULTATIONS

**Head of Engineering & Transport (Highways)** (*amended consultation response on revised description of development*): Objection on highway safety grounds.

**Head of Engineering & Transport (Drainage)**: No objection.

**Biodiversity Unit**: No objection.

**Contaminated Land Section**: No objection, subject to conditions.

**Environmental Health Section**: No objection, subject to conditions.

**Welsh Water**: No objection, subject to conditions.

## REPRESENTATIONS

A site notice was originally displayed on 17/11/16 (with no representations received).

Amended site notices were displayed on 06/06/17 in respect of the change of description. In response, a petition has been received with 175 signatories stating as follows

*“we the undersigned are living a nightmare with the garage in Commercial Street and will oppose any plans... put forward. The traffic violations, scarp cars, general mess and now the threat of stopping public service transport will not be tolerated any more”*

## REPORT

National Planning Policy

[Planning Policy Wales \(Edition 9, 2016\)](#)

Local Planning Policies

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

## Topic based Policies

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy EN2** Special Landscape Areas

## *Supplementary Planning Guidance:*

The [Parking Standards](#) SPG (approved October 2016) is of relevance to this application.

## EIA and AA Screening

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

## Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Members should note that the fact this is a retrospective planning application is not a material planning consideration in the determination of this application.

## Principle of Development

Whilst it is noted that the application site is located outside of the settlement limit of Abergwynfi, as defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of providing a small-scale business would be generally acceptable, providing it “constitutes the small-scale expansion of an existing business or the suitable conversion of an existing building” (criterion 3).

The proposal relates to a change of use of an existing building immediately adjacent to the settlement limit and includes a relatively small-scale expansion of the site to the rear to make the site of an appropriate size for the intended use. Subject to the use itself having

no adverse impacts (assessed later), the principle of the development is considered to comply with the requirements of Policy SC1.

### Impact on Visual Amenity

In respect of the proposed car park, retaining wall and ramped access, as this would be located to the side/rear of the property and mostly obscured by the existing security gates and building, it is considered that they would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene. Nevertheless, conditions will need to be imposed on the application requiring the retaining wall to be rendered and painted, and specifying that the car parking and ramp have to be appropriately hard-surfaced, in the interest of visual amenity.

Similarly, the proposed door would have no adverse impacts as this would be located to the rear elevation and would have the same design as that on the front.

With regard to the concerns raised by Cllr Thomas over visual impacts, including the outside storage of vehicles, it should be noted that during the most recent Officer site visit there were approximately 6 vehicles parking within the rear yard, 1 car to the front of the property and 2 Land Rovers on other land outside of the application site to the south. While the visual impacts of the parking in the rear yard were limited, it is nevertheless considered appropriate to control the use of the rear area, both to ensure appropriate parking and manoeuvring space (addressed below), and in the interest of visual amenity.

The originally submitted plans indicated four spaces, but the available space would actually allow for additional spaces for 'storage' of cars being worked on as well as parking spaces. As such, an amended plan was requested from the agent. The amended plan illustrates the required 4 parking spaces, together with a designated outside storage area with the remainder of the yard area being kept free for manoeuvring, both in the interest of visual amenity (and highway safety as discussed below).

In relation to the parking/storage of vehicles on other land outside of the application, it is noted that the land to the south (at a higher level) is under the ownership of the Authority's Streetcare Section and it would be a matter for them to control or restrict this. It would also not be

appropriate or reasonable to attempt to control this parking as part of a planning condition on this permission.

In respect of Policy EN2/5 (Mynydd Y Gelli Special Landscape Area) specifically this states that there should be no significant adverse impacts on the features and characteristics for which the SLA has been designated. Due to the fact that the building has been on site for a number of years and the impacts of the engineering works would be minimal only, it is considered that there would be no detrimental impact upon the Special Landscape Area.

#### Impact on Residential Amenity

In respect of potential impacts on residential amenity, and in respect of noise specifically, the Environmental Health Officer has assessed the application and also visited the property. He has noted that the premises has been used as a workshop/repair centre for some time, and when he visited the site he witnessed normal operations, and even on a day when background noise levels were low he noted that the noise generated from the garage (with the equipment operational) was at a volume that was unlikely to cause significant disturbance to nearby residential properties, and was typically drowned out by the sound of a passing car or children playing at the school yard.

As such, the Environmental Health Officer raises no objections to the application on noise grounds, subject to conditions. He did however, note that these comments were based on the current B2 use of the building, and changes to the volume and type of noise generated, or an alternative B2 use at this site, could lead to a Statutory Nuisance and potential enforcement action in the future. In this regard, it is considered that this could have been controlled by an appropriate condition (had the application been recommended for approval) requiring a noise management plan, to ensure that current and future B2 uses at the site operate in a manner which would cause no unacceptable impacts on nearby residential amenity.

Subject to the above, due to the nature of the use and associated works and the location of the site relative to surrounding neighbouring properties, it is considered that there would be no unacceptable impacts on residential amenity.



## Parking and Access Requirements and Impact on Highway Safety

It is noted that the development, as originally proposed, would have provided a car parking area to the rear of the building for 4 vehicles (although as referred to above the available space would allow for more). The intention would be to access these through the existing building via a new roller shutter to the rear elevation, and create a one-way 'loop' with the egress from the parking area via a new ramped access to the side of the building onto Commercial Road. The 'loop' could also be reversed, but in either case it would ensure that vehicles enter or exit the site in a forward gear (not reverse). Nevertheless, an amended plan was requested from the agent detailing 4 parking spaces for staff/customers, together with a designated outside storage area. It also indicates the entrance and exit loop.

The Head of Engineering and Transport (Highways Section), in commenting on the initial description for "change of use of building to Tyre and Exhaust Centre (Use Class B2)" originally offered no objection subject to conditions, one of which was that the existing Traffic Regulation Order (TRO) should be amended from a double-yellow line only to specify that there should be no parking, waiting, loading or unloading. This would mean that any vehicles stopped or parked outside the property would be doing so illegally.

Notwithstanding the above, following clarification from the applicant that the property was being used as a 4x4 Vehicle Repair Centre (not a Tyre and Exhaust Centre) the Head of Engineering and Transport (Highways Section) has provided an amended consultation response due to the change in circumstances.

They now recommend refusal of the application on the grounds that the proposed use of the site will require 2 operational parking spaces for the breakdown/recovery vehicles and 4 spaces for the non-operational element of the site. As they consider there is a lack of satisfactory arrangements for the required parking of breakdown/recovery vehicles and private 4x4 vehicles awaiting repair or access to a repair bay within the site curtilage the development would be considered unacceptable in highway safety terms. In addition, it is noted that no details have been provided on the proposed servicing and the delivery of vehicles for repair, which would also require parking facilities within the curtilage of the site. It is considered that the lack of available on site parking / manoeuvring space along with additional traffic generation associated with this use, would exacerbate the existing highway issues of

indiscriminate on-street parking, which has resulted in the placing of Traffic Regulation Orders (TRO's) in the form of a no waiting at any time order fronting and adjacent to the site.

In addition, inspections by Officers have clearly indicated that the nature of the proposed use (4 x 4 repairs) is particularly intensive insofar as the small-scale nature of the business requires a number of 'unroadworthy' vehicles to be available at the site for stripping to provide 'spares' for other repairs. This means that much of the available space is taken up with such vehicles, which is in itself likely to exacerbate the impacts identified by the highway officers.

It is noted that the application is located on a 90 degree bend in the carriageway of Commercial Street, which is also a bus route through the village. It is considered that the proposed (retention of) use of the site would increase vehicular movements associated with both customer activity and deliveries to the repair centre, again to the detriment of highway and pedestrian safety.

In conclusion, it is considered that the failure to provide satisfactory arrangements for the parking of breakdown recovery vehicles and private vehicles awaiting repair, and to provide servicing arrangements for transporters delivering vehicles for repair or spare or equipment within the application site itself (due to its compact size) would exacerbate existing highway difficulties and result in indiscriminate on street parking, to the detriment of the free flow of traffic plus highway and pedestrian safety.

Refusal of the application on these grounds is therefore recommended.

### Biodiversity / Ecology

The Biodiversity Section has assessed the application and offers no objection, subject to an advisory note in respect of bats.

### Flood Risk / Drainage

It should be noted that Welsh Water offers no objections to the proposal, subject to conditions. Whilst no specific drainage details have been provided in respect of the drainage of the rear yard, these details can be conditioned as part of the application (if approved) to ensure the development does not result in any adverse drainage issues.

## Contaminated Land

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

## Enforcement Action

Members should be aware that if the Planning Committee is minded to refuse the application on highway safety grounds (as discussed above), Enforcement Action would be necessary to secure cessation of the unauthorised use.

This is complicated in this case due to the Council's ownership of the building/land in question, and a further report will be prepared for appropriate action under Delegated Powers following further liaison with the Council's Estates and Legal teams. This will also consider the required action in connection with the unauthorised tipping of material to the rear, caused by the excavation of the 'parking area' proposed under this application.

## CONCLUSION

The decision to refuse 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 Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the retention and completion of the development as a 4x4 Vehicle Repair Centre would have no unacceptable impacts upon residential amenity or upon the character and appearance of the surrounding area/street-scene. Notwithstanding this however, it is considered that the failure to provide satisfactory arrangements for the parking of breakdown recovery vehicles and private vehicles awaiting repair, and to provide servicing arrangements for transporters delivering vehicles for repair or spare or equipment within the application site itself (due to its compact size) would exacerbate existing highway difficulties and result in indiscriminate on street parking, to the detriment of the free flow of traffic plus highway and pedestrian safety. As such, the

development is contrary to Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

RECOMMENDATION: Refusal

(1) The failure to provide satisfactory arrangements for the parking of breakdown recovery vehicles and private vehicles awaiting repair, and to provide servicing arrangements for transporters delivering vehicles for repair or spare or equipment within the application site itself (due to its compact size), together with the intensive nature of the 4 x 4 repair use with the requirement for spare vehicles to be stored at the site, would exacerbate existing highway difficulties and result in indiscriminate on street parking, to the detriment of the free flow of traffic plus highway and pedestrian safety and contrary to Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

## SECTION B – MATTERS FOR INFORMATION

### DELEGATED APPLICATIONS

DETERMINED BETWEEN 26<sup>TH</sup> MAY AND 19<sup>TH</sup> JUNE 2017

1	App No. P2015/0699	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 17(Programme of Archaeological Works) of P2014/0046 granted on 23/6/14		
Location Land At Green Park Industrial Estate, Green Park Street, Aberavon, Port Talbot SA12 6LD		
Decision Approval with no Conditions		
Ward Aberavon		
2	App No. P2015/0751	Type Full Plans
Proposal Outline planning permission for the erection of a three storey block of 22 - one and two bedroom flats (all matters reserved).		
Location Land Between, 74 & 76 Regent Street West, Briton Ferry, Neath SA11 2RF		
Decision Refusal		
Ward Briton Ferry West		
3	App No. P2016/0470	Type Discharge of Cond.
Proposal Details pursuant to the discharge of condition 3 (Land Contamination) 5 (Archaeology) of Planning Permission P2015/1090 (Demolition of store plus construction of new store and associated works).		
Location Lidl Supermarket, Ffordd Parc Ynysderw, Pontardawe, Swansea SA8 4EG		
Decision Approval with no Conditions		
Ward Pontardawe		
4	App No. P2017/0106	Type Householder
Proposal First floor development to change existing bungalow into two storey dwelling, replacement flat roofs to front bay and door, replacement mono pitch roof to existing single storey rear extension, juliet balcony and balcony to first floor front elevation		
Location Flottbek, 5 Pant Yr Arian, Baglan, Port Talbot SA12 8AW		
Decision Approval with Conditions		
Ward Baglan		

5	App No. P2017/0153	Type App under TPO
Proposal	Works to 4 Oak trees (A, B, C, D) covered by Tree Preservation order T179/W1 - proposed reduction of canopies by up to a maximum of 2.5 metres (height and spread)	
Location	Brynsiriol, 9 Ten Acre Wood, Margam, Port Talbot SA13 2SU	
Decision	Approval with Conditions	
Ward	Margam	

6	App No. P2017/0229	Type Full Plans
Proposal	Detached dwelling.	
Location	Plot 24, Forest Lodge Lane, Cwmavon, Port Talbot	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

7	App No. P2017/0235	Type Full Plans
Proposal	Plot 33 Detached Dwelling House	
Location	Plot 33, Forest Lodge Lane, Cwmavon, SA13 2RX	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

8	App No. P2017/0287	Type Full Plans
Proposal	Engineering operations to form a Flood Mitigation Swale in association with the requirements of Condition 7 of application P2016/0991.	
Location	Site Adjacent to TWI Facility, Harbourside Business Park, Port Talbot SA13 1RA	
Decision	Approval with Conditions	
Ward	Margam	

9	App No. P2017/0319	Type Full Plans
Proposal	Erection of workshop building ancillary to existing business (B2) for vehicles repairs, servicing and MOT	
Location	Autocare Neath, Neath Road, Briton Ferry, Neath SA11 2AX	
Decision	Refusal	
Ward	Briton Ferry East	

10	App No. P2017/0332	Type Lawful Dev. Cert-Exist
Proposal	Lawful Development Certificate for the existing use of the property as 4 self contained residential units.	
Location	69 Pentyla Baglan Road, Baglan, Port Talbot SA12 8DR	
Decision	Issue Lawful Dev. Cert.	
Ward	Baglan	

11	App No. P2017/0352	Type Full Plans
Proposal	Retention of change of use from former Boys Club (Sui Generis) to residential dwelling (Use Class C3).	
Location	Former Blaengwynfi Boys And Girls Club, 34-35 Jersey Road, Blaengwynfi, Port Talbot SA13 3TA	
Decision	Approval with Conditions	
Ward	Gwynfi	

12	App No. P2017/0357	Type Householder
Proposal	Retention and completion of a single storey rear extension	
Location	34 Crown Street, Port Talbot SA13 1BG	
Decision	Approval with Conditions	
Ward	Port Talbot	

13	App No. P2017/0375	Type Discharge of Cond.
Proposal	Details pursuant to conditions 3 (levels), 4 (materials), 5 (pre-construction method statement), 6/7 (boundary treatments), 11 (highway drainage), 12 (road fill), 13 (stone reclamation), 15 (method statement) & 16 (road markings) of planning application P2015/0905 approved on the 18th of April 2016.	
Location	Baglan Stables, Baglan Park, Baglan, Port Talbot SA12 8PS	
Decision	Approval with no Conditions	
Ward	Baglan	

14	App No. P2017/0377	Type Householder
Proposal	Amendments to application P2014/0444 (approved 11/3/2015) including the reduction of ridge height, repositioning of windows and doors to rear elevation, installation of external fire escape and replacement of ramp by steps between rear garden and car parking area.	
Location	52 Wern Road, Ystalyfera, Swansea SA9 2LY	
Decision	Approval with Conditions	
Ward	Ystalyfera	

15	App No. P2017/0380	Type Discharge of Cond.
Proposal	Details pursuant to Condition 3 (Land contamination) of P2017/0097 granted on the 15th of March 2017.	
Location	Port Talbot Service Station, Talbot Road, Port Talbot SA13 1HN	
Decision	Approval with no Conditions	
Ward	Port Talbot	

16	App No. P2017/0388	Type Full Plans
Proposal	Retention of office and utility unit to be used ancillary to agricultural use of the site.	
Location	Cae Cwm Dyffryn, Bryn Goytre Road, Bryn, Port Talbot SA13 2SH	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

17	App No. P2017/0393	Type Householder
Proposal	Part single storey, part two storey rear extension	
Location	34 Derwen Road, Alltwn Pontardawe, Swansea SA8 3AU	
Decision	Approval with Conditions	
Ward	Alltwn	

18	App No. P2017/0394	Type Householder
Proposal	Two storey side extension	
Location	Y Perthi, Brynneuadd, Lower Brynamman, Ammanford SA18 1TS	
Decision	Approval with Conditions	
Ward	Lower Brynamman	



19	App No. P2017/0400	Type Householder
Proposal	Conservatory to rear elevation	
Location	4 Crown Way, Llandarcy, Neath SA10 6FE	
Decision	Approval with Conditions	
Ward	Coedffranc West	

20	App No. P2017/0407	Type Full Plans
Proposal	Change of Use of Garage to Hairdressers (Class A1) and external alterations to change garage door to a window, window to a pedestrian door and new window.	
Location	Rear Of, 92 Talbot Road, Port Talbot SA13 1LB	
Decision	Refusal	
Ward	Port Talbot	

21	App No. P2017/0420	Type Householder
Proposal	Two storey/single storey rear extension plus gable dormer	
Location	33 Park Drive, Lonlas, Neath SA10 6SF	
Decision	Approval with Conditions	
Ward	Coedffranc North	

22	App No. P2017/0422	Type Householder
Proposal	Single storey side extension	
Location	Twyn Y Deri, Parish Road, Blaengwrach, Neath SA11 5SW	
Decision	Approval with Conditions	
Ward	Blaengwrach	

23	App No. P2017/0423	Type Householder
Proposal	Detached Outbuilding	
Location	8 Westlands, Aberavon, Port Talbot SA12 7BW	
Decision	Approval with Conditions	
Ward	Aberavon	

24	App No. P2017/0424	Type Full Plans
Proposal	Demolition of existing detached bungalow and erection of a replacement detached bungalow	
Location	Arfryn, Intervalley Road, Banwen, Neath SA10 9LR	
Decision	Approval with Conditions	
Ward	Onllwyn	

25	App No. P2017/0426	Type Householder
Proposal	Retention of replacement outbuilding	
Location	123 Gwilym Road, Cwmllynfell, Swansea SA9 2GU	
Decision	Approval with Conditions	
Ward	Cwmllynfell	

26	App No. P2017/0428	Type Householder
Proposal	Replacement roof with increase in height of ridge by 2.2m and rear dormer Juliette balcony to create first floor accommodation, single storey front and rear extensions and vehicle bridge to facilitate new access	
Location	The Paddocks, Lane Fronting The Paddocks, Margam, Port Talbot SA13 2SR	
Decision	Approval with Conditions	
Ward	Margam	

27	App No. P2017/0429	Type Householder
Proposal	Detached Outbuilding	
Location	5 Ynys Y Darren Road, Ystalyfera, Swansea SA9 2DY	
Decision	Approval with Conditions	
Ward	Ystalyfera	

28	App No. P2017/0437	Type Householder
Proposal	Installation of window to facilitate garage conversion	
Location	2 Gronow Close, Court Herbert, Neath SA10 7AD	
Decision	Approval with Conditions	
Ward	Dyffryn	

29	App No. P2017/0438	Type Householder
Proposal	Sunroom extension to rear elevation	
Location	52 Beechwood Avenue, Neath SA11 3TE	
Decision	Approval with Conditions	
Ward	Neath North	

30	App No. P2017/0439	Type Full Plans
Proposal	Erection of a replacement 15m high communication mast, ground cabinets, and associated development	
Location	Land At Telephone Exchange, Commercial Road, Resolven, Neath SA11 4LE	
Decision	Approval with Conditions	
Ward	Resolven	

31	App No. P2017/0442	Type Householder
Proposal	Construction of a double garage, raised patio, steps and path and front porch	
Location	Tycoch Farm, Lane From Leiros Parc Drive To Tycoch Farm, Rhyddings, Neath SA10 8ED	
Decision	Approval with Conditions	
Ward	Cadoxton	

32	App No. P2017/0448	Type Householder
Proposal	Porch and Canopy	
Location	90 Marine Drive, Sandfields, Port Talbot SA12 7NN	
Decision	Approval with Conditions	
Ward	Sandfields West	

33	App No. P2017/0453	Type Full Plans
Proposal	Installation of external sprinkler tank.	
Location	Amazon, Ffordd Amazon, Crymlyn Burrows, Swansea SA1 8QX	
Decision	Approval with Conditions	
Ward	Coedffranc West	

34	App No. P2017/0455	Type Householder
Proposal	Front Porch	
Location	49 Western Avenue, Sandfields, Port Talbot SA12 7NB	
Decision	Approval with Conditions	
Ward	Sandfields West	

35	App No. P2017/0456	Type Householder
Proposal	Single storey rear extension	
Location	11 Benedict Close, Court Herbert, Neath SA10 7JA	
Decision	Approval with Conditions	
Ward	Dyffryn	

36	App No. P2017/0461	Type Householder
Proposal	Detached outbuilding	
Location	27 Penbryn Road, Skewen, Neath SA10 6US	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

37	App No. P2017/0471	Type Householder
Proposal	Single storey rear extension (sunroom)	
Location	75 Ffynnon Dawel, Aberdulais, Neath SA10 8EN	
Decision	Approval with Conditions	
Ward	Aberdulais	

38	App No. P2017/0473	Type Householder
Proposal	Scooter Store	
Location	38 Glyn Road, Lower Brynamman, Ammanford SA18 1ST	
Decision	Approval with Conditions	
Ward	Lower Brynamman	

39	App No. P2017/0478	Type Vary Condition
Proposal	Variation of condition 2 (opening hours) of planning permission P1998/0871 & 0872 (granted on appeal) to allow for Sunday to Thursday 16.00 till 00.30 Friday to Saturday 16.00 to 01.30.	
Location	208A New Road, Skewen, Neath SA10 6ET	
Decision	Approval with Conditions	
Ward	Coedffranc Cent	

40	App No. P2017/0482	Type App under TPO
Proposal	Works to trees protected by Tree Preservation Order T204/A1 - conifers GA - reduce in height by approximately one third (8 metres).	
Location	113 Delffordd, Rhos Pontardawe, Swansea SA8 3EN	
Decision	Approval with Conditions	
Ward	Rhos	

41	App No. P2017/0484	Type Householder
Proposal	Single storey side garage extension.	
Location	108 Glannant Way, Cimla, Neath SA11 3YN	
Decision	Approval with Conditions	
Ward	Cimla	

42	App No. P2017/0485	Type Change of Use
Proposal	Change of use to hairdressers/beauty salon (Sui-Generis use)	
Location	35 Tabernacle Street, Skewen, Neath SA10 6UF	
Decision	Approval with no Conditions	
Ward	Coedffranc Central	

43	App No. P2017/0489	Type Householder
Proposal	Single storey side and rear extensions including raised platform and screening	
Location	58 Beechwood Avenue, Neath SA11 3TE	
Decision	Approval with Conditions	
Ward	Neath North	

44	App No. P2017/0505	Type Discharge of Cond.
Proposal	Details to be agreed in association with conditions 3 (Bin storage), 4 (parking scheme), 6 (delivery management plan) and 7 (car parking management scheme) of planning permission P2017/0310 granted on 16/05/2017.	
Location	Former Tourist Information Centre, Pontneathvaughan Road, Glynneath, Neath SA11 5NR	
Decision	Approval with Conditions	
Ward	Glynneath	

45	App No. P2017/0513	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Certificate of Lawful Development (Proposed)	
Location	27 Bertha Road, Margam, Port Talbot SA13 2AW	
Decision	Issue Lawful Dev.Cert.	
Ward	Margam	

46	App No. P2017/0522	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate for proposed improvements and alterations to the railway station.	
Location	Neath General Railway Station, Station Square, Neath SA11 1BY	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

47	App No. P2017/0532	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawfulness (Proposed) Single storey rear extension	
Location	32 Gwaun Afan, Cwmavon, Port Talbot SA12 9EJ	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryn & Cwmavon	

48	App No. P2017/0540	Type LawfulDev.Cert-Prop.
Proposal	Replacement single storey side extension - Certificate of Lawful Development (Proposed)	
Location	20 Lodge Drive, Baglan, Port Talbot SA12 8UB	
Decision	Issue Lawful Dev.Cert.	
Ward	Baglan	

49	App No. P2017/0550	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (Proposed) Single storey side and rear extension	
Location	16 Alder Road, Cimla, Neath SA11 3NY	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath South	

## SECTION B – MATTERS FOR INFORMATION

### APPEALS RECEIVED

#### a) Planning Appeals

**Appeal Ref:** A2017/0005                      **Planning Ref:** P2016/0271

**PINS Ref:** APP/Y6930/A/17/3172205

**Applicant:** Mr A Holden

**Proposal:** 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

**Site Address:** 1 Cambrian Place & 45 Abbey Road, Port Talbot

**Start Date:** 29<sup>th</sup> March 2017

**Appeal Method:** Written Representations

**Appeal Ref:** A2017/0006                      **Planning Ref:** P2016/0881

**PINS Ref:** APP/Y6930/A/17/3172687

**Applicant:** NPT Homes

**Proposal:** 8 semi-detached two storey dwellings plus associated access road and diversion of footpath link.

**Site Address:** Land to the North of Heol Llwyn Celyn, Neath

**Start Date:** 4<sup>th</sup> April 2017

**Appeal Method:** Written Representations

**Appeal Ref:** A2017/0007      **Planning Ref:** P2008/0798

**PINS Ref:** APP/Y6930/A/17/3170318

**Applicant:** Tolkein Property Ltd.

**Proposal:** Outline Application for Residential Development  
& Alterations To Existing Access

*Note: Appeal is against conditions imposed on  
grant of planning permission (including restriction  
on number of dwellings to 25)*

**Site Address:** Forge Washery, Lower Brynamman, Ammanford

**Start Date:** 5<sup>th</sup> April 2017

**Appeal Method:** Hearing

**Appeal Ref:** A2017/0008      **Planning Ref:** P2017/0319

**PINS Ref:** APP/Y6930/A/17/3177137

**Applicant:** Autocare Neath

**Proposal:** Erection of workshop building ancillary to existing  
business (B2) for vehicles repairs, servicing and  
MOT

**Site Address:** Autocare Neath, Neath Road, Briton Ferry

**Start Date:** 13<sup>th</sup> June 2017

**Appeal Method:** Written Representations



## SECTION B – MATTERS FOR INFORMATION

### APPEALS DETERMINED

#### a) Planning Appeals

**Appeal Ref:** A2017/0004      **Planning Ref:** P2016/1051

**PINS Ref:** APP/Y6930/A/17/3170180

**Applicant:** Mr Ashley Rees

**Proposal:** Variation of condition 1 and 2 of planning permission (ref APP/Y6930/C/163150026 which granted a mixed residential Class C3 and music lesson sui generis use) approved at appeal on 10th October 2016 to increase number of student to 8 and change hours of operation to 12.00hrs to 20.30hrs Monday to Wednesday, 12.00hrs to 20.00hrs Thursday and Friday and 09.00hrs to 15.00 on Saturdays

**Site Address:** 26 Rowan Tree Close, Bryncoch

**Appeal Method:** Written Reps

**Decision Date:** 14/06/2017

**Decision Code:** Dismissed

Members will be aware that the Local Planning Authority (LPA) has been involved with the issues relating to noise and disturbance as a result of the music lessons at this site for over 30 months. The previous appeal (ref APP/Y6930/C/163150026) allowed the use of the site for music lessons however restricted the number of students per day and hours of operation to ensure the development was acceptable in terms of noise and disturbance. The applicant applied to vary these where it was refused at planning committee on 14th February 2017 as it was considered unacceptable in terms of residential amenity.

The main issue concerned the effect amending the conditions would have upon the living conditions of neighbouring occupants, with particular regard to noise and disturbance.

The Inspector noted the previous Inspector's findings, with no material change in site circumstances since then for him to disagree with the previous Inspector's conclusions, giving this considerable weight in making his decision.

The Inspector stated while an increase in hours would have the potential for only one additional vehicle entry and exit 3 days per week, this would occur during the quiet evening hours and, given the local context, would be significantly intrusive on a regular basis. He also stated that increasing the number of students from 6 to 8 would lead to a corresponding increase in potential vehicle movements from 12 to 16 daily.

Whilst modest in number the increase would be proportionality significant and, given the intimate scale of the cul-de-sac, would lead to a level of noise and disturbance that would be materially greater than a typical residential use. He further considered the proposed reduced weekday operating period of 8 or 8.5 hours would have the potential to increase the intensity of the use and considered that the harm associated with this would offset any benefits derived from the later start time of 12.00.

The inspector also made reference to the allegations that over 6 students per day have been taught from the property in excess of 30 months, with records of activity supplied by residents. Although there is no way of verifying the accuracy of these records, he considered the fact that the Council has been engaged in enforcement action for some time lends credence to the claim that the intensity of activity at the property has been at an unacceptable level for a substantial period.

The Inspector concluded that a temporary variation of the proposed conditions would only exacerbate the harm caused and would, as a result, not be acceptable. He also stated that, based on the financial information supplied, it would be unlikely that the additional income generated over a period of 3 to 6 months would be sufficient to secure the relocation of the business and that the potential benefits of a temporary variation would not outweigh the identified harm.

The inspector therefore concluded that the appeal should be dismissed and the conditions retained in their present form.

**Appeal Ref:** A2017/0003      **Planning Ref:** P2016/0522

**PINS Ref:** APP/Y6930/A/17/3168488

**Applicant:** Mr Gareth Morgan

**Proposal:** Detached two storey dwelling with off street car parking (outline with all matters reserved)

**Site Address:** 9 New Road, Trebanos

**Appeal Method:** Written Reps

**Decision Date:** 08/05/17

**Decision Code:** Dismissed

The main issues concerned the effect of the development on the character and appearance of the area and its effect on the living conditions of neighbouring residents and the lack of a coal mining assessment.

On the first issue, the inspector found there to be a diversity of designs within the area. Nonetheless, most properties have a wide, horizontal emphasis in their frontages and are set in spacious plots with many having defined frontages bordered by traditional walls. Those with off road parking generally have a driveway to the side of the property.

The appeal site is considerably narrower in width than those in the vicinity and the indicative plans show a very narrow building with a vertical emphasis that would be in direct contrast with the properties in the area. The indicative plans also show two parking spaces provided to the front of the dwelling. This would necessitate any dwelling being positioned further back on the plot than the frontage of the adjacent dwellings.

The frontage of the proposed dwelling would be dominated by the parking spaces, and the Inspector found this would be an incongruous layout that would be in contrast with other properties in the locality that have front gardens and forecourts that provide a visual break between the street and houses. The Inspector concluded that the proposal would be harmful to the character and appearance of then area.

In respect of living conditions, the main concern related to the effect of the dwelling on the living conditions of the occupants of No 11 to the north-east. Due to the orientation of the proposed dwelling and its close proximity to No 11 he considered that the proposal would result in the loss of a significant amount of light entering the adjacent property, in particular into its ground floor rooms. It would also significantly overshadow the outside decking area. The proximity of the proposed dwelling and its orientation to No 11 would also give rise to an overbearing and oppressive impact that would be harmful to the living conditions of No 11's occupants.

The Inspector noted that a Coal Risk assessment had been submitted with the appeal, which was sufficient to meet the requirements of PPW in demonstrating that the site is safe and stable for the proposed development. As such the Coal Authority withdrew its objection to the proposal.

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**Planning Ref:** P2016/0117 and P2016/0254

**PINS Ref:** APP/Y6930/A/16/3159310 and  
APP/Y6930/A/16/3159312

**Applicant:** Waterstone Estates

**Proposal:** 'Appeal A' - Road Side Service Area comprising petrol filling station and kiosk, drive thru coffee shop, car parking, access, landscape and associated works.  
'Appeal B' Pub/restaurant , access, car parking and associated works

**Site Address:** Land at Glynneath Business Park, adjacent to A465, Glynneath.

**Appeal Method:** Hearing

**Decision Date:** 7<sup>th</sup> April 2017

**Decision:** Both Appeals Dismissed  
Application for Award of Costs against Council Refused

The main issues were whether the proposed developments complied with local and national policy designed to restrict new development outside defined settlement limits; Policy related to new retail development and the effect of the proposals on the vitality and viability of the Glynneath district centre; and if the proposed developments fail to accord with policy set out in the first two issues, whether there are any material considerations that would outweigh any harm identified in relation to other main issues.

On the first issue, the Inspector found the site to lie outside of the settlement boundary, and to neither constitute a small-scale employment use or lie adjacent to the settlement boundary. She also agreed with the council that the proposal was not 'infrastructure'. Accordingly the proposal failed to comply with Policy SC1 of the LDP.

In terms of retail impact, the Inspector noted that Policy R3: *Out of Centre Retail Proposals* sets out criteria for retail developments outside designated town centres. However, its permissive effect does not extend beyond the defined limits of settlements. It follows that the proposal conflicts with the LDP retail policies. She also stated that whilst it is difficult to ascertain the degree of potential retail impact, it was reasonable to conclude that there would be some trade diversion, as acknowledged by the appellant in their retail statement. In addition, the retail need identified in the LDP can be met by a sequentially preferable site in accordance with the approach set out within PPW.

She thus concluded that the appeal proposals fail to accord with policy R3 of the LDP and the advice set out within PPW in relation to the location for new retail development and would be harmful to the vitality and viability of the Glynneath district centre.

In considering other material considerations, the Inspector noted that whilst the developments may bring some potential benefits, the appellant has failed to demonstrate that these benefits are sufficient to outweigh the harm identified.

Taking into account all matters raised, the Inspector thus concluded that both developments would be contrary to local and national Planning policy and the material considerations presented by the appellant do not outweigh the policy breaches.

## **b) Enforcement Appeals**

**Appeal Ref:** A2016/0010 & 0011

**PINS Ref:** APP/Y6930/C/16/3156920 & C/16/ 3156925

**Applicant:** Appeal A – Douglas Price  
Appeal B – Brian Price

### **Alleged Breaches of Planning Control:**

‘Appeal A’ Without planning permission, the construction of a replacement two storey dwelling

‘Appeal B’ Without planning permission, the siting of a static caravan on the land, in the approximate position marked with a cross on the plan, and its use for residential purposes

**Site Address:** Aberdrychwallt Farm, Pontrhydyfen, Port Talbot SA12 9SN

**Appeal Method:** Public Inquiry

**Decision Date:** 15<sup>th</sup> June 2017

**Decision:** Appeal A (‘Caravan A’) – Allowed  
Appeal B (‘Caravan B’) - Dismissed

### *Appeal A*

Given the nature and scale of unauthorised development undertaken, the Council’s Enforcement Notice was directed against “construction of a replacement two storey dwelling”. Following his review of evidence, the Inspector concluded that the development that had taken place comprised the “alteration and extension of an existing dwelling house” rather than the construction of a replacement dwelling.

The key policy therefore concerned LDP Policy EN5 (Conversion and Extension of Existing Buildings in the Countryside), whose supporting text states that extensions to buildings that are existing dwellings in the countryside should be limited in size to ensure that the form and character of the original building is not adversely

affected. The supporting text goes on to say that the size of extension likely to be acceptable will depend on the circumstances of each individual case, but extensions should not normally exceed the overall dimensions or cubic content of the original building by more than 20%.

The Inspector reviewed evidence and noted that however it was assessed (whether based on overall dimensions or on the basis of cubic content), there was no doubt that the extent of enlargement of the original building far exceeds the 20% indicated as normally allowable within the terms of policy EN5.

Notwithstanding this, the Inspector noted a number of other considerations in this case that he deemed relevant, including: -

- the standard of accommodation afforded by the original dwelling was plainly far from satisfactory, in terms both of structural quality and the limited amount and poor arrangement of living space for its occupants, which include two teenage children;
- The external appearance of the original flat-roofed structure was indisputably poor, and clearly detracted from the character and appearance of its surroundings.

He stated that, whatever the means by which the original dwelling came about, it benefitted from a certificate of lawfulness. Much of the degree of enlargement that has occurred is attributable to the formation of the pitched roof over the structure, which in his view considerably enhances the building's appearance.

Notwithstanding the degree of enlargement concerned, he thus considered that the resulting building sits comfortably in its surroundings and does not appear out of scale within the grouping of the farmhouse and other farm buildings to which it belongs. Although a public right of way passes the site, he did not consider that the development caused any harm to public amenity. Given the poor external appearance of the pre-existing dwelling, the changes to the building's appearance, if anything, represent an improvement to the character and appearance of the locality rather than having an adverse effect.

Moreover, in the particular circumstances of this case, he also had regard to the evidence concerning the best interests of child "X" who has needs arising from his position within the autistic

spectrum. Whilst the medical and educational evidence before did not show a definitive requirement in these terms for the amount of additional living space that the loft area would provide, it was nonetheless sufficient to persuade the Inspector that permitting the development would undoubtedly be in X's interests, given the additional space to himself within the home. He noted that the courts have established that the interests of a child, where relevant to a decision, should be a primary consideration; he therefore gave significant weight to such interests here.

In concluding on such matters, he stated that "drawing all of the foregoing together I conclude that whilst the extension and alteration to the dwelling which has been carried out plainly exceeds the physical limitations indicated by Policy EN5, the development causes no harm to the character and appearance of its surroundings or to the wider countryside. Taking into account the resulting improvement in the standard of living accommodation provided and the acceptability of the development in design terms, together with the benefits in particular for child X, I consider that material considerations exist in this case which are of sufficient weight to indicate a determination other than in accordance with the development plan".

Accordingly, the appeal on ground (a) succeeded, the Enforcement Notice was quashed and planning permission granted for the development to which the Notice relates.

### *Appeal B*

The appeal in respect of 'caravan B' involved many legal arguments following extensive evidence at Public Inquiry, the conclusions on which are best read in full in the [Appeal Decision Letter](#).

In very broad terms, however, the Inspector's conclusions are summarised below: -

### *The ground (c) and (d) appeals*

The basis of an appeal on ground (c) is that the matters stated in the notice do not constitute a breach of planning control (for example because permission has already been granted, or the development is "permitted development"). The basis of a ground (d) appeal is that, at the time the enforcement notice was issued, it



was too late to take enforcement action against the matters stated in the notice.

On these points the Inspector concluded that: -

- *Operational Development or Material Change of Use?* As a matter of fact and degree, the breach of control in this case constitutes the use of land for the stationing of a caravan for residential purposes, and that the extent of the operations associated with the affixation of the caravan to the land is not such as to change the nature of the resulting structure to that of a building. Accordingly, the relevant time period against which to consider the question of immunity from enforcement action is 10 years rather than 4 years.
- Having regard to the totality of evidence, it has not been shown, on the balance of probability and as a matter of fact and degree, that Caravan B2 has immunity from enforcement action by virtue of the earlier existence of Caravan B1.
- On the evidence provided any lawful residential use of Caravan B1 by virtue of continuous use over a 10 year period between 1982 and 1993 was subsequently abandoned by reason of the conscious decision by Douglas Price to move out of Caravan B1 and into Caravan A, and to use Caravan B1 primarily for storage of equipment and materials from 1993 to 1999. The evidence concerning Jason Price's occupancy of caravan B1 between 1999 and early 2012 is insufficient to show continuity of residential use for a ten year period during this time.
- Furthermore, the evidence concerning the physical state of Caravan B1 by the summer of 2011 lead him to conclude that during the latter part of the aforementioned period the condition of Caravan B1 had deteriorated to the point where its occupation as a place of residence was unfeasible.
- Grounds (c) and (d) therefore did not succeed.

In respect of *Ground (a) and the deemed application for planning permission* the Inspector concluded that :-

- Whilst the appellant may well prefer to reside in a caravan at Aberdychwallt and so be closer to his work and other family members, ultimately these are matters of personal preference and convenience rather than necessity. Personal

circumstances will rarely outweigh conflict with planning policies which operate in the wider public interest.

- In this case the siting of a residential caravan in this location plainly conflicts with LDP policies SP3, SP14 and SC1. It erodes the character and appearance of the countryside and comprises residential development in a location unrelated to local service and facilities, without adequate justification. The development thus runs counter to basic sustainable development principles.
- The personal preference of the appellant and the convenience which the caravan provides in relation to his involvement in the operation of the enterprise at Aberdychwallt are not matters of sufficient weight to justify the clear breach of development plan policies and harm to the character and appearance of the countryside that permitting an additional residential unit in this location would represent.
- Overall, the interference with the appellant's exercise of his human rights that would result from upholding the enforcement notice is justified and proportionate to the public interest objectives of safeguarding the environment and regulating the spatial distribution of new development so that sustainable development principles are adhered to, which is allied to the country's economic well-being.

The ground (g) appeal – relating to time limit for compliance – was also dismissed, with the Inspector concluding that no practical reason had been given why the 6 month period given was not sufficient for the appellant to find alternative accommodation and for the caravan thereupon to be vacated and the other requirements of the notice carried out.

Balancing the need to have regard to the appellant's circumstances against the public interest in implementing enforcement processes directed at remedying planning harm without undue delay, he thus concluded that 6 months is an appropriate compliance period.

The appeal was therefore dismissed and the Notice upheld without modification.

### *Summary of Decision*

Appeal A - The Inspector ALLOWED the appeal (and quashed the Enforcement Notice), thus granting planning permission for the 'extensions and alterations' to the caravan to be retained. A condition was imposed requiring the works to be completed within 6 months.

Appeal B - The Inspector has DISMISSED the appeal and upheld the Enforcement Notice without variation. This means that the owner needs to "cease use of the caravan for residential use; remove the caravan and associated domestic structures from the land; and restore the land to its former condition by the use of topsoil and grass seed, including removal of all hardcore/materials used for a hardstanding and access to the land" within 6 months (i.e. by no later than 15<sup>th</sup> December 2017).

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