



PLANNING COMMITTEE

2.00 PM - TUESDAY, 8 AUGUST 2017

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

****PLEASE NOTE VENUE***

PART 1

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on 27 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 subject to Members Site Visit Leaving Port Talbot Civic Centre at 10.00am on Tuesday 8 August 2017 - Recommended for Approval

4. **Application No: P2017/0036** (*Pages 11 - 46*)
Variation of Condition 15 of planning permission P2010/0026 in order to allow for:
 - a) An output of 750 tonnes of dimensional blockstone and/or masonry products per working week for the duration of the planning permission (a maximum of 2x24 tonne carrying capacity vehicles and 5x20 tonne carrying capacity vehicles per day) and
 - b) The removal of 700 tonnes per working week of aggregate produced from the waste stone resulting from the dimensional

stone and masonry production process for a limited period of 2.5 years (a maximum of 7x20 tonne carrying capacity vehicles per day) at Gwrhyd Specialist Quarry, Gwrhyd Uchaf Farm, Gwrhyd Road, Pontardawe, Swansea, SA9 2SB.

Planning Applications Recommended for Approval

5. **Application No: P2017/0637** (*Pages 47 - 88*)
Demolition of former care home and construction of 16 residential units, with associated car parking, landscaping and open space, at Hafod Residential Home, Wenham Place, Neath, SA11 3AH.

Planning Applications Recommended for Refusal

6. **Application No: P2017/0512** (*Pages 89 - 98*)
Retention of use of part of car park for two pitches for the sale of meat and potatoes, at Resolven AFC, Neath Vale Supplier Park Access Road, Resolven.

Section B - Matters for Information

7. Delegated Applications Determined between 20 June and 31 July, 2017 (*Pages 99 - 126*)
8. Appeals Determined (*Pages 127 - 132*)
9. 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, 2 August 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,
R.Thomas, S.Pursey and A.McGrath

**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.

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

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

Please note that only one person is able to speak 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:

27 June, 2017

Chairperson: Councillor S.Paddison

Vice Chairperson: Councillor H.N.James

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

Officers In Attendance N.Pearce, S.Ball, I.Davies, J.Griffiths and T.Davies

1. **MEMBERS DECLARATIONS**

The following Member made a declaration at the commencement of the meeting:-

Councillor R.Thomas	Report of the Head of Planning Re: Application Number P2016/0929, 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, at Tyre and Exhaust Centre, Commercial Street, Abergwynfi, SA13 3YL – as he had predetermined the application.
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2. **MINUTES OF THE PREVIOUS MEETING HELD ON 6 JUNE, 2017**

RESOLVED That the Minutes of the Planning Committee held on the 6 June 2017, as circulated, be confirmed as a true record.

3. **SITE VISITS**

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

4. **APPLICATION NO: P2017/0248**

(Note: An amendment sheet in relation to Application Number: P2017/0248 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 (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, at Former Cwrt Sart Comprehensive School, Old Road, Briton Ferry, Neath SA11 2ET) as detailed in the circulated report.

RESOLVED That in accordance with Officers' recommendations, Application No. P2017/0248 be approved with conditions as detailed within the circulated report.

5. **APPLICATION NO: P2016/0717**

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

RESOLVED That in accordance with Officers' recommendations, Application No. P2016/0717 be approved with conditions as detailed within the circulated report.

6. **APPLICATION NO: P2016/0929**

(Councillor R.Thomas reaffirmed his interest in this item and withdrew to the public gallery for the discussion and voting thereon).

Officers made a presentation to the Planning Committee on this Application (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 at Tyre And Exhaust Centre, Commercial Street, Abergwynfi SA13 3YL) as detailed in the circulated report.

Members discussed the addition of an extra recommendation, which is reflected below at number 2.

RESOLVED

1. That in accordance with Officers' recommendations, Application No. P2016/0929 be refused on the following grounds:

Reason

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.

2. That Officers be encouraged to pursue all appropriate enforcement action to remedy the existing breach of planning control.

(At this point, Councillor R.Thomas re-joined the meeting)

7. **DELEGATED APPLICATIONS DETERMINED BETWEEN 26 MAY AND 19 JUNE 2017**

Members received a list of Planning Applications which had been determined between the 26 May and 19 June 2017, as detailed within the circulated report.

RESOLVED: That the report be noted.

8. **APPEALS RECEIVED BETWEEN 21 MARCH AND 19 JUNE 2017**

RESOLVED: That the following Appeals received be noted as detailed in the circulated report.

Appeal Ref: A2017/0005

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 at 1 Cambrian Place and 45 Abbey Road, Port Talbot.

Appeal Ref: A2017/0006

8 semi-detached two storey dwellings plus associated access road and diversion of footpath link at Land to the North of Heol Llwyn Celyn, Neath.

Appeal Ref: A2017/0007

Outline Application for Residential Development and Alterations to Existing Access at Forge Washery, Lower Brynamman, Ammanford.
Note: Appeal is against conditions imposed on grant of planning permission (including restriction on number of dwellings to 25)

Appeal Ref: A2017/0008

Erection of workshop building ancillary to existing business (B2) for vehicles repairs, servicing and MOT at Autocare Neath, Neath Road, Briton Ferry.

9. **APPEALS DETERMINED**

RESOLVED: That the following Appeals determined be noted as detailed in the circulated report.

Appeal Ref: A2017/0004

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 students 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 at 26 Rowan Tree Close, Bryncoch.

Decision:

Appeal Dismissed

Appeal Ref: A2017/0003

Detached two storey dwelling with off street car parking (outline with all matters reserved) at 9 New Road, Trebanos.

Decision:

Appeal Dismissed

Planning Ref: P2016/0117 and P2016/0254

'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 at land at Glynneath Business Park, adjacent to A465, Glynneath.

Decision:

Both Appeals Dismissed

Appeal Ref: A2016/0010 and 0011

'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 (as detailed in the circulated report), and its use for residential purposes at Aberdrychwallt Farm, Pontrhydyfen, Port Talbot SA12 9SN.

Decisions:

Appeal A (Caravan A) – Allowed

Appeal B (Caravan B) - Dismissed

CHAIRPERSON

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2017/0036	<u>DATE:</u> 16/01/2017
PROPOSAL: Variation of Condition 15 of planning permission P2010/0026 in order to allow for <ul style="list-style-type: none"> a) An output of 750 tonnes of dimensional blockstone and/or masonry products per working week for the duration of the planning permission (a maximum of 2x24 tonne carrying capacity vehicles and 5x20 tonne carrying capacity vehicles per day) and b) The removal of 700 tonnes per working week of aggregate produced from the waste stone resulting from the dimensional stone and masonry production process for a limited period of 2.5 years (a maximum of 7x20 tonne carrying capacity vehicles per day) 	
LOCATION: Gwrhyd Specialist Quarry Gwrhyd Uchaf Farm, Gwrhyd Road, Pontardawe, Swansea SA9 2SB	
APPLICANT: Artisan Stone Supplies Ltd	
TYPE: Vary Condition	
WARD: Pontardawe	

BACKGROUND

A request was received from Councillor Steve Hunt (Seven Sisters Ward) for this application to be heard by Planning Committee (and be the subject of a site visit) due to concerns regarding highway safety and the state of routes being proposed to carry the lorry loads.

By reason of its location, this is a scheme which has potential implications both for Pontardawe (where the site sits) and Cymllynyfell wards (where the traffic goes through). On this basis (and notwithstanding Cllr. Hunt's request) Officers determined that this is a matter which *"is appropriate to be determined by Members, taking into account the views of Members where they have requested an application to be considered at Committee"* and thus is reported to Planning Committee on this basis (under A1 of the delegated arrangements).

In respect of a site visit, the approved protocol states that “where it is felt by Officers that a site visit would be beneficial for Members” such a visit may be requested by the Development Manager – Planning, following referral to the Chair of Planning for a decision. The Chair has agreed to such a Members’ site visit, which will be held on the morning of the Committee.

SITE AND CONTEXT

Gwrhyd Quarry is a specialist stone quarry producing dimensional blockstone and other masonry products, located on Gwrhyd Mountain, approximately 2.6km west of Ystradgynlais, 5km north of Pontardawe and 3.5km south of Cwmllynfell. The site covers an area of some 7.5 hectares and includes the former Gwrhyd Uchaf farm complex and land to the east, north and south of the former farm complex. The site is on the hillside and the land falls away to the east and south. Land to the west and north is at a higher level. The surrounding land on all sides is primarily grassland. The excavation area lies to the east of the former farm complex and there are ancillary processing buildings and storage/parking areas within the former farm complex. The site operator also lives on site in the former farmhouse.

The maximum annual output of the quarry is currently under 10,000 tonnes per annum whereas the current planning permission was granted on the basis of a projected annual output of 20,000 tonnes per annum. The site can produce a maximum of 40 x 900kg bags of cropped stone per working day (36 tonnes per day or 180 tonnes per week based on a 5 day working week) and 100m² per week of dimensional stone (circa 12.5 tonnes per week). Therefore, maximum productive capacity of the site is currently less than 200 tonnes per week. The site does not currently work on a Saturday morning but it is permitted to do so under the planning permission. Production on a Saturday morning could add approximately 20 tonnes to the weekly production total. The site currently employs 16 skilled staff and the applicant claims that it contributes over £500,000 to the local economy per year.

The nearest residential properties are Graig y Betting approximately 275m to the north east and Craig y Pistyll approximately 215m to the south west. Access to the site is along a 260m access track which runs north westwards out of the quarry before joining the Gwrhyd Road. Vehicles are required to turn right at the access junction and travel northwards along Gwrhyd Road towards Cwmllynfell.

The route along Gwrhyd Road has a variable width of between 4 to 5 metres, and leads from the access point northwards towards Rhiwfawr, although not leading into the central part of the village. As it approaches Rhiwfawr the unclassified land descends down to Coedffaldau where it is relatively steep, and in parts winding, before meandering through Coedffaldau and onto Bryn Road in Cwmllynfell before accessing the A4068 opposite Cwmllynfell Library. The route passes the Cwmllynfell Primary School some 100 metres from this junction with the A4068. The route is around 4.25 km in length and has some 11 passing places along the way, of differing size and suitability. The road surface is in a poor condition in parts.

The site lies within the Mynydd y Garth Special Landscape Area but due to the surrounding topography the site is not particularly visible from the Gwrhyd Road or surrounding publicly accessible areas.

DESCRIPTION OF DEVELOPMENT

The current planning permission for the operation of the quarry (Reference: P2010/0026) was granted on 18th August 2011 subject to 59 conditions.

Condition 15 of the planning permission states:

Vehicles utilised for the haulage of quarried products from the site shall not exceed the following combination of carrying capacities and number of vehicular movements:

- a. *No more than 7 heavy goods vehicles with a carrying capacity not exceeding 15 tonnes shall depart from the site in any working day*
- b. *No more than 2 heavy goods vehicles with a carrying capacity not exceeding 21 tonnes shall depart the site in any 7 day period*
- c. *No more than 5 vehicles with a carrying capacity not exceeding 3 tonnes and carrying quarried products shall depart the site in any one day and up to a maximum of 15 in any 7 day period.*

The applicant (who is operating the quarry on a lease from the previous operator, Marshalls Mono Ltd) claims that the restrictions imposed by the condition do not allow him the flexibility to respond to the peaks and troughs of the trading cycle of the business and do not allow him to utilise cost effective transportation especially where dimensional stone and masonry products are travelling longer distances. Due to the

carrying capacity restrictions the operator claims that he has to use two vehicles to satisfy some contracts whereas he could use only one HGV if he was permitted to use larger vehicles. That would not only be cost effective for the business but would also reduce the number of HGV movements.

In addition, the amount of 'waste stone' produced during the production of dimensional stone and masonry products has been far higher than originally predicted. It was predicted in the most recent application (Ref: P2010/0026) that the site contained approximately 400,000 tonnes of stone. At a predicted 75:25 ratio that would produce, 300,000 tonnes of saleable dimension stone/masonry products and approximately 100,000 tonnes of 'waste stone'. The phasing plan and restoration plan were based on these volumes.

However, in practice the amount of 'waste stone' produced by the previous operator has amounted to between 75% and 80% of the total amount of stone excavated. The applicant has changed the working practices since he took control of the site operations and the quarry is now operating as it was intended with an 80% win of dimensional stone. However, due to the amount of 'waste stone' produced by the previous operator there is insufficient space within the site to retain the additional amount of 'waste stone' and site operation is severely constrained as a result. A significant quantity of 'waste stone' currently sits on top of good quality stone reserves.

The applicant wishes to remove some of the additional 'waste stone' to create sufficient space to access stone reserves, to enable the site to operate efficiently and to allow for proper restoration of the site in accordance with the current restoration strategy.

The applicant is therefore seeking to amend Condition 15 to allow for a combined tonnage of 750 tonnes per week of dimensional stone and/or masonry products, with a maximum of 2 HGV's with a carrying capacity of 24 tonnes (in general these would be 6 axle articulated vehicles) and 5 HGV's with a carrying capacity of 20 tonnes (in general these would be 4 axle articulated vehicles), leaving the site in any weekday. In addition to that the applicant is seeking the removal of up to 700 tonnes per week of aggregate material produced from the 'waste stone' for a period of 2 ½ years, with a maximum of 7 HGV's with a carrying capacity of 20 tonnes, leaving the site per weekday (in general these would be 4 axle rigid tippers).

The result of this s73 application would be a new standalone permission, and therefore it is also necessary to consider any other amendments necessary as a consequence of the proposed changes. Conditions relating to the phasing of operations, site layout, landscaping and restoration/aftercare will have to be amended in any new permission to require additional submission of details within prescribed periods.

These issues were raised in a pre-application submission but before the Authority could respond formally to that application the applicant submitted this application dealing with the amendment of Condition 15 in isolation. If the change of vehicle movements is considered to be acceptable then submission of details in relation to a method of working, phasing plan, site layout and landscaping details would be required within 3 months of determination. These details can be required by conditions attached to any grant of permission.

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

ENVIRONMENTAL IMPACT ASSESSMENT

The application has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. The Authority has concluded that the application is not EIA development and an Environmental Statement is not required to accompany this application.

NEGOTIATIONS:

Officers have been in negotiation with the applicant and highways colleagues in relation to the acceptable number of commercial vehicles from this site without having an adverse impact on the highway. In addition, officers have negotiated a Section 106 contribution of £30,000 towards the repair of the highway on certain sections of the county road between the site and Cwmllynfell and a £6,000 'Bond' to cover any damage caused by quarry lorries during the 30 months of higher lorry movements (see highways section below).

PLANNING HISTORY

The application site has the following relevant planning history: -

- P1998/1352 Extraction of pennant sandstone, trimming and dressing of stone to provide quality paving, stone-slates, cladding and walling stone – Granted at Appeal
- P1999/1230 Extraction of pennant sandstone - landscaping scheme – Approved – 13th December 1999
- P2002/0256 To extend area of quarry project to accommodate temporary waste mound – Approved – 7th May 2002
- P2002/0318 Amend condition (D) of extant permission APP/76930/A/99/513254/T/P3 (P/98/1352) to amend phasing of the scheme and provide for a temporary waste mound – Approved – 7th May 2002
- P2005/1308 Amend condition (M) of planning permission APP/Y6930/A/99/513254/T/P3 as reaffirmed by condition 2 of planning permission P/2002/318 – Approved – 15th December 2005
- P2006/1445 To agree an increase of HGV movements to seven on any working day under condition 1 of planning application 2005/1308 – Approved – 12th December 2006
- P2009/0643 Request for a screening opinion under regulation 5 of the town and country planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 for restoration, lateral extension (with minor deepening) and erection of new saw shed – Screening Opinion Issued – 7th August 2009
- P2010/0026 Proposed restoration, quarry lateral extension and erection of new saw shed – Approved – 18th August 2011
- P2011/0861 Submission of details pursuant to condition 59 of planning permission P2010/0026 (approved on the 18/8/11) in respect of a scheme for artificial bird boxes – Approved – 22nd September 2011

- P2012/0270 Proposed schemes under condition 33 & 34 of P.A. ref P2010/0026 - pollution prevention measures & surface water arrangements – Approved – 17th July 2012
- P2013/0592 Details relating to conditions 55 (site liaison committee) & 56 (technical working party) of planning application P2010/0026 granted on 18 August 2011 - Approved – 8th August 2013

CONSULTATIONS

Head of Engineering and Transport – no objection to 5x20 tonne HGVs and 2x24 tonne HGVs per day (max 10x24 tonne HGV's in a working week) carrying dimensional stone and masonry products and 7x20 tonne HGV's carrying overburden materials for a period of 2.5 years, subject to a restriction on the use of trailers, a restriction on the use of vehicles less than 3 tonnes carrying capacity, a 10-monthly road condition survey and a HGV Delivery Plan. This is on the basis that the commitment to 7x20 HGV's for a four year period from the proposed Opencast Coal Site at Fforch Egel Farm has now been removed.

A contribution of £30k for road repairs identified by the highway authority, is also required under a Section 106 Agreement. Any highway condition issues raised by the 10-monthly road condition survey will have to be repaired at the applicants expense. A contribution of £6k (in addition to the £30k) will be required initially which will be held by the authority to pay for repairs attributable to lorry movements from the quarry. The amount shall be topped up to £6k each year (for a 2.5 year period) and at the end of the 2.5 year period any unspent money will be returned to the applicant.

Pontardawe Town Council – the Council has concerns about the possible increase in traffic movements and the effects on the community.

Cwmllynfell Community Council – as long as the conditions/restrictions laid down are adhered to and that the proposed £30,000 is spent on road safety improvements along the existing route, then there is no reason to object.

REPRESENTATIONS

Four site notices were displayed on 17th January 2017, at the site and along the traffic route to Cwmllynfell. Four site notices were displayed at the same locations on 12th June 2017 and 17th July 2017 following amendments to the application description. The period of the latest Site Notice expires on 7th August 2017 and any additional representations will be updated at the Committee.

In response, to date 6 no. representations have been received, with the issues raised summarised as follows: -

- Gwrhyd Road is totally unsuitable for frequent use of HGV's in terms of its condition, width and alignment
- Danger to pedestrians and other road users
- Damage to property
- Increased noise from heavy lorries
- Impact on quality of life
- Impact on Biodiversity
- The operator has consistently breached planning conditions

REPORT

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:

- **Policy SP4** Infrastructure
- **Policy SP16** Environmental Protection
- **Policy EN8** Pollution and Land Stability
- **Policy SP17** Minerals
- **Policy M4** Criteria for the Assessment of Mineral Development
- **Policy SP20** Transport Network
- **Policy TR2** Design and Access of New Development

Issues

Having regard to the above, the main issues to consider in this application relate to the impact of HGV's on the amenities of residents along Gwrhyd Road, the capacity of the road network and highway safety.

Impact on the Highway Network and Highway Safety

This is the main ground of objection put forward by Pontardawe Town Council and the respondents. They consider that the Gwrhyd Road is totally unsuitable for HGV traffic in terms of its condition, width and alignment. The respondents consider that the lorries travel over a single carriageway road and are a danger to other road users. Speed of lorries is also mentioned as a concern but that is an issue for the police rather than the Planning Authority.

In determining previous applications in this area, Officers have recognised that the route towards Cwmllynfell is limited in its capacity in terms of size and number of HGV's, the most restricted length of highway being concentrated in particular to an area known as "Tyle Roc", Coedffaldau, and the approach towards the western limits of the village of Rhiwfawr which are steep and winding. This is an approximate length of 500 metres although other lengths of the route are marginally constrained but with passing places.

Background Information – Fforch Egel Opencast Proposal

Having regard to previous appeal decisions (including at Parc Level Opencast Coal Site and Gwrhyd quarry itself), it is pertinent to this application that Members previously resolved (on 1st April 2014) to grant planning permission for the Fforch Egel Opencast Coal Site, which would have allowed a maximum of 7 x 20-tonne carrying capacity HGV (one-way) movements a day, Monday-Friday, equalling 35 movements (700 tonnes) for a period of 4 years.

Subsequently, however, Members of the Planning Committee resolved to refuse the planning application for the Fforch Egel Opencast Coal Site at its meeting on 7th March 2017 partly on the basis that the road system could not accommodate the proposed traffic without a contribution of £30,000 towards necessary highway repairs (the applicant having failed to sign the required legal agreement). However,

had the applicant in that case provided the £30,000 for road repairs the Authority had previously resolved to grant planning permission.

Having regard to the above, the vehicular traffic proposed in that case is considered to be a material consideration of significant weight, insofar as it would have represented an agreed commitment, provided a sum of £30,000 were made for road repairs.

Combination of Fforch Egel Commitments and Gwrhyd Quarry

Table 1 below summarises the number and carrying capacity of HGV's which are currently permitted from Gwrhyd Quarry and the number of HGV's considered acceptable at the proposed Fforch Egel Opencast Coal Site (subject to road repairs). In addition, it provides a summary of the movements/output proposed by this application (with commentary having regard to assessment below).

Assessment of Movements: Dimensional Stone and Masonry Products

As the table below shows, the existing Condition 15 (based on a 6 day operation) allows for the removal of up to a maximum of 717 tonnes of quarry products per working week, with a potential maximum of 14 HGV's (28 2-way movements) in any working day and 59 HGV's (118 2-way movements) in any working week.

This condition has been in place since August 2011. Respondents have claimed that the condition has been breached. The breach is an enforcement matter which has no bearing in itself on the consideration of the application, although it is worth noting that the Authority has served a Breach of Condition Notice in relation to Condition 15 which may have helped in prompting the submission of this application.

The applicant claims that the restrictions imposed by condition 15 do not allow him the flexibility to respond to the peaks and troughs of the trading cycle of the business and do not allow him to utilise cost effective transportation especially where stone is travelling longer distances. In some cases he is forced to use two HGV's when one of a larger size would suffice.

HGV carrying capacity	'Approved' Traffic Movements (subject to highway repairs)		Proposed by this Planning Application	
	Gwrhyd Quarry (Condition 15)	Fforch Egel Opencast Coal Site (resolution)	Dimensional Stone and Masonry Products	'Waste Stone' Aggregate (Mon- Fri only)
up to 3 Tonnes (2 axle vehicles)	15 per week (maximum of 5 per day) (45 Tonnes)	n/a	n/a	n/a
15T (3 axle vehicle)	7 a day = 42 a week (630 Tonnes)	n/a	n/a	n/a
20T (4 or 5 axle vehicle)	n/a	7 a day = 35 a week (700 Tonnes)	5 a day = 30 a week (600 Tonnes)	7 a day = 35 a week (700 Tonnes)
21T (5 or 6 axle vehicle)	2 per week (42 Tonnes)	n/a	n/a	n/a
24T (6 axle vehicle)	n/a	n/a	2 a day = 12 a week (288 Tonnes) <i>NOTE:</i> Max 10 a week (Mon-Fri only) to be conditioned (240 Tonnes)	n/a
One-way Movements	59 per week	35 per week	42 per week <i>NOTE:</i> Would be limited to 40	35 per week
Total Tonnage	717 Tonnes	700 Tonnes <i>(Temporary 4 year period)</i>	888 Tonnes (maximum) <i>NOTE:</i> Would be limited to max 750 Tonnes	700 Tonnes (requested for a 2.5 year period)
Combined Total	94 One way Movements 1417 T		77 One way Movements 1588 T <i>(NOTE: Would be limited to 1450T and 75 One way movements)</i>	

Table 1: Number and carrying capacity of HGV's

The applicant is therefore proposing a slight increase in the maximum output of dimensional stone and masonry products from the quarry from 717 tonnes per week up to 750 tonnes per week and is seeking greater flexibility in terms of vehicle size and number permitted in any one day. He is requesting a maximum of 2 HGV's with a carrying capacity of 24 tonnes and 5 HGV's with a carrying capacity of 20 tonnes in any one weekday. Although these vehicle numbers equate to a potential maximum total of 888 tonnes (42 HGV's per week - 84 vehicle movements), a limit of 750 tonnes per week is proposed, such that the maximum level of traffic could not be achieved every day.

It is also worthy of note that whilst the applicant is requesting an output limit of 750 tonnes per week with a maximum of 2 HGV's with a carrying capacity of 24 tonnes and 5 HGV's with a carrying capacity of 20 tonnes per day, this greatly exceeds his current production capacity of approximately 200 tonnes per week. The site is not capable of supplying 750 tonnes of dimensional stone per week all year round. The request for a limit of 750 tonnes per week reflects the peaks and troughs of the trading cycle of a dimensional stone and masonry product business. The applicant has indicated that during the winter months sales are very low and the amount of traffic would therefore be very low but on other occasions a large contract may require the 750 tonnes per week to be removed from the site. Based on a production of 200 tonnes per week the average number of HGV's visiting the site would be between 9 and 10 per week (18 to 20 vehicle movements) depending on the vehicle size used – 2 per day (4 2-way movements).

Looking solely at the proposed output increase and changes to vehicle numbers for dimensional stone, the Head of Engineering and Transport has indicated that 2x24 tonne HGV's (at a max. of 10 per working week) and 5x20 tonne HGV's per working day would be acceptable. Whilst it is acknowledged that this would result in an increase in tonnage in terms of output and an increase in the size of HGV's it would nevertheless be a reduction in the maximum number of daily vehicle movements leaving the site carrying dimensional stone and masonry products from 59 per week (118 vehicle movements) to 40 HGV's (80 vehicle movements).

In addition to numbers of vehicles, concern has been expressed regarding the impact the additional size and weight of the larger (24 Tonne carrying capacity) HGV's could have on the highway and traffic safety. This relates both to the size of the vehicle itself on the narrow route and the weight of the vehicle in terms of potential damage to the road surface.

In terms of the size of vehicles, the Head of Engineering and Transport is satisfied that the proposed 5 and 6 axle vehicles with a carrying capacity of 24 tonnes and 20 tonnes can be accommodated without any significantly greater impact than existing vehicles. HGV's are generally about the same width and are limited to 2.55m (excluding mirrors) although the trailer units attached may differ in length depending on their carrying capacity. The Head of Engineering and Transport in coming to that conclusion considers that any planning permission granted should be subject to £30k of road repairs being undertaken, subject to vehicle movements being limited to weekdays (since weekends are to be expected to have a greater degree of activity from residents and visitors using the local highway, noting also that restrictions would remain for school times) and subject to a condition requiring a Heavy Goods Vehicles Delivery Plan to ensure that only one heavy goods vehicle carrying either building stone or overburden shall travel along Gwrhyd Road, Coedffaldau and Bryn Road at any one time during each working day, this being to avoid any conflict between oncoming heavy goods vehicles meeting each other along these roads, and to ensure that no convoying of vehicles occur, in the interest of highway safety.

In respect of weight of vehicles, in general terms a HGV with a carrying capacity of 15 tonnes would be a 6-wheeler flatbed with 3 axles, and a HGV with a carrying capacity of 21 tonnes would be an articulated vehicle with 5 or 6 axles (maximum axle weight of 11.5 tonnes). A HGV with a carrying capacity of 3 tonnes would be a 4 wheeler with two axles. Therefore, these are the type of vehicles anticipated under the current planning permission at Gwrhyd Quarry. The HGV's with a carrying capacity of 20 tonnes, which were proposed at Fforch Egel Opencast Coal Site, would have been rigid tippers with four axles.

This is an important consideration because the Department of Transport advice is that the wear to roads and bridges caused by a vehicle depends upon how its gross weight is spread via the axles to the road surface. It is the weight on each axle, rather than the gross weight of the vehicle, that determines road surface wear.

A HGV with a 24 tonne carrying capacity proposed by the applicant would generally have 6 axles with a maximum drive axle weight of 10.5 tonnes. The UK Government has calculated that a vehicle of such size and maximum axle weight, with road friendly suspension, would cause no more road wear than a HGV with a carrying capacity of 20 tonnes

and would cause significantly less road wear than a 5 axle HGV with a carrying capacity of 21 tonnes and a drive axle weight of 11.5 tonnes. The 11.5 tonne axle weight produces approximately 45% more wear than the heavier vehicle with a 10.5 tonne maximum axle weight.

On that basis, it is considered that there is very little difference in terms of road wear between a HGV with a carrying capacity of 20 tonnes and one with a carrying capacity of 24 tonnes and these vehicles are potentially much less damaging than the 21 tonne carrying capacity vehicles currently permitted (albeit there are only 2 per week permitted).

Due to the narrow width of the highway and potential for damage caused by these vehicles, the Highway Authority has stated that a survey of the condition of the surface of the highway shall be carried out every 10 months from the date of the granting of any permission, with any damage to the highway associated with vehicles from the quarry to be repaired by the Highway Authority and paid for by the operator of the Gwrhyd Specialist Stone Quarry. To ensure that adequate controls are in place to fund any such essential repairs, an additional 'bond' of £6000 per annum would be required (under s106 agreement) to be paid by the applicant for use in connection any on-going repairs identified by the 10 month survey. Any monies not spent 6 months after the 2½ year overburden removal has been completed shall be returned to the quarry operator.

Having regard to the above it is concluded that the increase in size and carrying capacity of vehicles carrying stone products would have no greater impact on road wear than the permitted vehicles, such that there is no objection to the increased flexibility proposed by the applicant, subject to the restrictions referred to above which are reproduced within the new conditions attached to this consent.

Additional Outputs – Waste Aggregate

In addition to dimensional stone/masonry output, the applicant is also proposing to remove up to 700 tonnes of 'waste stone' per working week over a 2½ year period at a rate of up to 7x20 tonne vehicles per day (therefore a max. 140 tonnes a day). This would amount to 35 HGV's (70 2-way vehicle movements) per week (Monday – Friday).

As stated above, this has become necessary due to the waste element of the production of dimensional stone and masonry products being much higher than anticipated when the site was worked by the previous

operator. As a result, the site has become constrained by the additional waste that has had to be accommodated and this is making effective phasing very difficult to achieve.

It is worth noting that this material is not additional reserve, it is a part of the 300,000 tonnes of product previously approved which would have been removed as dimensional stone or masonry product had the original estimates of overburden/waste been correct. In that respect it is not an addition to the amount of excavated material but it is an addition to the amount of traffic over a 2½ year period. It would be a significant benefit to operations at the site to remove the excess waste material as an aggregate product. It would also amount to a sustainable use of a potential aggregate resource in accordance with Policy SP17 of the Local Development Plan.

As referred to earlier, the vehicular traffic proposed in the Fforch Egel proposal is considered to be a material consideration of significant weight, insofar as it would have represented an agreed commitment of 35 HGVs (70 2-way movements) along the same route over a temporary 4 year period, provided a sum of £30,000 were made for road repairs.

The additional waste aggregate would be removed from the site in identical quantities and vehicle numbers (albeit over 2 ½ years) to the Fforch Egel proposal. The Head of Engineering and Transport has therefore confirmed that the traffic movements of 7x20 tonnes for a period of 2 ½ years is acceptable provided the applicant makes the same £30,000 contribution to highway repairs as was required for the Fforch Egel development, such payments/ works being necessary to ensure the highway is able to accommodate the increased capacity of lorries/ output using the highway. A Section 106 Agreement would be required to secure the funding.

The areas that need repair have been identified by the Highway Authority (plans 1 and 2 Patch Repairs) and will be referred to in the legal agreement. In addition, the access that joins onto Gwrhyd Road (identified point 7 on the plans) also needs supporting work due to the level difference of the land adjacent to the public highway which is causing the carriageway to break up along its edge, and a requirement for a passing bay has been identified on plan A.

The impacts of the overall / combined output are addressed below

Impacts of Combined Stone and Waste Output on Highway safety

While the overall level of material leaving the site is proposed to increase from a maximum of 717 tonnes per week to a maximum of 1450 tonnes (750 tonnes of dimensional stone plus 700 tonnes of waste stone) per week, the critical issue concerns how this proposed increase could be accommodated on the local highway network which, as indicated by the local respondents, is constrained by its width, and topography / alignment.

The individual outputs have been addressed above, and as indicated in the Table above, the proposal would result in a total maximum number of 75 HGV's per week (150 2-way movements) or 14 HGV's (28 2-way movements) per working day.

This compared with the current planning permission which allows for 59 HGV's per week (118 movements) and also allows for a potential maximum of 14 HGV's (28 movements) in a working day.

While the proposal results in a significant increase in overall output from the site, in terms of HGV movements (when coupled with stone output in larger HGVs), the total amount of HGVs (one-way) would still equate to a maximum of 14 HGVs per day.

The Head of Engineering and Transport has also sought to restrict other movements associated with quarry output, with a condition adding the following restrictions: -

- No other heavy goods vehicles (than those stated above) with a carrying capacity exceeding 3 tonnes shall be permitted to enter or depart from the site.
- No trailers shall be permitted with any heavy goods vehicles to transport material to and from the site.
- No vehicles with a carrying capacity not exceeding 3 tonnes shall depart from the site in any one day.

It is also strictly necessary, in the interest of certainty, to include a new condition restricting the output of the quarry as follows: -

- A) a maximum of 750 tonnes per working week of dimensional blockstone and/or masonry products; and
- B) a maximum of 700 tonnes per working week of aggregate produced from waste stone resulting from the production of dimensional stone and masonry products for a period of no greater than 30 months from the date of this consent.

Had the Fforch Egel planning application been approved and implemented a total of 94 HGV's (188 movements) per week (max) would have been permitted along Gwrhyd Road over a 4 year period. In comparison, this proposal would result in 75 HGV's (150 movements) per week, which is significantly below those levels and for a shorter period of time – 2 ½ years.

Accordingly, while it is acknowledged above that some of the HGV's are of larger carrying capacity, nevertheless the proposal does not result in significantly greater tonnages or vehicle movements over and above that which has already been found to be acceptable. The danger to road users would therefore not be significantly increased, such that it is concluded that subject to the financial contributions and amended conditions, there can be no justification for refusal of this application on highway safety grounds.

Indeed, the development would generate £30,000 towards the repair of the carriageway which, while essential to mitigate the impacts of this development, would nevertheless also be to the benefit of all road users.

Having regard to the above, the proposal does not therefore conflict with Policies SP4, M4(4), SP20 or TR2 of the Local Development Plan.

Impact on Residential Amenity

The concerns expressed by respondents in relation to the impact on residential amenity and their quality of life relates primarily to the impact of additional lorry movements along the Gwrhyd Road. As indicated above, the number of vehicle movements will decrease as a result of the development, although the size of the vehicles will increase. On that basis it is not anticipated that there would be an unacceptable impact on residential amenity or quality of life of residents resulting from the proposal.

The wider operations at the site are also already controlled by conditions attached to the planning permission, and there are no proposals to amend these controls within the new s73 consent.

For these reasons, the proposal is not considered to conflict with Policies SP16, EN8 and M4 of the Local Development Plan.

Other Matters - Conditions

When determining an application under section 73 for variation of conditions, a new standalone planning permission is issued. It is therefore also necessary to ensure that the wording and intent of the original conditions attached to the new consent remains appropriate. In this regard, while there are some minor changes to wording of conditions, attention is drawn to the following conditions: -

- Condition 4 requiring a revised working programme and phasing plan within 3 months
- Condition 7 setting out production limits
- Condition 14 restricting HGV travelling times during school term times only
- Condition 17 requiring a scheme to prevent deleterious material being brought out onto the road to be submitted within 3 months
- Condition 31 requiring a revised landscaping plan to be submitted within 3 months
- Condition 34 requiring a revised plan to be submitted indicating stocking areas within 3 months
- Condition 44 requiring a revised Restoration Strategy within 3 months
- Condition 45 requiring a detailed restoration scheme within 3 years (one year earlier than previously as the removal of the 'waste stone' within 2 ½ years will allow for progressive restoration)
- Condition 46 requiring a detailed aftercare scheme within 3 years (one year earlier than previously as the removal of the 'waste stone' within 2 ½ years will allow for progressive restoration)

Other Matters - Representations

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:

Reference has been made to breaches of planning conditions. Particular reference is made to breach of the restrictions of vehicle movements past the school at certain times of the day. This condition will remain in place and will be subject to monitoring. The alleged

breach is not a material consideration in the consideration of the application.

Reference has been made to the impact on biodiversity. However, the proposal is not considered to have a significant impact on biodiversity as the operational area of the site is unchanged.

Damage to property has been mentioned but this is a civil matter.

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 proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SP4 9 (Infrastructure), Policy SP16 (Environmental Protection), Policy EN8 (Pollution and Land Stability), Policy SP17 (Minerals), Policy M4 (Criteria for the Assessment of Mineral Development), Policy SP20 (Transport Network) and Policy TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan.

RECOMMENDATION

- A. The application is APPROVED subject to conditions and subject to the applicant entering into a Section 106 Agreement with the following Heads of Terms: -
- i. A £30,000 contribution to highway repairs; and
 - ii. Payment of a £6,000 'Bond' (to be topped up per annum) to be used for any ongoing repairs to the highway attributable to vehicles travelling to/from the quarry for a period of 30 months.

B. That if within 3 months of the date of this resolution, the S106 agreement is not signed, the application shall be refused for the following reason:

- (1) In the absence of a legal agreement providing for a financial contribution for the maintenance of the highway and improvements to passing places on the unclassified road leading northwards from the site access road to the village of Cwmllynfell, the nature and scale of the HGV traffic generated by the development would have an unacceptable impact on highway safety. The proposal therefore conflicts with Policies SP4, M4, SP20 and TR2 of the LDP.

CONDITIONS

Time Limit

(1) The extraction of minerals shall cease not later than 30th September 2025 and restoration shall be completed in accordance with the approved restoration scheme by 30th September 2026.

For a period of 5 years from the date of completion of restoration the site shall be managed in accordance with the approved aftercare scheme.

The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the approved restoration and aftercare schemes.

Reason

To minimise the duration of disturbance from the development hereby permitted and to ensure restoration of the site to a beneficial after-use

Working Programme and Phasing

(2) The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by any revisions or by other conditions, schemes or approvals by the Local Planning Authority:

Planning Application dated 17th December 2009

Environmental Statement (December 2009) (as amended)

Supplementary Information (May 2010)

Drg. No. A1.2 (Revised) April 2010 Planning Application Area
Drg. No. A3.1 April 2010 Topographical Plan
Drg. No. A2.4 (Revised) May 2010 Proposed Quarry Development Phase 1
Drg. No. A2.5 (Revised) May 2010 Proposed Quarry Development Phase 2
Drg. No. A2.6 (Revised) April 2010 Proposed Quarry Development Phase 3
Drg. No. 2.7 (Revised) April 2010 Proposed Restoration Context
Drg. No. 2.8A (April 2010) Cross Section through Quarry Phases
Drg. No. CA10180/03 September 2009 Planting Plan
Drg. No. 2.7A (May 2010) Schematic Sections through Restored Quarry Face
Drg. No. A16067 - Layout of Proposed Saw Shed
Drg. No. A16068 - Planning Drawing Showing Proposed Saw Shed
Reason

To identify the development hereby permitted and to identify the approved documents, plans and drawings that relate to the approval

(3) A copy of this permission, including all documents hereby approved or cited in the conditions of this consent, and any other document subsequently approved in accordance with any condition of this permission shall be kept available for inspection at the site offices during all periods when operations are being undertaken at the site.

Reason

To ensure the monitoring of site operations can be monitored.

(4) Notwithstanding Condition 2 above, within 3 months of the date of this permission the developer shall submit a revised working programme and phasing plans for the written approval of the Local Planning Authority. The Working Programme and Phasing shall be implemented in accordance with the approval.

Reason

To enable the Local Planning Authority to monitor the development and to ensure phasing maximises opportunities for progressive restoration of the site

(5) Every 5 years from the date of this permission, a land survey shall be undertaken of the site to determine the volume of material extracted, the overburden, topsoils, subsoils or any soil forming materials conserved on the site and an assessment and calculation made of the soils and materials available to achieve restoration. The results of such surveys and calculations shall be submitted to the Local Planning Authority for its information.

Reason

To ensure that the development is monitored adequately and that adequate conservation of materials is maintained on the site for restoration.

Restriction of Permitted Development Rights

(6) Notwithstanding the provisions of Part 19 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order) no fixed plant or machinery, buildings, structures and erections shall be erected, extended, installed or replaced at the site complex without the prior approval of the Local Planning Authority.

Reason

In the interest of the amenities of the area and to retain adequate control over the visual impact of the development.

Production Limits

(7) The total amount of mineral leaving the site shall not exceed

a) a combined total of 750 tonnes of dimensional blockstone and/or masonry products per working week for the duration of the planning permission; and

b) a maximum of 700 tonnes per working week of aggregate produced from waste stone resulting from the dimensional stone and masonry production process for a limited period of 30 months from the date of this permission

Reason

In the interests of highway safety

(8) Vehicles utilised for the haulage of quarried products from the site shall all be fitted with road friendly suspension on their drive axles, and shall not exceed the following combination of carrying capacities and number of vehicular movements:-

- a. No more than 2 heavy goods vehicles with a carrying capacity exceeding 20 Tonnes but no greater than 24Tonnes shall depart from the site in any working day and no more than 10 per working week, carrying dimensional stone and masonry products
- b. No more than 5 heavy goods vehicles with a carrying capacity exceeding 3 Tonnes but no greater than 20 tonnes shall depart from the site in any working day carrying dimensional stone and masonry products
- c. For a limited period of 30 months from the date of this decision, no more than 7 heavy goods vehicles with a carrying capacity exceeding 3 Tonnes but no greater than 20 tonnes shall depart from the site in any working day carrying waste stone arising from the production of the dimensional stone and masonry products
- d. No trailers shall be permitted with any vehicles used to transport stone from the site.
- e. No other vehicles other than those stated in a, b and c above shall depart the site carrying stone on any day.

Reason

In the interest of highway safety and amenity.

(9) For the duration of the planning permission the site operator shall maintain records of the daily, weekly and monthly output and shall make them available to the Local Planning Authority at any reasonable time upon request. These records shall be kept for the duration of operations at the site and identify the size, weight and number of vehicular movements utilised in the transportation of quarried products from the site.

Reason

To allow the Local Planning Authority to monitor quarried product exportation from the site.

(10) The only mineral to be prepared, treated and stocked/stored at the site shall be sandstone extracted from the site and no other mineral shall be imported into the site for any such preparation, treatment or stocking/storage.

Reason

To prevent development on a scale not envisaged when planning permission was granted, in the interests of highway safety

Hours of Working

(11) Except in an emergency (which shall be notified to the Local Planning Authority as soon as practicable) no development, which includes the starting up of plant and machinery, as approved under this permission (other than water pumping, servicing, environmental monitoring or maintenance and testing of plant) shall be carried out on the site except between the following times:-

07.30 to 18.00 hours Mondays to Fridays

07.00 to 13.00 hours Saturdays

There shall be no development or other activities other than those in relation to water pumping and environmental monitoring undertaken on Sundays, Bank or Public Holidays.

Reason

To protect the living conditions of nearby residents.

(12) Notwithstanding the hours of working approved under condition 11 of this consent or as otherwise approved in writing by the Local Planning Authority the operation of rock breaking plant shall not be undertaken other than between 08.00 to 16.00 hours Mondays to Fridays.

Reason

In the interests of the amenity of the area.

(13) Notwithstanding the hours of working approved under condition 11, no soils shall be stripped or replaced, no topsoil or subsoil mounds shall be formed or removed and no water treatment areas shall be constructed or removed except between the following times:

08.00 to 16.00 hours Mondays to Fridays

08.00 to 12.00 hours on Saturdays

Reason: To protect the living conditions of nearby residents

(14) During published school term times, all vehicles carrying quarried products or any other bulk materials shall only leave the site during the following hours:

07.30 and 7.50 hours Mondays to Fridays

09.15 and 14.45 hours Mondays to Fridays

16.15 and 18.00 hours Mondays to Fridays

No such movements shall occur on Saturdays, Sundays and Public Holidays.

During published school holidays all vehicles carrying quarried products or any other bulk materials shall only leave the site during the following hours:

07.30 and 18.00 hours Monday to Friday

No such movements shall occur on Saturdays, Sundays and Public Holidays.

Reason: In the interest of highway safety, amenity and to prevent such movements when school children are likely to be travelling or walking to and from school.

Transportation and Access

(15) The planning permission hereby granted relates to the use of the access road marked as 'TRACK' on Drg. No A 1.2 (Revised) and vehicles gaining access to or from the site shall utilise no other access points.

Reason

In the interest of highway safety.

(16) All vehicles that depart from the quarry access transporting quarried stone products shall turn right as they exit the access point with the public highway, and within one month of the date of this permission the developer shall submit a Heavy Goods Vehicles Delivery Plan for the written approval of the Local Planning Authority which as a minimum shall include for: the provision of a sign at a location adjacent to the cattle grid entrance to the site - with dimensions as to be clearly visible to drivers of HGV vehicles leaving the site - advising drivers of this requirement ; and details of how appropriate controls will be put in place to ensure that only one heavy goods vehicle carrying either building stone or overburden shall travel along Gwrhyd Road, Coedffaldau and Bryn Road at any one time during each working day. The signage and other controls shall be implemented within three months of the date of this decision and the site operated thereafter in accordance with the agreed scheme/plan.

Reason

To ensure heavy goods vehicle movements are directed along recognised highway routes, and in order to minimise any conflict between oncoming heavy goods vehicles meeting each other along these roads, and to ensure that no convoys of vehicles occur, in the interest of highway safety.

(17) Within 3 months of the date of this permission the developer shall submit a scheme indicating the facilities and/or methods to be put in place to ensure deleterious material is not carried onto any part of the public highway. The scheme shall include provision for all vehicles carrying loose material to be sheeted and shall be implemented as approved.

Reason

To prevent deposit of materials on the highway and in the interest of highway safety.

Dust

(18) The control, suppression and monitoring of dust shall be undertaken in accordance with the provisions set out within the Dust Action Plan (June 2010) and implemented for the duration of operations at the site.

Reason: To protect the living conditions of nearby residents.

Blasting

(19) There shall be no blasting carried out at the site .

Reason

In the interest of amenity as blasting has not been proposed and the amenity implications appropriately assessed.

Noise

(20) Operational noise from the site shall not exceed the specified sound pressure levels, measured as an LAeq (15 mins) freefield under the measurement criteria of BS4142, at the specified noise sensitive properties listed below, such levels not to be exceeded between 07.00 and 18.00 hours Mondays to Fridays and between 07.00 and 13.00 hours on Saturdays.

Craig y Pistyll - 46 LAeq (15 mins) dB

Graig y Betting - 47 LAeq (15 mins) dB

Capel y Gwrhyd - 47 LAeq (15 mins) dB

Gwrhyd Isaf Farm - 46 LAeq (15 mins) dB

Noise arising from the development shall not exceed the background noise levels by 10dB LAeq 15 minutes (freefield) for any other noise sensitive properties within 400 metres of the site boundary during the same hours of working.

Reason

To protect the living conditions of nearby residents

(21) Notwithstanding the noise level limits set out in Condition 20 the sound pressure level for operations for the stripping of topsoils and the construction and removal of soil mounds, baffle mounds and water treatment areas, measured at any noise sensitive property, shall not exceed 67dB LAeq 1hour (freefield) for up to 8 weeks in any calendar year.

Reason

To protect the living conditions of nearby residents.

(22) At all other times, outside those identified in Condition 20 above, the sound pressure level for operational noise from the site, measured at any noise sensitive property, shall not exceed 42dB LAeq 5 mins (freefield) under the measurement criteria of BS4142.

Reason

To protect the living conditions of nearby residents.

(23) Noise control measures and proposed noise monitoring identified within the Noise Action Plan (June 2010) shall be carried out for the duration of the operations at the site.

Reason

To protect the living conditions of the nearest residents.

(24) All pumps used in connection with the development shall be powered by electricity or shall otherwise be acoustically insulated.

Reason

To protect the living conditions of nearby residents.

(25) All vehicles, plant and machinery operated within the site shall, at all times, be fitted with and use silencers and acoustic covers in accordance with the manufacturer's recommendations. Save for the purposes of maintenance, no machinery shall be operated with the acoustic covers open or removed.

Reason

To protect the living conditions of nearby residents.

(26) Mobile plant and vehicles shall be fitted with ambient related, broadband or low-tone reversing warning devices.

Reason

To protect the living conditions of nearby residents.

Water Environment

(27) The pollution prevention measures during the operational and post operational phase of the development shall be implemented at all times in accordance with the details approved under Application Reference P2012/0270 on 17th July 2012

Reason

To protect the water environment.

(28) The comprehensive water management scheme shall accord at all times with the details approved under Application Reference P2012/0270 on 17th July 2012. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be approved, in writing, with the Local Planning Authority.

Reason

To prevent the pollution of controlled waters.

(29) In the event that any dewatering of the working area is required the developer shall inform the Local Planning Authority in writing within seven days of such an occurrence. Within 2 months of such notification a Hydrogeological Impact Appraisal shall be undertaken and submitted to the Local Planning Authority for its approval and the recommended mitigation or works set out in the appraisal implemented on the approval of such details.

Reason

To protect the water environment and water resources.

(30) Drainage ditches, settling ponds and lagoons shall be regularly desilted and maintained in such condition that they are able to perform effectively and efficiently the purpose for which they have been provided.

Reason

To ensure that these facilities continue to function effectively and efficiently throughout the operational, restoration and after-care period.

Landscaping

(31) Notwithstanding Condition 2 above, within 3 months of the date of this permission the developer shall submit a revised landscaping plan for the entire site for written approval of the Local Planning Authority

Reason: In the interest of the visual amenity of the area.

Site Maintenance

(32) Throughout the period of working, restoration and aftercare the operator shall:

(i) protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land

(ii) provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there is no pollution of watercourses by the approved operations.

Reason: To protect adjacent agricultural land

(33) The operational site shall be enclosed with a stock proof fence or, where present, existing hedgerows maintained for the duration of operations at the site and the aftercare period. In addition, the cattle grid shall be maintained at the entrance gate to the site for the duration of operations.

Reason: To ensure that grazing stock that may use the adjacent common area is prevented from entering the operating site.

(34) Notwithstanding Condition 2 above, within 3 months of the date of this permission the developer shall submit a plan for the written approval of the Local Planning Authority setting out the areas to be used for the stocking of quarry products. Quarried stone products shall only be stocked in the areas approved by the Local Planning Authority. Stock shall not exceed a height greater than 3 metres above the ground level on which it is sat, and if covered in sheeting or in bags such sheeting or bags shall be dark green in colour.

Reason

To protect the visual amenity and living conditions of the area.

Soils and Soil Storage

(35) At least seven days' notice, but not more than 21 days, shall be given in writing to the Local Planning Authority before any soil stripping operations commence. No overburden or mineral extraction shall take place on these stripped areas until all available soils have been recovered from the area concerned.

Reason

To ensure that all available soils are conserved for use in the restoration of the site.

(36) All topsoil and subsoils shall be stripped stored and conserved in accordance with the proposals set out in the Environmental Statement or as modified in the Supplementary Information submitted (May 2010).

Reason

To ensure adequate management and conservation of soils resources at the site.

(37) Soils shall not be stripped or moved except when the material is in a dry and friable condition and it would not be damaged by heavy vehicles and machinery passing over it.

Reason

To ensure that the soils are not damaged during the process of their stripping and handling.

(38) All turf and topsoil, subsoil and soil forming material shall remain on site for use in the restoration of the site and when stripped shall be stored in separate mounds which do not overlap. Within three months of the date of this permission the developer shall provide a plan of such soil mounds the Local Planning Authority indicating the exact position and dimensions of the soil storage mounds and the quantities of soil in each mound.

Reason

To ensure satisfactory preservation, conservation and restoration of soils.

(39)No turf, topsoil, subsoil and or soil forming material shall be removed or sold from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

(40)All storage mounds of topsoils, subsoils and soil forming material, and their margins shall be seeded to grass within the first growing season, and in any event within 6 months of their construction, maintained to encourage a dense grass sward to develop and shall not be allowed to over winter without grass cover. All vegetation growing on soil storage bunds and their margins wtihin the site shall be maintained by cutting at least once during the growing season. All noxious weed growth shall be controlled by cutting or herbicide spraying to prevent weed seed contamination of the soil resource on site or on surrounding land.

Reason

To protect the character and appearance of the site and the surrounding area.

(41)Other than those essential for site access, only those vehicles involved in loading soils shall be permitted on unstripped areas, and then restricted only to operations to recover the soils. Vehicles used in transporting soils shall only travel over areas of ground that have previously been stripped of topsoil and subsoil.

Reason: To protect the character and appearance of the site and the surrounding area.

Restoration and Aftercare

(42) Within 6 months of the permanent cessation of stone extraction or 31st March 2026 whichever is the sooner, all stocks of dimensional stone and masonry products shall be removed from the site.

Reason

To ensure that restoration is not impaired or affected by remaining stock at the site.

(43) In the event of sandstone extraction ceasing at the site, the Local Planning Authority shall be notified of the date of cessation in writing within one month of the date of cessation. In the event of sandstone extraction ceasing for a period of 12 months, a revised scheme for the restoration of the site shall be submitted to the Local Planning Authority within 14 months of the cessation of sandstone extraction for written approval. The revised scheme shall be implemented within 12 months of its approval.

Reason

To protect the character and appearance of the site and the surrounding area and the living conditions of nearby residents.

(44) Within 3 months of the date of this permission the developer shall submit a revised restoration strategy for the approval of the Local Planning Authority. The Restoration Strategy shall identify opportunities for progressive restoration of the site and shall be implemented as approved.

Reason

To ensure adequate reclamation of the site and biodiversity objectives

(45) Within 3 years of the date of this permission, or in the event of the cessation of winning and working of sandstone which in the opinion of the Local Planning Authority constitutes a permanent cessation within the terms of Schedule 9 of the Town and Country Planning Act 1990, a detailed restoration scheme (in the form of written statements and plans) for the whole of the site shall be submitted to the Local Planning Authority for its approval. The scheme shall include, inter alia, details of the following unless modified by other conditions of this consent.

(a) the nature or intended after use of the whole site;

(b) the removal of buildings, plant and machinery and the reinstatement of the site and access roads by clearing plant, buildings, machinery, road base, concrete or brickwork and any temporary river crossings;

(c) details of the re-spreading of overburden, subsoil and topsoil previously stripped from the site, including depths and placement;

(d) the ripping of any compacted layers of final cover to ensure adequate drainage and aeration, such ripping to take place before placing the topsoil;

(e) the machinery to be used in soil re-spreading operations and the method of soil replacement;

(f) the final proposed levels of the reclaimed land, as a contour plan at 2 metre intervals, and the gradient of the slopes which shall be graded to prevent ponding of, or erosion by, surface water and to conform with the surrounding land;

(g) the drainage of the reclaimed land (including the formation of suitably graded contours to promote natural drainage), the installation of artificial drainage where necessary, and the position and design (including longitudinal and transverse sections) of main outflow ditches and watercourses where all such features shall be designed to achieve maximum ecological diversification;

(h) the position and erection of fencing, hedge on bank constructions, gates, walls, cattle ditches and water supplies in order to show field layouts and sections;

(i) the creation of attenuation ponds, water features or wetlands;

(j) the distribution of woodlands and nature conservation features;

(k) provision of and position of any footpaths and bridleways to be reinstated or linked with existing Public Rights of Way

Restoration shall be carried out in accordance with the approved details.

Reason

To secure adequate reclamation of the site.

(46) Within 3 years of the date of this permission, or in the event of a cessation of winning and working of sandstone (which in the opinion of the Local Planning Authority constitutes a permanent cessation, within the terms of Paragraph 3 of Schedule 9 of the Town and Country Planning Act), details of an aftercare scheme, to bring the site to the required uses for agriculture, amenity and nature conservation, shall be submitted to the Local Planning Authority for its approval. The details shall include the steps that are to be undertaken and the period during which they are to be taken, together with the following:

(a) the designated areas of the intended after uses for the whole site;

- (b) the timing and pattern of vegetation establishment (including species to be planted, grass seeding mixtures and application rates, stock types and sizes, spacing, method and position of planting);
- (c) cultivation practices for the preparation of soils;
- (d) hedgerow construction;
- (e) fertiliser and lime application and weed control based on soil and chemical analysis and identification and justification of any areas that would be the subject of treatment by biogran or biosolids;
- (f) drainage proposals including the timing of installation, maintenance and temporary drainage measures including any ponds and wetlands;
- (g) grassland management, including class of grazing stock, livestock, stocking density and mowing practices;
- (h) the provisions for the seeding of woodland ground flora;
- (i) watering facilities and the provision of supplies;
- (j) the full assessment of the introduction of areas to be restored to nature conservation and their application to local biodiversity objectives;
- (k) the creation, management and maintenance of any paths, tracks or roads;
- (l) any other agricultural, silvicultural or conservation treatment relevant to the site; and
- (m) fencing

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

Reason: To ensure adequate aftercare of the site.

(47) Once a year during the aftercare period, the site operator shall arrange a formal review to consider the aftercare operations which have taken place on the site during the previous year, and also the programme of management for the following year. The parties invited to this review shall include the site operator, the owners of the land, any other occupiers, the Local Planning Authority, Natural Resources Wales and a representative of Welsh Government Department for Environment and Rural Affairs. At least four weeks before the date of each annual review, the site operator shall provide the Local Planning Authority with a record of the management and operations carried out on the site during the period covered by the review.

Reason: To ensure adequate restoration and aftercare.

Saw Shed

(48) The external walls and roof of the new saw shed and ancillary structures shall be dark green in colour. The colour of the building shall thereafter be maintained until the building and structures are removed from the site.

Reason

To protect the character and appearance of the site and the surrounding area.

Community Liaison

(49) The scheme for the setting up, operating and regular convening of a Site Liaison Committee shall be implemented in accordance with the details approved under Application Reference P2013/0592 on 8th August 2013

Reason

To aid the monitoring of site activities.

(50) The scheme for the setting up, operating and regular convening of a Technical Working Party shall be implemented in accordance with the details approved under Application Reference P2013/0592 on 8th August 2013

Reason: To aid the monitoring of site activities.

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2017/0637	<u>DATE:</u> 04/07/2017
PROPOSAL:	Demolition of former care home and construction of 16 residential units, with associated car parking, landscaping and open space.
LOCATION:	Hafod Residential Home, Wenham Place, Neath SA11 3AH
APPLICANT:	Tai Gwalia (Part of POBL Group)
TYPE:	Full Plans
WARD:	Neath North

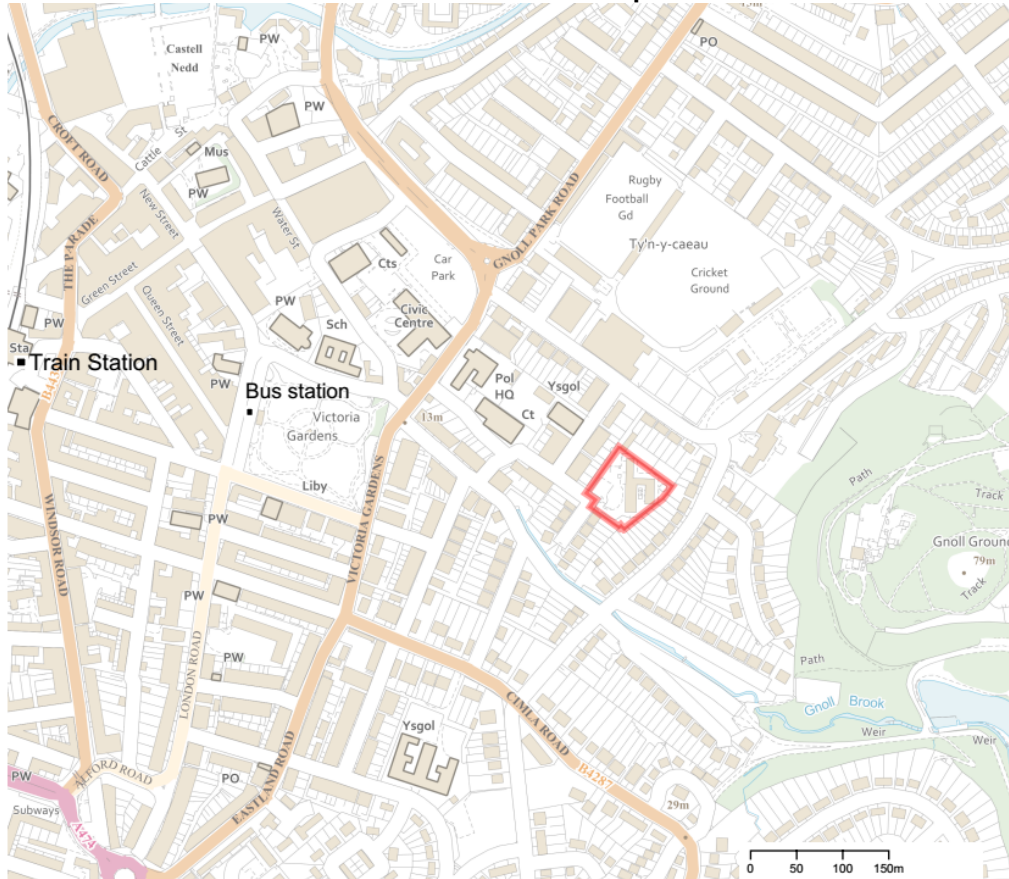
SITE AND CONTEXT

The application site currently comprises the former Hafod Care Home and associated parking which is currently vacant. The site is approximately 0.4475ha in area, and has a fairly gradual slope, from north east to south west. Access to the site is obtained off Woodland Road, Neath.

The area comprises mostly a mix of 2 storey semi-detached houses and terraced properties which are finished in a range of materials, including many with a red brick and render combination. The rear gardens of neighbouring houses form the northern, southern and eastern boundaries of the site. A lane on the western edge separates the rear gardens of the properties on Woodland Road. There are several clusters of trees especially on the northwest / northeast and southern boundaries, with those on the southern boundary are subject to a Tree Preservation Order (TPO No. 017/A1).

The site is in a sustainable location, well served by public transport (both bus and rail shown on plan 1 below) and located with easy walking distance of Neath town centre where there is an abundance of shops and local amenities. It is also in close proximity to parks, primary schools, a leisure centre and playing fields. The plan below (Plan1) shows the site outlined in red and its position in relation to Neath Town Centre.

Plan 1: Location of development



BACKGROUND INFORMATION FOR MEMBERS

Members should note that the proposal is to provide low energy housing through the use of innovative technology which will supply power and heating from renewable sources. Designed to be an exemplar low cost energy positive pilot project, the aim is to show how applying innovative technology including integrated renewable technologies and energy efficient materials to the design, building and operating of such homes can reduce energy consumption and provide a healthier home environment for people.

The site is in the ownership of NPTCBC but the application has been made by the Council's partner's Pobl Group supported by SPECIFIC who developed the innovative technology here in Neath Port Talbot (NPT), putting NPT and Wales at the forefront of global renewable energy technology.

Based on Baglan Energy Park, SPECIFIC is a national Innovation and Knowledge Centre, led by Swansea University with strategic industrial partners including Tata Steel. SPECIFIC works with a wide range of

partners from academia, industry and government to turn 'buildings into power stations' that can generate, store and release solar energy.

This application is of interest to both Westminster and the Welsh Government as it is an innovative flagship development to create '*Homes as Power Stations*', and is also referenced as a key project in the Swansea Bay city deal. Subject to a successful planning application and site delivery, the technologies trialled as part of this development may be replicated elsewhere.

DESCRIPTION OF DEVELOPMENT

The application is for the development of the site to accommodate 16 no. residential units, parking, landscaping and associated works. The residential development proposes a mixture of apartments and houses, as follows:

- **4 x 2 bedroom houses**

Accommodation at ground floor comprises family lounge (located on the south-side), kitchen/dining room, utility room and toilet. First floor accommodation comprises a double bedroom, a twin bedroom and family bathroom. These dwellings are located at the end-of-terrace with side access to rear gardens and 1 parking space at the front.

- **4 x 3 bedroom houses**

Accommodation at ground floor comprises family lounge (located on the south-side), kitchen/dining room, utility room and toilet. First floor accommodation comprises a double bedroom, a twin bedroom, single bedroom, and family bathroom. These dwellings are located mid-terrace, but have private access to the rear garden via a covered passage (i.e. the first floor over sails the ground floor). 2 parking spaces are provided at the front of each dwelling.

- **8 x 1 bedroom walk up apartment**

A 'walk-up' apartment means each apartment has its own 'front door' covered by a shared canopy. Each apartment comprises lounge/dining room, kitchen, double/ twin bedroom and a bathroom. Ground floor apartments have access to a private garden area (within a larger communal garden). The upper floor apartments have access to the remainder of the communal garden. 1 no. parking space is provided for each apartment.

The proposal is for 100% affordable housing, with all units designed to DQR, and adhering to the Secured by Design Initiative providing recognised standards that have been shown to reduce crime (particularly residential burglary) and the impact of crime upon neighbourhoods.

The layout is designed to maximise solar gain, the collection of which will provide power for the dwellings. Therefore, the aim is to provide as much south-facing roof and elevation as possible, as well as ensuring the layout is based on a legible, urban structure that reflects its surrounding context.

The proposal utilises the existing plateau and indicates two terraces of four houses running east-west along the northern edge of the site. As well as being in-keeping with the local vernacular, it allows for both south-facing roof and south facing elevations. Each terrace contains 2No. 2 bed houses (shown in pink on plan 2 below) and 2no. 3Bed houses (shown in blue on plan 2 below), The private amenity area for the terraced dwellings are enclosed with close board timber fencing, varying in height from 1.2, to 1.8m between plots, to 2.1m around the perimeter. Each garden has a patio area, a small shed and a rotary close line.

To each side of the access road and opposite the terraces are the two blocks which consisting of 4 No. 1Bed apartments (shown in orange on plan 2 below). They are oriented east-west, providing increased active street frontage and interest, especially on the approach into the site. Whilst this does not provide south-facing roof sufficient energy can be generated from providing photovoltaics on both east and west roof slopes. These amenity spaces for the first floor apartments are enclosed with 2.1m high close board fence with 2.1m high facing brick walls adjacent to the public realm. The ground floor apartment's gardens are sub divided by a wall with railings on top measuring 1.8m in total.

The development also incorporates a battery store building (Shown in dark grey on Plan 2 near the entrance) which will store the energy. It is envisaged that the development would generate 71,023kWh/ annum.

A new access road will be created within the site, from the existing entrance off Woodland Road. The 'street' is then indicated as a shared surface area where emphasis is given to the pedestrian rather than the car. A turning area is provided at the centre of the scheme which will

facilitate refuse collections and access to the site. The development as a whole will provide a total of 24 car parking spaces.

In terms of hard landscaping, a large proportion of pedestrian and vehicle areas within the site boundaries are denoted as shared surfaces with pedestrian priority. Vehicle speeds will be kept to a minimum by the short straight distance for vehicle access, narrowing of shared surface widths and the location of planting beds and trees. Changes in surface material and colour will further add to the notion of pedestrian priority. Shared surfaces seek to change the way streets operate by reducing the dominance of vehicles and encouraging drivers to behave more accommodatingly towards pedestrians.

In terms of soft landscaping, much of the site will remain as existing, trees will be felled along the east and west boundaries, and some poor specimens of trees will also be removed and trimmed on the south of the site. By using shrub planting, front gardens will be provided with a semi-defensible threshold, which will soften the built environment and enhance diversity and seasonal interest. Car parking spaces and bin stores will be integrated within this landscaped buffer zone. Landscaped areas define the zones across the site. The proposed car parking areas would be softened with intervening planting beds. Soft landscape beds are also used at the entrance of each dwelling to provide a buffer between properties and to soften the impact of the hard landscaping adjacent to the houses.

On the north Western edge of the site, there will be an area dedicated as an 'informal play space' This is in keeping with the site's natural setting and will utilise landscape strategies to provide opportunities for children to play. These include grass mounds, logs as stepping stones and bark chippings.

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



Plan 2: Site Layout

PRE-APPLICATION CONSULTATION / NEGOTIATIONS

Officers have engaged in pre-application discussions covering a number of planning issues including the principle of development, the layout, open space, trees, materials and parking requirements

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 Pre-Application Consultation (PAC) was also carried out by the developer. The consultation exercise took place between 19th May and 16th June 2017 and included a public exhibition immediately beforehand on 16th May 2017 at Gwyn Hall, Orchard Road, Neath. The consultation involved notifying local residents within the surrounding area, together with Ward members, and specialist consultees.

In addition to statutory consultees, twenty public responses were received (13 objecting; 4 neither in favour or against; 3 in support), which have been outlined in the Pre-Application Consultation Report.

PLANNING HISTORY

The application site has the following relevant planning history: -

- **P2001/0998** Extension of group room, demolition of 'Hafod Hut' and construction of car park and landscaping works. **Approved 25/09/01**
- **N1982/0443** Proposed home for the elderly. **Approved 13/10/82**

CONSULTATIONS

Neath Town Council: no reply therefore no observation to make

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

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

Biodiversity Officer: No objection subject to advisory note in relation to bats

Welsh Water: has indicated they would not accept surface water flows to the public sewerage system.

Housing: has advised that the redevelopment is in the Welsh Government Social Housing Grant programme and all be affordable housing.

Contaminated Land: Raised concern on the level of information submitted, as such have recommended several condition.

Natural Resources Wales: Have raised concerns on the level of information submitted, as such have recommended several condition.

Crime Prevention Design Adviser: Is happy with the scheme and has made several observation in relation to designing out crime

Environmental Health (Noise): no objection subject to conditions

REPRESENTATIONS

The neighbouring properties were consulted and a site notice displayed on 6th July 2017. The application was also advertised in the South Wales Evening Post on Saturday 8th July 2017.

In response, to date 26 no. representations have been received, with the issues raised summarised as follows: -

Traffic Access and parking

- Wenham Place is a cul de sac with limited on road parking, as is Woodland Road. Any development, unless there are sufficient on site off road spaces, is likely to complicate matters. Most residences now have a minimum of two vehicles, so assuming there are 32 spaces planned for the development then the status quo will be maintained, but if the number is lower (say 16, one per residence) then potentially an additional 16 vehicles will be seeking overnight and / or day parking spaces. This will inevitably create friction, possibly resulting in double parking, blocked driveways and disputes. It will also have implications for the safety of the children attending the local school.
- Extra traffic from this development would run through woodland road which is already busy and congested, especially when the school is starting or finishing vehicles have been damaged and it is only a matter of time before someone is hurt.
- There have been a number of well documented road traffic incidents involving pupils at Ysgol Castell Nedd, large machinery travelling on and off site could further increase the risk associated with congestion.
- Cars are parked both sides of the road at all times of the day and there is a narrow entrance to the site.

Character of the Area

- The development would change the character of the area, the proposed dwellings are unsightly and bungalows would look better.
- How safe are the experimental materials to be used.
- The development could house 50 residents which is too many for the site.

Future Residents

- Concerns over development for social housing, potential antisocial behaviour, and impact on status of the area.

Flooding/drainage

- Concerns in relation to surface water drainage problems due to trees being felled.

Residential amenity

- The properties will be elevated in comparison to some existing properties and will lead to a loss of privacy and be overlooked.

Noise and disturbance

- Concerns have been raised in relation to construction traffic and noise from future residents

Water Pressure

- Residents already experience low water pressure and fear this will be exacerbated by another 16 residences added to the water main.

Electricity Supply

- There have been issues in the past with the maintenance and excavation of the underground electricity cable

Local Wildlife/biodiversity

- There is Japanese knotweed on site
- There are foxes on the site which help keep down the rat population which are there because of the waste that is discarded by late night revellers walking home from town.

Other

- An objector has been advised the loss of value and loss of privacy are not relevant and not taken into account.

REPORT

National Planning Policy:

The main thrust of [Planning Policy Wales](#) (Edition 9, November 2016) is to promote sustainable development by ensuring the planning system can provide for an adequate and continuous supply of land, available and suitable for development to meet the needs of society that is consistent with the overall sustainability principles.

In particular it seeks to promote resource efficient settlement patterns that minimise land take and urban sprawl, locate developments so as to minimise the demand for travel, ensure that all communities have good quality housing for their needs, promote access to shopping, education, employment, health, community, leisure and sports facilities and open space.

Paragraph 9.3.1 states “New housing developments should be well integrated with and connected to the existing patterns of settlements.”

Local Planning Authorities should ensure that the proposed developments should not have an unacceptable impact upon the character and amenity of an area. Sites with higher densities can help to conserve land resources, and adverse effects can be overcome by sensitive design and good landscaping.

Further advice contained in paragraphs 9.3.3 and 9.3.4 warn that insensitive, infilling or the cumulative effects of development should not be allowed to damage an area’s character and amenity. In determining applications local planning authorities should ensure that the proposed development does not damage an area’s character and amenity.

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

- Technical Advice Note 2: Planning and Affordable Housing (2006)
- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 16: Sport, Recreation and Open Space (2009)
- Technical Advice Note 18: Transport (2007)

Local Planning 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 SP7** Housing Requirement

- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy SC2** Protection of Existing Community Facilities
- **Policy I1** Infrastructure Requirements
- **Policy H1** Housing Sites
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG were approved in October 2016 and are of relevance to this application: -

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

EIA and AA Screening

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has not been screened in accordance with the requirements of Schedule 3 of the Regulations.

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 in the consideration of the application are the principle of the proposed development having regard to development plan policy, along with the impact upon the character and appearance of the surrounding area, residential amenity, highway safety, drainage, land contamination and ecology.

Principle of Development

Strategic Policy SP3 Sustainable Communities states “The delivery of Sustainable healthy and cohesive communities and the conservation of the countryside will be promoted”, with Policy SC1 - Settlement Limits – stating that “Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the settlement hierarchy will be acceptable in principle.”

This site is identified by Policy H1/6 (“Hafod House Care Home”) within the LDP for residential development for a minimum of 12 dwellings, and therefore the principle of residential redevelopment has already been accepted.

Density

In respect of density, it is also noted that the site falls within the Coastal Strategy Area where Policy BE1 (8a) requires a minimum of 35 dwellings per hectare. The site is approximately 0.4475 hectares in size and 16 residential units are proposed providing a density of 35.75 dwelling per hectare thus comply with this Policy. For this reason, while an objector has stated that the development “could house 50 residents, which is too many for the site”, the development complies with the density requirement of Policy BE1 and is therefore considered acceptable.

Renewable Energy

The proposal is to provide low energy housing through the use of innovative technology which will supply power and heating from renewable sources. This site has been chosen to demonstrate this innovative housing project - a concept where buildings can generate, store and release their own energy, helping to reduce fuel poverty and its impact on health and wellbeing. This application is of interest to both Westminster and the Welsh Government as it is an innovative flagship development to create 'Homes as Power Stations', and is also referenced as a key project in the Swansea Bay city deal

Policy RE2 Renewable and Low Carbon Energy in New Development states that schemes that connect to existing sources of renewable energy, district heating networks and incorporate on-site zero / low carbon technology (including microgeneration technologies) will be encouraged.

The Authority has completed a 'Renewable Energy Assessment' which evaluates the potential within Neath Port Talbot to generate electricity and heat through various renewable energy technologies. This site is considered to be a flag ship project which would provide 16 residential 'Homes as Power Stations', and is wholly compliant with, and significantly exceeds the expectations within, Policy BE2.

Taking into account the above it is therefore considered that the principle of residential development is acceptable, subject to the impacts of the development being considered acceptable in accordance with the other policies set out within the LDP.

Impact on Visual Amenity

The site is currently occupied by a large vacant 1960's care home. Whilst the existing care home is two-storeys, its second storey is located within its unusual mansard roof form, and not considered to be in-keeping with the more traditional urban form of nearby dwellings.

Within this context it is accepted that the proposed housing development would alter its character permanently, however, as detailed above, the principle of developing the site for residential purposes has been established with the housing allocation under Policy H1/6 of the Local Development Plan, and the allocation of this land for residential use has already taken into consideration the wider

contextual character issues with regard to the use of the land. It is therefore considered that the specific issues relating to the detailed development proposal are most relevant to the determination of this application.

As described earlier the dwellings / apartments will be set around the new internal access road which, while tarmac, will change colour where the road surface will change to a mid-tone block paving. With parking spaces to the frontages, supplemented by careful attention to detail in the use of soft and hard landscaping (to be addressed by condition), in terms of layout the development is considered to amount to an acceptable form of development which would contribute positively to the character of the area.

In terms of soft landscaping, while much of the site will remain as existing, a small number of trees will be felled on the east and west sides, along with the felling of poor specimens and cutting back of trees to south to reduce overshadowing. Private gardens/amenity area will incorporate lawns, while the applicant also proposes to use shrub planting to front gardens and landscaped areas which will soften the built environment and also have the potential to enhance biodiversity. The required landscaping scheme will also need to include details to the embankment adjacent to the land running along the North/West Boundary to help soften the boundary treatment.

Where rear gardens share a prominent boundary with the public realm, 2.1m walls will be erected. All other boundaries will be timber boarded fencing at 1.8m. Private gardens/amenity will provide small patio consisting of pre cast concrete slabs

On the North/West edge of the site, between the houses and walk-up apartments there will also be an area dedicated as an 'informal play space', which would both be in keeping with the site's natural setting and will utilise landscape strategies to provide opportunities for children to play. These include grass mounds, logs as stepping stones and bark chippings, a condition can be imposed to ensure this space is delivered.

The appearance of the proposed dwellings is largely determined by the innovative technologies being employed. That being said the dwellings have been designed to ensure the development has a domestic character that would not detract from the character and appearance of the surrounding area. For that reason, the palette of materials combines a more 'traditional' brickwork base with polyester powder coated metal

cladding above and a standing seam roof. The brickwork, whilst not only being a more traditional material, is selected at ground floor level for robustness, details of the final brick have not yet been finalised however a condition can be imposed to ensure samples are submitted for approval prior to their use.

Above the brickwork is a continuous stone sill which will provide a base for the metal cladding which will be positioned in vertical format. On the south elevations, the metal cladding which is a product manufactured by Tata steel will be perforated with small holes. These create what are called 'transpired solar collectors' (TSC), allowing warm air to be collected behind them, and then used to help provide heat and hot water for the dwelling. This is a key element of the 'Buildings as Power Stations' approach. This metal cladding then continues around all elevations at the first floor / upper storey.

The applicant has provided samples of the cladding and the roof covering which are both dark grey colour. The dark grey cladding will be broken on the first floors with coloured window reveals and window frames (samples to be conditioned). The front doors will also be in the feature window / reveal colour. All other windows and doors will be a dark grey colour to compliment the brickwork in which they sit. All the windows and doors will be high-performance composite timber and aluminium units.

The pitched roof form will also incorporate a key technology – the integrated photovoltaics (PV's). These specialist solar panels are adhered to a metal standing seam roof system again produced by Tata Steel. The integrated PV's will apply to the south facing slopes on the houses and both roof slopes on the apartments. This roofing material is also dark grey in colour.

Overall the design seeks to balance its fundamental environmental goals with a domestic character. The proposed dwellings have a simple two storey form with pitched roofs including recessed porches providing an integral canopy, whilst the apartments are provided with a simple flat roof canopy over the entrances to the ground floor and upper floor apartments. Whilst the development would have a modern feel, due to the innovative materials it is considered that it would be in keeping with the domestic context of the area and provide a diverse development that would complement the overall character of the area.

To conclude it is considered that the layout, scale, density, the use of innovative materials and the use of hard and soft landscaping for the proposed development would result in the creation of an appropriate form of development which would not detract from the local character.

Impact on Residential Amenity

Overlooking, overbearing and overshadowing issues within the proposed development.

The development has been designed to allow an acceptable distance between units to ensure that the proposal will safeguard the residential amenities of future occupiers.

In terms of potential overlooking, most of the habitable rooms comply with the councils 21m distance between habitable room windows. There are two occasions where the distance is less than 21m, this is between the ground floor side facing bedroom windows on the 1 bed apartments and the living rooms on the terraced dwelling where the distances are between 16.5m and 19m. It is considered that as these windows are across the access road from each other and at ground level where views will be partially restricted with planting, that the distance would be sufficient to prevent any unacceptable impact upon overlooking in relation to the future occupiers.

With regard to amenity space, it is considered that the proposed layout and choice of boundary treatments ensures a satisfactory level of privacy and private amenity space will be provided for all the future occupiers.

Overlooking, overbearing and overshadowing issues with the existing in relation to the existing neighbouring properties.

In respect of residential amenity for existing residents, to the Eastern side which consist of the rear gardens and houses (28-50 evens only) at Beechwood Avenue. The proposed rear elevation of the apartments (plots 1-4) where there are habitable windows is 7.5m from the boundary fence and 34m to the rear elevation of the closest property. The side elevation of the terrace (plot 9) where there are no windows is 4.8m from the boundary and 20m to the closest property. It should also be noted that there are trees and hedgerows along this boundary and that the dwellings are at a higher level than the proposed development. It is considered that the distances between the boundary and dwellings

are sufficient to ensure that the development will not have any unacceptable impacts on existing properties and as such the amenities of existing occupiers along Beechwood will be protected.

To the North/East, 9 to 16 Dyfed Road are large semi-detached dwellings that are set slightly lower than the proposed development. The distance between the side of rear of plots 9 to 16 and the rear elevations of these dwellings is between 46m and 47m and approximately 24m to the rear boundary of these dwellings. Again there are trees and hedgerows between these dwellings; as such it is considered the separation distances are sufficient to ensure there would be no unacceptable impacts on these properties.

To the West of the site, the development adjoins an access lane and then the rear gardens of Nos. 13-33 Woodland Road (odds only). The lane and dwellings are approximately 2m lower than the ground floor level of the proposed development. The distance between the side elevation of plot 16 (where there are no windows) and the nearest rear elevation at woodland road is 22m and 15m to the rear boundary wall of these properties. The rear elevation of the apartments 5-8 (where there are habitable windows) is 28m away from the nearest rear elevation and 19m to the rear boundary wall. Taking into consideration the height difference it is considered that the separation distance is sufficient to ensure there is no unacceptable impact on the existing dwellings.

The nearest property to South/West is No 17 Wenham Place which is approximately the same level as the application site. The side elevation of this property is located 21.5m from the side elevation of the apartments (plot 5-8) where there are no habitable room windows. It is considered the distance is sufficient to ensure no unacceptable impacts on that property.

Noise

In respect of potential noise and disturbance from the development it is acknowledged that there will be traffic generated from the development however the site was formerly in use as a care home, has been allocated for housing and is located within settlement limits adjacent to Neath Town Centre. It is therefore considered the noise generated from this development would not be unacceptable and no different to any other housing development.

In terms of noise from demolition and construction, it is generally accepted that during demolition and construction there will be a level of noise and disturbance created, albeit transient in nature. Environmental Health whilst having no objection to the principle of this development, do have some concerns regarding potential noise and nuisance arising from demolition and construction activities as the site is surrounded on all sides by existing residential properties. No information has been provided to date on how these potential nuisances may be controlled, however they are satisfied this can be controlled with the submission of a demolition and construction method statement and limiting the working hours on site. These can be imposed via a suitably worded condition.

It is therefore considered that subject to the above conditions that the proposal would be acceptable in terms of residential amenity

Parking and Access Requirements and Impact on Highway Safety

A new access road will be created within the site, from the existing entrance off Woodland Road which will sweep around into the centre of site. A turning area is provided at the centre of the scheme. A choice of materials has been chosen to provide different colours to the ends and the driveways.

Each 2 bed dwelling and 1 bed apartment will have 1 parking space and each 3 bed dwelling will have 2 spaces providing 20 off street parking spaces. In addition to this 4 visitor parking spaces have also been provided on site. The site is located in a very sustainable location in easy walking distance of a range of local facilities and public transport. The Parking Standards Supplementary Planning Guidance (SPG) allows for parking to be reduced when sites are in sustainable locations. In this case parking could be reduced to 1 space per dwelling when the sustainability points are applied. As such, the provision of 24 parking spaces (including visitors) is considered to be in compliance with the Parking Standards SPG

The Head of Engineering and Transport (Highways) has assessed the application and has no objection subject to the imposition of conditions relating to construction/demolition, carriageway details, highway drainage, lighting, road surface, parking provision, tree planting near footways and pedestrian vision splays. They have also recommended a Traffic Regulation Order (TRO) to prevent the Parking, Loading/Unloading or Waiting on either side of the proposed

carriageway for the first 20 metres from the Junction with Wenham Place into the new development. This can also be imposed via a suitably worded condition.

Having regard to the objections received on parking / highway safety grounds, the Highway Officer has provided the following additional comments: -

- The traffic generated from 16 dwellings would not be significant.
- Woodland Road is a one way system and there would be sufficient room for all vehicles even when cars are parked on both sides of the highway
- In response to cars being parked both sides of the road at all times of the day and there is a narrow entrance to the site, it is considered that there is sufficient width within the existing highway to accommodate traffic to and from the site
- The Highways authority have conditioned a full Construction Method Statement to be submitted together with a scoping route for deliveries and other construction traffic prior to commencement of works on site.
- The entrance of the site will be constructed to a minimum of 5.5m wide carriageway which is compliant with highway design.
- In relation to cars are being parked on double yellow lines causing a hazard to other drivers. If cars are parked illegally then this is a matter for the police
- In response to concerns over road traffic incidents involving pupils at Ysgol Castell Nedd, and that large machinery travelling on and off site could increase the risk, such matters will be dealt with under the CMS and providing delivery route(s) and times. In addition to this the construction phase is only temporary.

Drainage

As part of the application the applicant has submitted a Drainage Strategy, prepared by CD Gray in April 2017 which establishes the broad principles and the philosophy behind the proposed drainage strategy. The report recommends that further consultation would be required with Welsh Water and the Council's Drainage Officers in order to develop the detailed drainage design. As such the Head of Engineering and Transport (drainage) has requested that a drainage scheme is submitted, and recommended conditions relating to ditches,

surface water drainage, land drainage and springs and ground water have been recommended.

Welsh Water has advised that they provided a formal response on this development in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) order 2016 and indicated they would not accept surface water flows to the public sewerage system.

Despite the above advice, the applicant has submitted a drainage plan ref “Site layout & Boundary Treatments” which shows foul and surface water communicating with the public sewer system at an attenuated rate into a combined public sewer surrounding the development. No justification has been provided as part of this application exploring sustainable alternatives for discharging surface water flows. They have advised further information is required in order to overcome their concerns around this method of disposal. As such they have recommended a condition relating to foul and surface water drainage. It is noted that such matters can be addressed by condition, but will need careful consideration having regard to the land contamination issues identified later in the report.

Biodiversity / Ecology

The applicant submitted an ecological survey and a bat survey both undertaken by Soltysbrewster Ecology. The bat survey identified no evidence of roosting bats within any of the buildings however the report recommends that bat boxes are provided on site and the specification and positions of these have been detailed on the submitted plans. A suitably worded condition is imposed to ensure these are installed.

The Ecology appraisal also identified Japanese Knotweed and montbretia, and to this extent a condition is attached which requires its treatment as part of the development.

The Local Authority’s ecologist has assessed the submitted information and has no objection to the proposal subject to any lighting scheme which will take into consideration dark corridors around the perimeter of the site, landscaping scheme and tree planting to compensate for the amount of trees being felled. These can be imposed via suitably worded conditions.

Trees

A tree survey was carried out by Tender Leaf Tree services in May 2016. The survey identified sixty-one trees. Most trees within the site boundary are not protected by statutory means except for a small group located within the southern corner of the site. Out of the 61 trees 41 require removal, primarily due to the need achieve desired objectives and to take full advantage of innovative technology applied as part of the scheme.

The Local Authority's Arborist has advised that the tree survey is accurate and well-presented and does not disagree with its content. However while the majority of the trees to be removed are poor quality they have concerns that little consideration has been given to using the survey to design a new development that will retain as many of the existing trees as possible.

Unfortunately in this case trees need to be felled to ensure the innovative technology works however the majority of these trees are not protected and therefore could be felled without planning permission. Whilst there are lots of poor specimens being felled, a condition can be imposed to ensure suitable trees are re-planted in areas that would not impede upon the technology

It is considered that the felling of the unprotected trees would not warrant a reason for refusal and the condition will ensure suitable trees are replanted on site. The ecological report also recommends that bird boxes are erected around the site which will partly compensate for the loss of habitat. The applicant has submitted specifications and details of these. A suitably worded condition is imposed to ensure they are installed

In relation to an objectors comments relating to foxes, these are not a protected species. The presence of rats is not a material planning consideration, however if this became a problem then the Council has a pest control department who can be contacted.

Contaminated Land

The application has been supported by the following documents:

- ESP, Hafod Care Home, Neath, Proposed Residential, Desk Study and Preliminary Risk Assessment. (Document Reference: ESP.6460d.2675, Dec 2016)
- ESP, Hafod Care Home, Neath, Proposed Residential Development, Geo-environmental investigation (GI). (Document Reference: ESP.6460d.03.2894, June 2017)

This has been assessed by the Local Authority's Pollution Control Officer who has advised that the Desk Study and SI report have indicated that a gas governor was historically on site however the Site Investigation does not appear to have taken this potential source of contamination further into consideration.

It was also considered that the information submitted to date did not provide sufficient clarification on matters including sampling strategy and the methodology of the risk assessment, both of which would require further submissions.

In addition, a Ground Gas report is being prepared and to be submitted however as this has not been undertaken to date, a condition can be imposed to ensure this information is submitted via a suitably worded condition

The Contamination Officer has also recommended an asbestos survey is submitted prior to existing building being demolished. This can be included in a demolition method statement condition.

Natural Resources Wales have also assessed the information submitted and have advised that there is little clarity as to what buildings were on site between 1920 and 1980 when the nursing home was built. In addition to this, the above report identifies a number of potential sources, viable pathways and receptor linkages associated with the site. Based upon this, NRW have advised they have a significant concern regarding contaminated land at the site and recommend that planning permission should only be granted subject to conditions relating to land contamination. They have also advised that the foundation design (section 6.2 of report) and drainage strategy (section 9.12) are not yet confirmed, they also recommend that

conditions relating to piling and SUDS. NRW have therefore recommended conditions relating to the following:

- 1) A land contamination assessment consisting of
 - a. A preliminary risk assessment
 - i. All previous uses
 - ii. Potential contaminants associated with these uses
 - iii. A conceptual model of the site indicating sources and pathways and receptors
 - iv. Potentially unacceptable risks arising from contamination at the site
 - b. A site investigation scheme
 - c. Site investigation results
 - d. A verification plan.
- 2) A verification report prior to the occupation of any dwelling to demonstrate the works have been completed in accordance with the agreed remediation strategy.
- 3) A condition relating to the Long term monitoring of the site
- 4) A standard condition relating to unsuspected contamination
- 5) A condition preventing a Sustainable Drainage System unless it has been demonstrated that there is no unacceptable risk to ground waters
- 6) A condition preventing a Piling unless it has been demonstrated that there is no unacceptable risk to ground waters

NRW have advised that based on the information submitted with this application, that they acknowledge that part i) of condition 1 is largely completed. They agree however with the recommendations of the geo-environmental investigation report in that it is necessary to supplement the existing information to develop an understanding of the risk to controlled waters. This is required to progress the discharge of remaining conditions.

Section 106 Planning Obligations

Local Development Plan **Policy SP 4** (Infrastructure) states that “Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable”.

Policy I1 (Infrastructure Requirements) then states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

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

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

In this case, the proposal relates to a planning application for the development of 16 residential dwellings

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Affordable Housing

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new housing developments will be required to contribute to affordable housing provision. Within the Port Talbot / Neath spatial area, a 25% affordable housing target is sought.

The applicant is a RSL and has indicated that all of the 16 residential units proposed, will be affordable housing. In order to satisfy the requirements of Policy AH1 it is necessary to ensure that 25% of the units remain affordable in the long term. It is considered that the imposition of a condition would be the appropriate mechanism for securing future compliance with this policy should the development not be Social housing Grant Funded.

Education

The development falls below the threshold of a minimum of 10 housing units that are of 2 or more bedrooms. Therefore there is no requirement to consider a contribution towards education

Public Open Space / Children's Play Facilities

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

<u>Open Space</u>	<u>Standard</u>
Outdoor Sport	1.6 hectares per 1,000 population
Children's Play	0.25 hectares per 1,000 population
Informal Space	0.55 hectares per 1,000 population
Allotments	0.19 hectares per 1,000 population

Having regard to the 'Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls. Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development. The development proposal would have the following open space requirements:

16 Units	Open space requirement (sq. m)	Open space 'On-site' Provision (sq. m)	Open space 'Off-site' Financial Contribution
OUTDOOR SPORT PITCH	421	0	£4,544
OUTDOOR SPORT-NON PITCH	165	0	£16,480
CHILDREN'S PLAY	46	92	£0
INFORMAL SPACE	202	858+	£0
ALLOTMENTS	70	0	£768
TOTALS			£21,792

The table above shows what financial contribution would normally be sought for a housing development of this size.

In accordance with Policy I1, the Local Planning Authority have to take into account the financial viability of the proposal and the costs of the new and improved infrastructure, and where necessary the Authority will require developers to make available financial information to demonstrate the levels of viability of a particular development. Whilst a formal viability assessment has not been submitted, the applicant has stated the project would not be financially viable to provide a financial contribution to open space due to the increased cost in providing such an innovative scheme. Documentation has been provided which concurs this.

Despite this the LPA had discussions with the applicant during pre-application and was able to negotiate the provision of an informal play area (92sq.m.) on site and ensured the development had sufficient informal open space, which would be of benefit to the future residents and existing alike. Within this context, it is considered that such shortfall would be outweighed by the benefits attributed to this strategically important flagship 'Homes as Power Stations' development, having particular regard to the additional build costs associated with this project.

Other Matters

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

In response to a resident having concerns over the safety of the materials to be used. **The safety values of materials are not a material planning consideration, however all materials would need to conform to building regulations.**

In response to a resident concern in relation to social housing and devaluing their property; **the future residents and the values of existing property are not material planning considerations.**

A concern has been raised in relation to maintenance and excavation of the underground electricity cable; **this is not a material planning consideration**

In relation to social housing lowering the status of the area and the surrounding area being mainly privately owned. **This is not a material planning consideration**

In relation to older residents being better suited to this area. **It is not for the planning department to determine the age of residents of any development. This is not a material planning consideration.**

In response to concerns being raised about future antisocial behaviour problems from residents. **This would be a matter for the landlord or Police.**

In relation to residents experiencing low water pressure and fear this will be exacerbated by another 16 residences added to the water main. **This would be a matter for Welsh Water.**

In response to an objector stating they had been advised the loss of value and loss of privacy are not relevant and not taken into account. **House prices are not material planning considerations, however residential amenity is a material planning consideration, and has been addressed within the 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 redevelopment of this site will contribute towards the delivery of housing within the County Borough in a sustainable location, and that subject to the imposition of conditions the proposed development would have no unacceptable impacts upon the character and appearance of the surrounding area, on residential amenity or on highway and pedestrian safety. Accordingly, the proposed development is considered to accord with Policies SP1, SP2, SP3, SP4, SP5, SP7, SP8, SP10, SP15, SP16, SP18, SP20, SP21, SC1, SC2, I1, H1, AH1, OS1, EN7, EN8, RE2, TR2 and BE1 of the Neath Port Talbot Local Development Plan and national guidance in Planning Policy Wales (Edition 9) 2016 and associated Technical Advice Notes.

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 application shall be built in accordance with the following plans and documents:

Site Location Plan 3462_PA_300

Existing Site Survey 3462_PA_302

Site Layout and Boundary Treatments 3462_PA_310 Rev B

2B4P House Type 3462_PA_320 Rev B

3B5P House Type 3462_PA_321Rev B

1B2P Walk-up Apartments 3462_PA_322 Rev E

Proposed Elevations - Walk-up Apartments3462_PA_330

Proposed Elevations – Houses 3462_PA_331

Street Elevation 3462_PA_332
Boundary Treatments 3462_PA_335
Coloured Site Plan 3462_PA_400
Coloured Elevations – Walk-up Apartments 3462_PA_401
Coloured Elevations - Houses 3462_PA_402
3D View 1 3462_PA_403
3D View 2 3462_PA_404
Battery Store Plan 3462_PA_336
Drainage Strategy by C D Gray CDGA-9140-102-P1
Drainage Details by C D Gray CDGA-9140-103-P1
Drainage Details by C D Gray CDGA-9140-104-P1
Construction Details by C D Gray CDGA-9140-105-P2
Drainage Layout 2 by C D Gray CDGA-9140-107-P1
Reason

In the interest of Clarity

Pre-Commencement Conditions

(3) Prior to any development commencing on site, the developer 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

(4) No development shall take place, until a Demolition & Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Demolition and Construction method statement shall be made in accordance with the requirements of British Standard BS5228-1:2009 - Code of practice for noise and vibration control on construction and open sites. The approved Statement shall be adhered to throughout the demolition and construction phases. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities to prevent deposition of material onto any hard surface road.
- vi. measures to control the emission of dust and dirt during construction
- vii. Measures to prevent stacking of vehicles onto the public highway.
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
- ix. a method statement showing the route of construction traffic to and from the development
- x. a scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- xi. Identification of the significant construction and demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.
- xii. An asbestos survey and details of any mitigation necessary.
- xiii. Hours of working on site, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to adjoining properties

The Statement shall be signed by a competent person(s).

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy and in the interest of highway and pedestrian safety

(5) Notwithstanding the submitted plans, prior to the commencement of any work (excluding demolition) a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a 5.5 metre wide carriageway with 2 metre wide footways shall be provided along with the following:

- a. Longitudinal sections showing a gradient of not more than 1 in 12 or less that 1 in 150
- b. Cross sections every 20 metres, and/or where any culvert outfalls, headwalls are located
- c. Highway Drainage (including gullies, gully leaders, manholes, pipe sizes and gradients)
- d. Highway Construction details
- e. A schematic street lighting design that shall ensure the retention of dark corridors along the existing vegetated boundaries of the site.
- f. Highway Retaining Walls (if any), along with full structural and design calculations

The dwellings shall not be occupied until the scheme has been completed in accordance with the approved details.

Reason

In the interest of highway and pedestrian safety

(6) Prior to commencement of development (excluding demolition) a traffic management scheme in the form of a Traffic Regulation Order to prevent the Parking, Loading/Unloading or Waiting on either side of the proposed carriageway for the first 20 metres from the Junction with Wenham Place into the new development shall have been submitted to the Local Highway Authority for its approval. No dwelling hereby permitted shall be occupied until such time as the Traffic Regulation Order has been approved and implemented on site.

Reason

In the interest of highway and pedestrian safety

(7) No building shall be occupied until surface water and foul drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Ensure that proper drainage of any adjoining land is not interrupted or adversely affected
- iii. include a period for its implementation; and
- iv. provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason

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.

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

1. A preliminary risk assessment which has identified:
 - i. all previous uses
 - ii. potential contaminants associated with those uses

- iii. a conceptual model of the site indicating sources, pathways and receptors
 - iv. potentially unacceptable risks arising from contamination at the site.
2. A survey of the extent, scale and nature of contamination based on 1 which shall include sampling and testing on the whole of the site including the area previously restricted by the footprint of the existing building and vegetation on the site.
 3. An assessment of the potential risks to:
 - i. human health,
 - ii. ground waters and surface waters
 - iii. adjoining land,
 - iv. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - v. ecological systems,
 - vi. archaeological sites and ancient monuments;
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in [3] are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
 5. An appraisal of remedial options, and proposal of the preferred remedial option(s)

Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, following the demolition of the existing buildings to allow a full assessment of the potential risks to take place. Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity, being on Secondary A Aquifer and contamination is known/strongly suspected at the site due to its previous industrial uses.

(9) Prior to the commencement of work on site (excluding demolition) a remediation scheme, based upon the recommendations of the scheme approved under condition 8 of this permission to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason

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

(10) prior to the commencement of work the tree protection fencing as identified on the tree protection plan within the tree survey by Tender leaf dated May 2016 shall be erected and maintained through demolition and construction

Reason

To ensure the root protection zones for the trees to be retained is protected during demolition and construction

Action Conditions

(11) Prior to occupation of any dwelling the off-street parking spaces as shown on the approved plan titles 'Proposed Site Layout' Drawing No:3462_PA_310 Rev B shall be provided for the dwelling which shall be hard surfaced in block paving to gradients not exceeding 1 in 9, drained so that no surface water flows out onto the public highway and shall be retained as such thereafter.

Reason

In the interest of highway and pedestrian safety

(12) Notwithstanding the submitted details and prior to their use in the development hereby approved samples of the brick to be used within the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the proposed details and the following agreed materials and retained as such thereafter:

Walls First floor level-Vertical Polyester powder coated aluminium metal cladding at first floor colour grey RAL7016 perforations to the panels on south elevations.

Roof-Tata Colourcoat Urban standing seam roof, with matching eaves, ridge and barge profiles integrated PV to both slopes by BIPVCo.

Rainwater Goods-Polyester powder coated aluminium

Windows and Doors-Composite aluminium and timber double glazed units,. First floor windows in metal cladding and front door to be chrome yellow RAL1007, all others to be grey RAL 7016

Window Cills-65mm reconstituted stone sill to windows, Continuous cill in brickwork wall at junction with metal cladding Colour Nostrell

Reason:

In the interests of visual amenity of the area.

(13) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to 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 to controlled waters, and (if necessary) to secure longer-term monitoring of groundwater quality, 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. This will also ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

(14) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

(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) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to

controlled waters which shall be addressed under condition 8. The development shall be carried out in accordance with the approval details.

Reason

There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Refer to: the SuDS Manual (CIRIA C697, 2007), the Susdrain website (<http://www.susdrain.org/>) and draft National Standards for SuDS (Defra, 2011) for further information.

(17) Piling or any other foundation designs using penetrative methods shall not be permitted unless it has first been demonstrated (for all or any part of the site) that there is no resultant unacceptable risk to groundwater, and such details have first been submitted to and approved in writing by the Local Planning Authority under condition 8.

Reason

There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Refer to : Environment Agency Document Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Environment Agency Document Piling in layered ground: risks to groundwater and archaeology

(18) Prior to occupation of the first dwelling the footway and carriageway shall be made up to binder course, drained and lit in accordance with the detail approved under condition 5 of this planning permission.

Reason

In the interest of highway and pedestrian safety

(19) Prior to occupation of the last dwelling both the footway and carriageway shall be completed up to surface course and retained as such thereafter.

Reason

In the interest of highways and pedestrian safety

(20) If the entire scheme is not Social Housing Grant Funded a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25 % of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason

To ensure the satisfactory provision of affordable housing in perpetuity in accordance with Policy AH1 of the Neath Port Talbot Local Development Plan.

(21) Notwithstanding the submitted plans, prior to the first beneficial use of any dwelling, full details of landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

- The proposed tree planting scheme shall compensate for the loss of trees to be felled. 2 trees of a local provenance shall be planted to replace each felled tree unless there is justifiable reason that this cannot be achieved.
- The scheme for soft landscaping works shall contain a majority of native and/or wildlife friendly species and include all public areas and include the embankments along the north West Boundary.
- Details of the root barriers for any trees proposed in the footway or within 2 metres of the back of footway.

The approved works shall be carried out within the first planting season following completion of the development. If within a period of five years from the date of the planting of any trees or plants is removed, uprooted or destroyed or dies, (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree or plant at the size of that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance in accordance with condition 22

Reason:

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

(22) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

Reason

In the interest of visual amenity, and clarity

(23) Notwithstanding the submitted plans and prior to the first beneficial use of any dwelling full details of the layout and form of the informal play area shall be submitted to and approved in writing by the local planning Authority. The scheme as agreed shall be fully implemented in accordance with the agreed details prior to the first beneficial use of any dwelling and retained as such thereafter.

Reason

To ensure the play is provided in line with policy requirements and in the interest of visual amenity

(24) The means of enclosure hereby approved shall be erected in accordance with drawing No. 3462_PA_310 Rev B Site Layout and drawing No. 3462_PA_335 Boundary Treatments, prior to the first beneficial use of any dwelling and retained as such thereafter.

Reason: In the interest of residential and visual amenity

(25) The bat and bird boxes shall be installed in accordance with the submitted details hereby approved prior to the first beneficial use of any dwelling and retained as such thereafter

Reason: In the interest of ecology

Regulatory Conditions

(26) Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be maintained each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter.

Reason

In the interest of highways and pedestrian safety

(27) Surface water within the curtilage of each property shall not discharge onto the highway and surface water from the highway shall not discharge into the curtilage of any property.

Reason

In the interest of highways and pedestrian safety

(28) No construction deliveries, removal of demolition waste or works vehicles in excess of 7.5 tonnes shall access or leave the site via any route during the hours of 8am to 9am and 3pm to 4pm during school term times.

Reason

In the interest of Highway

(29) 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 particular layout and design of the estate.

(30) 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 and design of the estate.

(31) 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 and design of the estate.

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Refusal

<u>APPLICATION NO:</u> P2017/0512	<u>DATE:</u>
PROPOSAL:	Retention of use of part of car park for two pitches for the sale of meat and potatoes.
LOCATION:	Resolven AFC, Neath Vale Supplier Park access road, Resolven
APPLICANT:	Mr Ieuan Ace – Resolven AFC
TYPE:	Change of Use
WARD:	Resolven

BACKGROUND

This application has been called to Committee at the request of Ward Councillor Des Davies, who raises concern at the inconsistency between the recommendation and the granting of Street-Trading Licenses for the same use, with no objection having been raised by Planning Officers to a license for potato sales in November 2013.

SITE AND CONTEXT

The application site is located within the grounds of Resolven AFC car park.

The application site itself measures 10m wide by 3m in depth. Access to the site is via an unmade track leading onto the Resolven AFC gravel car park. To the north, south and east of the site is Resolven AFC land, with the clubhouse itself to the west. The existing market site is located to the south-east of the application site on the former TRW factory.

DESCRIPTION OF DEVELOPMENT

This application seeks retrospective planning permission for the retention of use of part of the car park for two pitches for the sale of meat and potatoes respectively on a Saturday from 7.00am to 13.30pm.

In support of the application the developer has submitted a letter of support from the Costcutter store in Resolven, together with the NISA store in Resolven, and a petition of support of 20 signatures.

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

NEGOTIATIONS

It should be noted that following receipt of a complaint to the Enforcement Section, an investigation was undertaken and it was found that the retail use within the car park of Resolven AFC was operating without the benefit of planning permission. However, due to the potential impacts on the existing retail centre of Resolven and the employment allocation, an application was not invited. Notwithstanding that, the developer chose to submit this application.

PLANNING HISTORY

The application site does not have any relevant planning history.

CONSULTATIONS

Natural Resources Wales: No objection, subject to an informative.

Resolven Community Council: No reply, therefore no observations to make.

South Wales Trunk Road Agency: No reply, therefore no observations to make.

REPRESENTATIONS

A site notice was displayed on 14/06/17. In response, to date 2 no. representations have been received, with the issues raised summarised as follows: -

- The proposal would have a detrimental impact on traffic flow on market days at the former TRW site with inevitable consequences impacting upon the safety of road users and pedestrians.
- The former TRW site has planning consent to operate a market and this proposal represents a direct conflict with this activity, and will have financial consequences for established traders who currently operate at the market.
- Why has no enforcement action been undertaken, despite numerous complaints?

- The claim in the application that the owners of the market were consulted and didn't object is factually incorrect and wholly misleading.
- The weight of the goods referred to by the applicant is immaterial as the established traders within the market have received no onerous comments on this matter.
- The applicant is affiliated to the Community Council, who are consultees. Has a potential conflict of interest been declared?

REPORT

National Planning Policy

- [Planning Policy Wales](#)
- [Technical Advice Notes](#)
 - Technical Advice Note 15: Development and Flood Risk

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 SP3 Sustainable Communities
- Policy SP11 Employment Growth
- Policy SP12 Retail
- Policy SP20 Transport Network
- Policy SP21 Built Environment and Historic Heritage

Topic based Policies

- Policy SC1 Settlement limits
- Policy EC2 Existing Employment Areas
- Policy EC3 Employment Area Uses
- Policy R3 Out of Centre Retail Proposals
- Policy TR2 Design and Access of New Development
- Policy BE1 Design

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.

Principle of Development

It is noted that the application site is located outside the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), and would not fall under any of the permitted categories listed under this Policy. As such, the development is contrary to Policy SC1.

It should also be noted that the application site is sited within an area allocated as an existing employment area under Policy EC2/16. Although the existing clubhouse itself is not an employment use, Policy EC3 nevertheless restricts uses within these existing employment areas to uses within B1, B2 and B8; ancillary facilities or services which support and complement the wider role of the primary uses or; commercial services unrelated to Class B.

The supporting justification to Policy EC3 emphasises that, in order to stimulate growth in the economy a wider mix of uses will be permitted on the allocated sites and the existing employment areas. While noting that these are likely to be commercial services and complementary uses, it specifically notes that this does not include uses best located in a retail centre.

Notwithstanding that, it is noted there is an existing indoor market use within the former TRW site. However, this was granted temporary planning permission for 5 years, due to the original market location (Rheola House) being subject to an ongoing planning application which is subject to the signing of a S106 agreement. The temporary permission is intended to prevent the market from operating in two separate locations within the Resolven area, should the application at

Rheola House not be implemented or only partially implemented. Notwithstanding the presence of the nearby indoor market, it is considered that the introduction of a new retail use on this site, even on one day a week, would be contrary to Policies EC2 and EC3 of the LDP.

The final relevant Policy is Policy R3, which relates to 'out-of-centre retail proposals' which sets out criteria for retail developments outside designated centres. Its permissive effect, however, does not extend beyond the defined limits of settlements. The amplification to the policy explains that the intention of the policy is to apply strict controls over retail proposals to ensure retail centres are supported and enhanced as far as possible.

As the application site is outside the settlement limit defined in the LDP, and in the absence of any other relevant supportive retail policy, it follows that as a matter of fact the proposal cannot comply with Policy R3.

As the retention of the retail use would be contrary to the above policies, and any new retail uses in the area should either be located within the settlement of Resolven (or the existing market site), it is considered that the principle of the retention of the A1 retail use would be detrimental to the retail policies within the LDP and the overall function of the employment area. As such, refusal is therefore recommended on these grounds.

Impact on Visual Amenity

By virtue of the fact that the development relates to the use of the car park by mobile retail vans for 6 ½ hours on a Saturday morning, it is considered that there would be no detrimental impact upon the character and appearance of the surrounding area or street-scene. Furthermore, suitably worded conditions requiring the removal of the vans outside of the specified times could be imposed on the application in the event it was recommended for approval.

Impact on Residential Amenity

Due to the location of the application site and the fact that there are no residential properties in close proximity, it is considered that the use of the existing car park for short-term retail activities would not create any unacceptable impacts on residential amenity.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the sales pitches are located within the existing car park serving the AFC clubhouse, and would be accessed via the existing access track. Whilst it is noted that the sales pitches would take up some of the car parking area, given the short-term nature of the use (6 ½ hours on a Saturday) and the timings of the use, it is considered that there is sufficient space within the existing Resolven AFC car parking area for customer parking for both the sale pitches and clubhouse. Although the operators of the indoor market have expressed concern over the impact on traffic flow on market days at the former TRW site “with inevitable consequences impacting upon the safety of road users and pedestrians” no objection has been raised by the Highways Officer on such grounds, such that it is considered that there would be no detrimental highway safety issues over and above that which would be experienced with the movements associated with the existing club and car parking area.

Flood Risk / Drainage

It should be noted that the application site is located in a C2 flood zone. A Flood Consequences Assessment (letter of acceptance) was submitted in support of the application. This has been assessed by Natural Resources Wales who offer no objection, subject to an informative in respect of flood warning. Having regards to the tests in Technical Advice Note 15, the proposal is therefore considered acceptable in terms of flood risk.

Other Matters

Responses to matters raised in representations not covered in the report on the main issues.

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

- With regards to the potential impact on the viability of the existing market, it should be noted that Planning Policy Wales (at paragraph 10.2.12) emphasises that “*it is not the role of the planning system to restrict competition between retailers within centres*”. While this is not a ‘retail centre’, it is thus nevertheless

considered that refusal on such grounds could not be substantiated.

- It has been queried why no enforcement action has been taken. However, the application has been submitted to the Local Planning Authority, such that the expediency of taking any action is considered together. It should be noted that enforcement action is recommended as part of this decision.
- In respect of the comments that the owners of the market did not object, these are noted.
- With regards to the comments regarding the weight of the product these are noted, but would not be considered a reason to approve or refuse the application.
- Finally, the comments that the applicant is affiliated to the Community Council, who are consultees. It should be noted that Resolven Community Council have not responded on the application. Nevertheless, it would be for members of the Community Council to declare any such interest at one of their meetings accordingly.

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 principle of the retention of the A1 retail pitches outside of the identified settlement limits, and the defined retail area of Resolven, would be contrary to Policies SC1 and R3 of the Neath Port Talbot Local Development Plan. Furthermore, as the application site is located in an area allocated for employment use and the A1 use would not constitute an ancillary facility to support or complement the wider role and overall function of the allocated employment area the development would be contrary to Policies EC2 and EC3 of the Neath Port Talbot Local Development Plan. Refusal is therefore recommended.

Enforcement

Faced with a recommendation to refuse planning permission for this out-of-centre retail use, it is also necessary to consider the expediency of taking enforcement action against the unauthorised use(s).

It is noted that Councillor Des Davies has raised the fact that a Trading License exists for two pitches, and contact with Licensing has confirmed that both the retail pitches have been granted Street-Trading Licenses from the Licensing Section. The potato sales was granted approximately 2014, and the meat sales in March 2017. Cllr Davies has also noted that in November 2013 Planning Officers did not raise objection to the license (meat sales). In this regard, it is noted that there may appear to be inconsistency from the department.

In response, however, it is emphasised that in November 2013 the Planning department's informal stance was that street-traders would not normally require planning permission to site a single mobile trailer/ vehicle provided it was for a limited number of hours. At that time (for a single van, not the two which are the subject of the current application), the Licensing Section was advised (following initial objections being raised) that the Local Planning Authority would have no objections to the license provided that

- Trading is only permitted on a Saturday
- Trading is only permitted between 8.00hrs and 16.00hrs
- Only potatoes are traded from the vehicle
- The vehicle is removed from the site at the end of the approved hours

Since that time however, the Planning department has taken a more restrictive approach which seeks to protect the retail centres and ensure that retail uses are focussed in such designated centres, all in accordance with the objectives of the LDP. Accordingly, all street-traders (including burger vans, jacket potato sellers etc.) require planning permission for the change of use of the land where their sales 'pitch' is located.

It is thus also noted that while the Planning Authority did not make representations on the 2017 license for the meat sales, the licensing process now makes explicit mention in their applications to the requirement for an applicant to contact the Planning department direct to enquire if permission is required. No such contact was made, and

thus following receipt of an enforcement complaint into the alleged unauthorised use an investigation found that the use (alongside the potato sales that have existed on site for approximately four years) was being undertaken without planning permission.

Having regard to the conclusions within the main body of this report, it is emphasised that the objections are even more relevant for two sales pitches, albeit the principle is the same for one or more such temporary retail uses. In this regard, Members are advised that if the Local Planning Authority were to allow these sales pitches to remain within the AFC car parking area, then it would be difficult to justify the refusal of further pitches on this (or other similar) sites as the principle would have been established. As a matter of principle, this would be contrary to and undermine the retail objectives of the LDP and be to the detriment of the other retail uses within local village and designated District Centres, who have to pay overheads such as Business Rates, utilities etc.

For these reasons, and notwithstanding the existing licences to operate pitches from this site between 08.00 and 13.00 on Saturdays, it is also recommended that Enforcement Action is authorised to cease the existing unauthorised retail use within 1 month from the date of the Enforcement Notice.

RECOMMENDATION

- A. That planning permission is REFUSED on the following ground:-
- (1) The principle of the retention of the A1 retail pitches outside of the identified settlement limits, and the defined retail area of Resolven, would be contrary to Policies SC1 and R3 of the Neath Port Talbot Local Development Plan. Furthermore, as the application site is located in an area allocated for employment use and the A1 use would not constitute an ancillary facility to support or complement the wider role and overall function of the allocated employment area, the development would be contrary to Policies EC2 and EC3 of the Neath Port Talbot Local Development Plan.
- B. That authorisation is granted to take enforcement action to secure the cessation of the unauthorised retail use

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SECTION B – MATTERS FOR INFORMATION

DELEGATED APPLICATIONS

DETERMINED BETWEEN 20 JUNE 2017 AND 31 JULY 2017

1	App No. P2011/0305	Type Outline
	Proposal Two detached dwellings (outline with all matters reserved) (Additional flood consequences assessment).	
	Location Land at, Varteg Row, Bryn, Port Talbot SA13 2RF	
	Decision Refusal	
	Ward Bryn & Cwmavon	

2	App No. P2012/0692	Type Discharge of Cond.
	Proposal Details to be agreed in association with condition 6 (Materials) of planning permission ref. P2011/0688 granted on 02/09/12	
	Location Land at, TATA Steelworks, Margam, Port Talbot	
	Decision Approval with no Conditions	
	Ward Margam	

3	App No. P2014/0013	Type Vary Condition
	Proposal Variation of condition 1of P2008/563 to extend the period of time to commence development by a further 5 years	
	Location Glan Garnant Nursing Home, Neuadd Road, Gwaun Cae Gurwen, Ammanford SA18 1UF	
	Decision Approval with Conditions	
	Ward Gwaun-Cae-Gurwen	

4	App No. P2016/0066	Type Discharge of Cond.
	Proposal Details to be agreed in association with conditions 5 (written notice to Ministry of Defence and Civil Aviation Authority), 9 (traffic management plan), 15 (turbine external finish), 20 (electromagnetic interference), 23 (shadow flicker), 24 (construction method statement),29 (ecological clerk of works) and 31 (noise emissions) of application P2014/0733 granted on 17/12/15 (Revised Construction Method Statement Rec 19-1-17)	
	Location Maesgwyn, Land North West Of Glynneath, Glynneath, Neath	
	Decision Approval with no Conditions	
	Ward Glynneath	

5	App No. P2016/0799	Type Full Plans
Proposal Conversion of former church (Class D1) to dwelling (Class C3) including demolition of toilet block and boiler room to rear elevation and formation of new vehicular access and parking space to rear; re-instatement of former windows to rear elevation; installation of chimney flue to roof plane.		
Location Bethany English Presbyterian Church, Bethania Street, Glynneath, Neath		
Decision Approval with Conditions		
Ward Glynneath		

6	App No. P2016/0809	Type Listed Building Cons
Proposal Conversion of former church (Class D1) to dwelling (Class C3). External alterations include demolition of toilet block and boiler room to rear elevation and formation of new vehicular access and parking space to rear; re-instatement of former windows to rear elevation; installation of obscure glazing to lower half of central windows to front elevation and all two-thirds of first floor windows to side elevation; new uPVC windows and doors; installation of chimney flue to roof slope. Internal alterations include installation of stud partition walls to vestry to create utility room plus installation of woodstove; removal of pews at ground-floor to create living room with new woodstove; installation of stud partition walls to form cloakroom and study at ground-floor level; re-location of entrance screen and doors to form hallway; re-positioning of balcony curved corners; removal of first-floor pews and stepped floor to create new cantilevered first-floor level; installation of stud partitions to create en-suite bedrooms; re-location of balcony panels and installation of 1.1m high glass handrail (Listed Building Consent) (Amended plans and Method Statement received 20/01/17).		
Location Bethany English Presbyterian Church, Bethania Street, Glynneath, Neath		
Decision Approval with Conditions		
Ward Glynneath		

7	App No. P2016/0869	Type Vary Condition
Proposal Variation of condition 1 of planning application P2016/0736 to supersede block plan to allow amendment to parking arrangements for plots 15 and 16.		
Location Morfa Afan, Dalton Road, Sandfields, Port Talbot SA12 6SL		
Decision Approved subject to s.106		
Ward Sandfields East		

8	App No. P2016/0896	Type Vary Condition
Proposal	Variation of condition 3 and 4 to allow for a further 3 years to submit the reserved matters application, and removal of conditions 18,19 and 20 (code for sustainable homes) of planning application P2013/0367 approved on 4th December 2013	
Location	Land North Of, Maes Ty Canol, Baglan, Port Talbot	
Decision	Approved subject to s.106	
Ward	Baglan	

9	App No. P2016/0928	Type Full Plans
Proposal	Two no. detached and one pair of semi-detached two storey dwellings plus associated infrastructure (Amended description, drawings and supporting information received 27.02.17)	
Location	Yard, Commercial Road, Rhydyfro Pontardawe, Swansea SA8 4SL	
Decision	Approval with Conditions	
Ward	Pontardawe	

10	App No. P2016/1091	Type Full Plans
Proposal	Two semi-detached split level dwellings with associated car parking and engineering works.	
Location	Land Adjacent To, 24 Curwen Close, Pontrhydyfen, Port Talbot SA12 9UD	
Decision	Refusal	
Ward	Pelenna	

11	App No. P2017/0082	Type Full Plans
Proposal	Detached split level dwelling and associated parking and engineering work.	
Location	Land Adjacent to, 12 Cilmaengwyn Road, Cilmaengwyn, Pontardawe SA8 4QL	
Decision	Approval with no Conditions	
Ward	Godre'rgraig	

12	App No. P2017/0195	Type Lawful Dev. Cert-Prop.
Proposal	Lawful development certificate for a proposed use as a Heritage/ visitor centre (Class D2)	
Location	Old Stables, Herbert Street, Pontardawe, Swansea SA8 4EB	
Decision	Issue Lawful Dev. Cert.	
Ward	Pontardawe	

13	App No. P2017/0249	Type Full Plans
Proposal	Retention and Completion of 3 detached dwellings, with associated engineering operations and car parking.	
Location	Old Fire Station, Brytwn Road, Cymmer, Port Talbot SA13 3EN	
Decision	Approval with Conditions	
Ward	Cymmer	

14	App No. P2017/0262	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of conditions 2 (external materials) 3 (boundary treatments) 12 (drainage) 13 (cross-sections and roof levels) of Planning Permission P2012/1102 (Dwelling approved on the 14/01/13)	
Location	Land rear of, 10A Ormes Road, Skewen, Neath SA10 6SY	
Decision	Approval with no Conditions	
Ward	Coedffranc North	

15	App No. P2017/0263	Type Discharge of Cond.
Proposal	Details to be agreed in association with Conditions 4 (Programme of Works - Part of CMS), 6 (Construction Method Statement (CMS)), 7 (Scheme of Historic Environment Mitigation), 9 (Japanese Knotweed Mitigation - Part of CMS) and 10 (Construction Noise Management Plan - Part of CMS) of Planning Permission P2016/1022 granted on 1st Feb 2017.	
Location	Groes Primary School, Bertha Road, Margam, Port Talbot SA13 2AW	
Decision	Approval with no Conditions	
Ward	Margam	

16	App No. P2017/0268	Type App under TPO
Proposal	Remove 1 elm tree (Plan 01 ELM), remove sycamore stick S1, remove regeneration of sycamore S2, thin out self seeded woodland at rear of property (plan 01 Group 1).	
Location	Flat 1 Garth Mor Court, Old Road, Briton Ferry, Neath SA11 2HW	
Decision	Approval with Conditions	
Ward	Neath East	

17	App No. P2017/0289	Type Change of Use
Proposal Change of use of private members club (sui generis) to public house(A3) and first floor to ancillary managers accommodation, construction of disabled access ramp and railings, new external double doors to rear elevation, smoking shelter structure, ledge and braced door with close boarded fencing, rear decking area, three no cooling units and extraction grills to front side and rear elevations.		
Location Constitutional Club, 11 Orchard Street, Neath SA11 1DT		
Decision Approval with Conditions		
Ward Neath North		

18	App No. P2017/0293	Type Full Plans
Proposal Installation of 21m high lattice mast, supporting 2 No. Antenna, 2 No. 300mm dishes, plus associated ground based equipment cabinets and ancillary development. (amended height of mast).		
Location Land At, Brynawel Farm, Brynawel , Crynant, Neath SA10 8SU		
Decision Approval with Conditions		
Ward Crynant		

19	App No. P2017/0307	Type Full Plans
Proposal Change of use of 2nd and 3rd floors of building from Use Class A1 (Retail) to Use Class C3 (Residential) to accommodate 2 self contained flats.		
Location 5 Wind Street, Neath SA11 3EG		
Decision Approval with Conditions		
Ward Neath North		

20	App No. P2017/0312	Type Full Plans
Proposal Extension to existing children's playground and associated works		
Location Gnoll Park, Fairyland, Neath		
Decision Approval with Conditions		
Ward Neath North		

21	App No. P2017/0339	Type Change of Use
Proposal Retention and completion of change of use of former vestry and chapel into 2 self contained residential units.(additional info bat survey, planning statement and structural survey)		
Location Carmel Welsh Independent Chapel, Heol Cae Gurwen, Gwaun Cae Gurwen, Ammanford		
Decision Approval with Conditions		
Ward Gwaun-Cae-Gurwen		

22	App No. P2017/0351	Type Listed Building Cons
Proposal Replacement of existing windows with new timber windows to front side and rear elevations and dormers, replacement, delamination and repair of stonework and brickwork including repointing, replacement soffits, rainwater goods main and side entrance doors. Construction of disabled access ramp and railings, new external double doors to rear elevation, smoking shelter structure, ledge and braced door with close boarded fencing, rear decking area, three no cooling units and extraction grills to front side and rear elevations (Listed Building Consent).		
Location Constitutional Club, 11 Orchard Street, Neath SA11 1DT		
Decision Approval with Conditions		
Ward Neath North		

23	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		

24	App No. P2017/0379	Type Discharge of Cond.
Proposal Details pursuant to conditions 8 (surface water drainage) & 9 (culvert survey) of P2015/0905 granted on the 28th of April 2016		
Location Baglan Stables, Baglan Park, Baglan, Port Talbot SA12 8PS		
Decision Approval with no Conditions		
Ward Baglan		

25	App No. P2017/0392	Type Full Plans
Proposal	Retention of change of use from dwelling to mixed use dwelling and canine boarding daycare plus proposed detached outbuilding for use of canine boarding and daycare (maximum of 4 dogs only) and dog grooming (maximum of 4 dogs only per day)	
Location	126 New Road, Skewen, Neath SA10 6HG	
Decision	Approval with Conditions	
Ward	Coedffranc West	

26	App No. P2017/0403	Type Householder
Proposal	Single storey front and rear extensions to dwellinghouse, detached outbuilding and increase in height of rear boundary wall	
Location	16 Wagner Road, Sandfields, Port Talbot SA12 7TT	
Decision	Approval with Conditions	
Ward	Sandfields West	

27	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	

28	App No. P2017/0412	Type Change of Use
Proposal	Change of use from A1 to A3 (café)	
Location	13 Old Market Street, Neath SA11 3NA	
Decision	Approval with Conditions	
Ward	Neath North	

29	App No. P2017/0415	Type Full Plans
Proposal	Construction of 8 residential dwellings and associated works. (Amended house types and layout from that permitted under planning permission P2016/0657 to substitute 10 dwellings with 8 dwellings resulting in an overall reduction in units from 49 to 47 units)	
Location	Glanafan Comprehensive School, Station Road, Port Talbot SA13 1LZ	
Decision	Approval with Conditions	
Ward	Port Talbot	

30	App No. P2017/0418	Type Full Plans
Proposal	Installation of an 18m lattice mast, supporting 3 No. antenna, 2 No. dishes and ancillary development	
Location	Land At The Scrub, Cwmafan Rugby Club, Depot Road , Cwmafan, Port Talbot SA12 9DF	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

31	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	

32	App No. P2017/0430	Type Householder
Proposal	Two storey rear and side extension and a single storey rear extension.	
Location	22 Efail Fach, Pontrhydyfen, Port Talbot SA12 9TY	
Decision	Approval with Conditions	
Ward	Pelenna	

33	App No. P2017/0431	Type LawfulDev.Cert-Exist
Proposal	Use of land as garden area associated with Number 7 Tai Banc - Certificate of Lawful Use (Existing).	
Location	Land Opposite, 7 Tai Banc, Tonna, Neath SA11 3JP	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Tonna	

34	App No. P2017/0434	Type Householder
Proposal	Replacement detached garage	
Location	38 Heol Yr Orsedd, Taibach, Port Talbot SA13 2HL	
Decision	Approval with Conditions	
Ward	Taibach	

35	App No. P2017/0444	Type Full Plans
Proposal	New shop front	
Location	115 Neath Road, Briton Ferry, Neath SA11 2BZ	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

36	App No. P2017/0446	Type Discharge of Cond.
Proposal Details to be agreed in association with Conditions 6 (remediation), 8 (demolition and construction method statement) , 10 (historic building record) and 12 (dust management) of P2016/0657 granted on 3rd of March 2017		
Location Glanafan Comprehensive School, Station Road, Port Talbot SA13 1LZ		
Decision Approval with no Conditions		
Ward Port Talbot		

37	App No. P2017/0451	Type Householder
Proposal Detached Garage		
Location 49 Neuadd Road, Gwaun Cae Gurwen, Ammanford SA18 1UG		
Decision Approval with Conditions		
Ward Gwaun-Cae-Gurwen		

38	App No. P2017/0452	Type Full Plans
Proposal Installation of 3 no. external refrigeration units (additional plans relocation of refrigeration units).		
Location Lamb And Flag, Main Road, Bryncoch, Neath SA10 7TW		
Decision Approval with Conditions		
Ward Bryncoch North		

39	App No. P2017/0459	Type Full Plans
Proposal Retention and completion of amended house type and detached garage		
Location Land Opposite Maes Y Deri, Pleasant Hill, Cilfrew, Neath SA10 8LR		
Decision Approval with Conditions		
Ward Aberdulais		

40	App No. P2017/0460	Type Full Plans
Proposal Detached bungalow, and associated parking		
Location Land Adjacent To, 11 Station Terrace, Seven Sisters, Neath SA10 9DH		
Decision Approval with Conditions		
Ward Seven Sisters		

41	App No. P2017/0463	Type Change of Use
Proposal	Retention of use of existing land for equestrian purposes plus associated ménages.	
Location	The Oaks Stables Yard, Heol Y Glo, Kenfig Hill, Bridgend CF33 6RD	
Decision	Approval with Conditions	
Ward	Margam	

42	App No. P2017/0469	Type Full Plans
Proposal	Substitute existing diesel-powered generators with 17 container based gas-powered generators (20MW) or battery technology plus a new gas governor kiosk.	
Location	Briton Ferry Green Frog Power Compound, Brunel Way , Baglan Energy Park, Neath SA11 2GG	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

43	App No. P2017/0472	Type Householder
Proposal	Replacement single storey rear extension	
Location	19 Afan Terrace, Salem Road, Cwmavon, Port Talbot SA12 9ET	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

44	App No. P2017/0474	Type Householder
Proposal	First floor rear extension	
Location	36 Golwg Y Bryn, Seven Sisters, Neath SA10 9BY	
Decision	Approval with Conditions	
Ward	Onllwyn	

45	App No. P2017/0476	Type Full Plans
Proposal	Installation of vertical storage vessel (additional plans).	
Location	Gower Chemicals Limited, Crymlyn Burrows Industrial Estate Access Road, Crymlyn Burrows, Swansea SA1 8PT	
Decision	Approval with Conditions	
Ward	Coedffranc West	

46	App No. P2017/0477	Type Change of Use
Proposal Change of use from residential dwelling to office (83a Church Road) and retention of change of use from doctors surgery to office (83 Church Road) (Use Class B1) in connection with Call of The Wild		
Location 83 & 83A Church Road, Seven Sisters, Neath SA10 9DT		
Decision Approval with Conditions		
Ward Seven Sisters		

47	App No. P2017/0490	Type Full Plans
Proposal Roof lantern extension		
Location Gemini Court, Road From Helios Drive To Astral Court, Baglan Energy Park, Port Talbot SA12 7AX		
Decision Approval with Conditions		
Ward Baglan		

48	App No. P2017/0493	Type Change of Use
Proposal Change of use of vacant first floor premises to a beauty salon with tattoo studio		
Location Flat 1 Old Swan House, 10 Croft Road, Neath SA11 1RW		
Decision Approval with Conditions		
Ward Neath North		

49	App No. P2017/0494	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 11 (written scheme of archaeological investigation) and Condition 29 (floor levels) of Planning Permission P2016/0657 granted on 03/03/17.		
Location Glanafan Comprehensive School, Station Road, Port Talbot SA13 1LZ		
Decision Approval with no Conditions		
Ward Port Talbot		

50	App No. P2017/0496	Type Full Plans
Proposal Replacement single-storey detached building ancillary to the use of the allotments.		
Location Cwmavon Allotments, Heol Undeb, Cwmavon, Port Talbot		
Decision Approval with Conditions		
Ward Bryn & Cwmavon		

51	App No. P2017/0498	Type Householder
Proposal	Single storey detached garage	
Location	78 Victoria Road, Sandfields, Port Talbot SA12 6AD	
Decision	Approval with Conditions	
Ward	Sandfields East	

52	App No. P2017/0500	Type Discharge of Cond.
Proposal	Details pursuant to Condition 3 (Carriageway Footway details) of planning permission P2015/0158 (Approved on the 19/01/2017)	
Location	Land to rear of, 102 Crymlyn Road, Skewen, Neath SA10 6DT	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

53	App No. P2017/0501	Type Change of Use
Proposal	Retention of self contained flat, and associated fire escape	
Location	11 Gnoll Avenue, Neath SA11 3AB	
Decision	Approval with Conditions	
Ward	Neath North	

54	App No. P2017/0502	Type Change of Use
Proposal	Change of use of first floor of premises into two self contained flats	
Location	42 Burrows Road, Skewen, Neath SA10 6AB	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

55	App No. P2017/0503	Type Householder
Proposal	Single storey side and rear extension including platform and screening	
Location	8 Clare Road, Ystalyfera, Swansea SA9 2AJ	
Decision	Approval with Conditions	
Ward	Ystalyfera	

56	App No. P2017/0507	Type Discharge of Cond.
Proposal Details pursuant to the discharge of Conditions 3 (coal mining legacy), 6 (bat roosts) 7 (Boundary wall) and 8 (external materials) of planning permission P2017/0017 approved on the 4th April 2017		
Location Bewdley, Dyffryn Road, Dyffryn, Neath SA10 7AZ		
Decision Approval with no Conditions		
Ward Dyffryn		

57	App No. P2017/0509	Type Discharge of Cond.
Proposal Details pursuant to the discharge of Condition 1 (Impacts on Wading Birds) of Planning Permission P2017/0080 (Rock revetment works)		
Location Swansea University- Bay Campus, Fabian Way, Jersey Marine, Neath		
Decision Approval with no Conditions		
Ward Coedffranc West		

58	App No. P2017/0511	Type Full Plans
Proposal Installation of a new condensing unit located on the rear flat roof, installation of louvres to a rear window and infilling of two number through wall fans		
Location 46-48 Station Road, Port Talbot SA13 1LJ		
Decision Approval with Conditions		
Ward Port Talbot		

59	App No. P2017/0517	Type Prior Notif. Telecoms
Proposal Prior Notification for telecommunication equipment for a replacement 15m high telecommunication lattice mast with associated antennas and equipment cabinets within a compound.		
Location Abernant Farm, Efail Fach, Neath SA12 9SN		
Decision Prior Approval Required		
Ward Pelenna		

60	App No. P2017/0518	Type Change of Use
Proposal Change of use from A1 (Retail) to a hair and beauty salon (Sui Generic)		
Location 139 Pantyrheol, Neath SA11 2HB		
Decision Approval with Conditions		
Ward Neath East		

61	App No. P2017/0521	Type Lawful Dev. Cert-Exist
Proposal Certificate of Lawfulness Development (Existing) for use of land as garden curtilage		
Location Land Adjacent To, 57 Commercial Street, Abergwynfi, Port Talbot SA13 3YL		
Decision Issue Lawful Dev. Cert.		
Ward Gwynfi		

62	App No. P2017/0523	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2014/0973 (Residential development) for the insertion of French doors to side elevation of dwelling on Plot 16 only.		
Location Phase 5, Plot 16, Parc Y Dderwen, Pontardawe,		
Decision Approval with Conditions		
Ward Pontardawe		

63	App No. P2017/0524	Type Householder
Proposal Retention of outbuilding		
Location 13 Heol Daniel, Cwmllynfell, Swansea SA9 2GJ		
Decision Approval with no Conditions		
Ward Cwmllynfell		

64	App No. P2017/0525	Type Discharge of Cond.
Proposal Approval of Details in relation to Condition 29 (Scheme for the eradication of invasive species) and Condition 33 (Scheme for supplementary planting along the Afon Cynffig) of planning permission Reference P2016/0078		
Location Former Margam Surface Mine, Fford Y Gyfraith, Margam, Cefn Cribwr CF32 0BS		
Decision Approval with Conditions		
Ward Margam		

65	App No. P2017/0526	Type Discharge of Cond.
Proposal Details pursuant to the discharge of conditions 3, 4 & 5 (drainage, means of enclosure, traffic management) of planning permission P2016/1036 (tyre fitting/car wash)		
Location Town Tyre Services, London Road, Neath SA11 1HD		
Decision Approval with no Conditions		
Ward Neath North		

66	App No. P2017/0527	Type Householder
Proposal	Rear extension to existing outbuilding	
Location	24 Cilmaengwyn Road, Cilmaengwyn Pontardawe, Swansea SA8 4QL	
Decision	Approval with Conditions	
Ward	Godre'rgraig	

67	App No. P2017/0528	Type Householder
Proposal	First floor roof extension (alteration to existing rear extension to increase ridge height of existing rear extension and increase width to match main dwelling)	
Location	5 Springfield Road, Skewen, Neath SA10 6UR	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

68	App No. P2017/0530	Type App under TPO
Proposal	Works to trees protected under Tree Preservation Order T274/T6 & T8 - 1 No. Sycamore TA/T6 remove one limb over garden growing at 1 metre from base, and 1 No. Sycamore TB/T8 reduction of height and spread by a maximum of 2 metres. Remove suckering growth at base.	
Location	9 Princess Drive, Waunceirch, Neath SA10 7PZ	
Decision	Approval with Conditions	
Ward	Bryncoch South	

69	App No. P2017/0531	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Condition 21 (topsoil validation) of Planning Permission P2010/0222 (Bay Campus) in respect of Phase 1c Only.	
Location	Learning and Resource Centre, Fabian Way, Crymlyn Burrows, SA1 8EN	
Decision	Approval with no Conditions	
Ward	Coedffranc West	

70	App No. P2017/0533	Type Full Plans
Proposal	Installation of single storey modular portacabin for on site staff amenity facilities.	
Location	Cilfrew AGI, Aberdulais,	
Decision	Approval with Conditions	
Ward	Aberdulais	

71	App No. P2017/0536	Type Advertisement
Proposal	8 number non illuminated advertisement panels	
Location	8 Prior Street, Port Talbot SA13 1YA	
Decision	Refusal	
Ward	Port Talbot	

72	App No. P2017/0537	Type Householder
Proposal	Single storey rear extension	
Location	21 Lansbury Avenue, Margam, Port Talbot SA13 2LE	
Decision	Approval with Conditions	
Ward	Taibach	

73	App No. P2017/0538	Type Householder
Proposal	Two storey side extension plus single storey rear extension	
Location	89 Castle Drive, Cimla, Neath SA11 3YG	
Decision	Approval with Conditions	
Ward	Cimla	

74	App No. P2017/0539	Type Householder
Proposal	Two-storey side extension	
Location	2A WARREN HILL, NEATH SA11 2JH	
Decision	Approval with Conditions	
Ward	Briton Ferry West	

75	App No. P2017/0543	Type Advertisement
Proposal	Replacement signage: 4 internally illuminated fascia signs and an internally illuminated projecting sign.	
Location	Principality, Unit 7 Riverside walk, Station Road, Port Talbot SA13 1NY	
Decision	Approval with Conditions	
Ward	Port Talbot	

76	App No. P2017/0545	Type Householder
Proposal	Detached garage	
Location	5 Prospect Place, Ystalyfera, Swansea SA9 2BN	
Decision	Approval with Conditions	
Ward	Ystalyfera	

77	App No. P2017/0546	Type Householder
Proposal	Single storey rear extension	
Location	16 Rock Street, Glynneath, Neath SA11 5EE	
Decision	Approval with Conditions	
Ward	Glynneath	

78	App No. P2017/0547	Type Householder
Proposal	Dormer extension	
Location	14 Elias Drive, Bryncoch, Neath SA10 7TG	
Decision	Approval with Conditions	
Ward	Bryncoch North	

79	App No. P2017/0548	Type Householder
Proposal	Retention of wooden gate, fence and posts (maximum height of 0.99m) to enclose part of front garden area	
Location	58 Cwrt Y Carw, Coed Hirwaun, Port Talbot SA13 2TS	
Decision	Approval with Conditions	
Ward	Margam	

80	App No. P2017/0551	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for the alteration to roof design from hipped roof to a gable	
Location	27 Ty'n Yr Heol Road, Bryncoch, Neath SA10 7EA	
Decision	Approval with Conditions	
Ward	Bryncoch North	

81	App No. P2017/0552	Type App under TPO
Proposal	Works to oak tree (T1) covered by a Tree Preservation Order (TPO T222/T3) to reduce the crown on western side by 2.5m and rebalance crown	
Location	1 The Paddocks, Tonna, Neath SA11 3FD	
Decision	Approval with Conditions	
Ward	Tonna	

82	App No. P2017/0554	Type Householder
Proposal	Two storey side extension	
Location	Blaen Egel Fawr Farm, Perthigwynion Access Road From A474 Pontardawe Road, Pontardawe, SA8 4TA	
Decision	Approval with Conditions	
Ward	Pontardawe	

83	App No. P2017/0557	Type Householder
Proposal	Replacement window to facilitate garage conversion	
Location	9 Ffordd Danygraig, Godre'r Graig, Swansea	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

84	App No. P2017/0559	Type Householder
Proposal	Two storey side extension and replacement parking	
Location	62 Graig Newydd, Godre'r Graig, Swansea SA9 2DG	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

85	App No. P2017/0561	Type Full Plans
Proposal	4 no. air handling units to elevation fronting Ffordd Amazon	
Location	Amazon, Ffordd Amazon, Crymlyn Burrows, Swansea SA1 8QX	
Decision	Approval with Conditions	
Ward	Coedffranc West	

86	App No. P2017/0562	Type App under TPO
Proposal	Application for works to trees covered by Tree Preservation Order (TPO) T169/A2 consisting of felling of lower re-growth and coppicing small diameter trees or slender multi-stemmed re-growth to stump level, plus reduce and raise overhanging branches (Group 1); remove deadwood in crown over 30cm (T966); felling to 1m stump (T967).	
Location	Y Gorlan, Coed Parc, Cwmavon, Port Talbot SA12 9BN	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

87	App No. P2017/0563	Type Vary Condition
Proposal	Variation of condition 2 of planning application P2016/1023 to supersede approved plan to allow amendments to elevational treatment and height of teaching block.	
Location	Sandfields Comprehensive School, Southdown View, Sandfields, Port Talbot SA12 7AH	
Decision	Approval with Conditions	
Ward	Sandfields West	

88	App No. P2017/0565	Type Householder
Proposal Alterations to roof to create accommodation within roof space, two side facing dormer windows, 3 velux rooflights and single storey rear extension (Revision of application approved under P2016/1061).		
Location The Bungalow, Maesteg Road, Cymmer SA13 3HS		
Decision Approval with Conditions		
Ward Cymmer		

89	App No. P2017/0566	Type Full Plans
Proposal Change of use from former British Legion Social Club (Sui Generis) to form 3 commercial units (2 Number B1 Office Units, 1 B8 Storage/distribution unit) and external alterations to include demolition of porch and single storey extension to create additional parking spaces, formation of additional entrances and fire escapes and installation of roller shutters. Plus installation of Biomass extraction Flue		
Location The Royal British Legion Ardwyn Terrace, Tan Y Rhiw Road, Resolven, Neath SA11 4LY		
Decision Approval with Conditions		
Ward Resolven		

90	App No. P2017/0569	Type App under TPO
Proposal Works to sycamore tree covered by Tree Preservation Order T42/T14 consisting of crown lift to rebalance lower limbs of tree		
Location 90 Henfaes Road, Tonna, Neath SA11 3EX		
Decision Approval with Conditions		
Ward Tonna		

91	App No. P2017/0570	Type Householder
Proposal Detached outbuilding		
Location 15 Auburn Avenue, Sandfields, Port Talbot SA12 7RD		
Decision Approval with Conditions		
Ward Sandfields West		

92	App No. P2017/0677	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawfulness (proposed) - Single storey rear extension		
Location Ty-Canol Farm, Penyard Road, Longford, Neath SA10 7EY		
Decision Issue Lawful Dev.Cert.		
Ward Dyffryn		

93	App No. P2017/0682	Type Discharge of Cond.
Proposal Details pursuant to the Discharge of Condition 2 (Construction management plan) of Planning Permission P2017/0080- Rock revetment work)		
Location Swansea University Bay Campus, Fabian Way, Jersey Marine, Neath		
Decision Approval with no Conditions		
Ward Coedffranc West		

94	App No. P2017/0683	Type LawfulDev.Cert-Prop.
Proposal Certificate of lawful development (proposed) for use Class C3 - up to six persons living together as a single household and receiving care		
Location Caewern Lodge, Dwr Y Felin Road, Caewern, Neath SA10 7RH		
Decision Issue Lawful Dev.Cert.		
Ward Bryncoch South		

95	App No. P2017/0571	Type Householder
Proposal Single storey side extension		
Location 14 Ffordd Afan, Cwmavon, Port Talbot SA12 9BR		
Decision Approval with Conditions		
Ward Bryn & Cwmavon		

96	App No. P2017/0572	Type Householder
Proposal Single storey rear extension.		
Location Old Forge, Eglwys Nunydd, Margam, SA13 2PS		
Decision Approval with Conditions		
Ward Margam		

97	App No. P2017/0574	Type Householder
Proposal Conversion of garage into living accommodation, and replacement parking		
Location 32 Heol Glynderwen, Waunceirch, Neath SA10 7RS		
Decision Approval with Conditions		
Ward Bryncoch South		

98	App No. P2017/0578	Type Non Material Amendment (S96A)
Proposal Non-Material Amendment to Planning Application P2013/0822 for relocation of entrance door and windows on front elevation and the recovery vent from the side elevation to the rear elevation.		
Location Calon Celtiadd, Morrison Court, Sandfields, Port Talbot SA12 6TH		
Decision Approval with no Conditions		
Ward Sandfields East		

99	App No. P2017/0580	Type Householder
Proposal Single storey rear extension		
Location 42 Dan Y Graig Road, Neath SA11 1TY		
Decision Approval with Conditions		
Ward Neath East		

100	App No. P2017/0581	Type Non Material Amendment (S96A)
Proposal Non Material Amendment to Planning Application P2017/0366 in respect of provision of an additional flat roof window to extension		
Location 12 Gower Street, Port Talbot SA13 1SL		
Decision Approval with no Conditions		
Ward Port Talbot		

101	App No. P2017/0582	Type Advertisement
Proposal Non illuminated fascia sign		
Location 2 Ministry House, Brunel Park, Brunel Way, Baglan Energy Park, Briton Ferry, Neath SA11 2FP		
Decision Approval with no Conditions		
Ward Briton Ferry West		

102	App No. P2017/0584	Type Householder
Proposal Single storey rear extension		
Location 180 Swansea Road, Trebanos Pontardawe, Swansea SA8 4BU		
Decision Approval with Conditions		
Ward Trebanos		

103	App No. P2017/0585	Type Householder
Proposal	Insertion of window in front elevation and French door in rear elevation to facilitate a garage conversion	
Location	4 Derlwyn, Waunceirch, Neath SA10 7QU	
Decision	Approval with Conditions	
Ward	Bryncoch South	

104	App No. P2017/0586	Type Householder
Proposal	Single storey rear extension	
Location	18 Woodview, Cimla, Neath SA11 3BJ	
Decision	Approval with Conditions	
Ward	Cimla	

105	App No. P2017/0593	Type Householder
Proposal	Single storey and two storey rear extensions	
Location	11 Brynheulog Terrace, Brynheulog, Cwmavon, Port Talbot SA12 9HY	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

106	App No. P2017/0594	Type Householder
Proposal	Garage	
Location	9 Llewellyn Avenue, Neath SA10 7AL	
Decision	Approval with Conditions	
Ward	Bryncoch South	

107	App No. P2017/0595	Type Advertisement
Proposal	Retrospective application for consent for signage at visitor centre, training centre and stores building	
Location	Land at, TATA Steelworks, Margam, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	

108	App No. P2017/0597	Type Householder
Proposal	Demolition of existing chimney, dormer, single storey side and rear extensions and construction of two storey rear extension, incorporating recessed balcony, single storey rear and side extension, single storey side carport, rear dormer extension plus detached double garage.	
Location	7 Cadoxton Road, Neath SA10 7AE	
Decision	Approval with no Conditions	
Ward	Bryncoch South	

109	App No. P2017/0598	Type Householder
Proposal	Retention and completion of outbuilding for use as overspill residential annexe accommodation	
Location	Tremywawr, Pen Yr Alltwen, Alltwen Pontardawe, Swansea SA8 3EA	
Decision	Approval with Conditions	
Ward	Rhos	

110	App No. P2017/0599	Type Householder
Proposal	Single storey rear extension	
Location	12 Brynhafod, Bryn, Port Talbot SA13 2SL	
Decision	Not to Issue Cert.App.Alt.Dev.	
Ward	Bryn & Cwmavon	

111	App No. P2017/0602	Type Discharge of Cond.
Proposal	Submission of detail relating to condition 10 (Means of enclosure) of Planning Application P2016/0869 granted on 27th June 2017	
Location	Morfa Afan, Dalton Road, Sandfields, Port Talbot SA12 6SL	
Decision	Approval with no Conditions	
Ward	Sandfields East	

112	App No. P2017/0603	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to Planning Permission P2011/0688 (Approved on the 2/9/2011) for alterations to roof structure, additional wall vents, doors and windows and external materials.	
Location	Land at, TATA Steelworks, Margam, Port Talbot	
Decision	Approval with no Conditions	
Ward	Margam	

113	App No. P2017/0604	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2016/1105 (Single storey front extension, and overcladding) to amend phasing under conditions 4 & 5 due to Bat Survey info, plus reduction in PV Panels, alterations to rear and gable end external finishes, and omission of new roof coverings to lower roofs		
Location Coleg Castell Nedd Port Talbot, Dwr Y Felin Road, Caewern, Neath SA10 7RF		
Decision Approval with Conditions		
Ward Bryncoch South		

114	App No. P2017/0611	Type LawfulDev.Cert-Prop.
Proposal Single storey rear extension - Certificate of Lawful Development Proposed.		
Location 43 Ruskin Street, Briton Ferry, Neath SA11 2HU		
Decision Issue Lawful Dev.Cert.		
Ward Briton Ferry West		

115	App No. P2017/0613	Type Full Plans
Proposal Retention of A3 use and associated external dining area, increase to height of boundary wall and extraction system.		
Location 5 Croft Road, Neath SA11 1RW		
Decision Approval with Conditions		
Ward Neath North		

116	App No. P2017/0616	Type LawfulDev.Cert-Prop.
Proposal Single storey rear extension - Certificate of Lawful Development (Proposed).		
Location 28 Cae Morfa Road, Sandfields, Port Talbot SA12 7LB		
Decision Issue Lawful Dev.Cert.		
Ward Sandfields West		

117	App No. P2017/0618	Type App under TPO
Proposal	Works to Trees covered by Tree Preservation Order T200/A9 comprising of :- (Oak Tree) the removal of deadwood, reduce branches overhanging garden by up to 1.5m and ring Ivy, (Hazel/Holly Hedging) coppice to 1 foot above fence line.	
Location	18 Corner Meadow, Rhos Pontardawe, Swansea SA8 3DR	
Decision	Approval with Conditions	
Ward	Rhos	

118	App No. P2017/0622	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension - Certificate of Lawful Development (proposed).	
Location	45 Afan Road, Duffryn Rhondda, Port Talbot SA13 3ET	
Decision	Issue Lawful Dev.Cert.	
Ward	Cymmer	

119	App No. P2017/0624	Type Discharge of Cond.
Proposal	Submission of detail relating to condition 7 (Flood Management Plan) of Planning permission P2015/1128 granted on 24th August 2016.	
Location	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot SA13 1RU	
Decision	Approval with no Conditions	
Ward	Port Talbot	

120	App No. P2017/0627	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (Proposed) - Single storey side extension.	
Location	4 Illtyd Street, Neath SA11 3HS	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath North	

121	App No. P2017/0630	Type Householder
Proposal	Dormer extension to rear roof plane	
Location	26 Gnoll Avenue, Neath SA11 3AB	
Decision	Approval with Conditions	
Ward	Neath North	

122	App No. P2017/0631	Type LawfulDev.Cert-Prop.
Proposal	Lawful development Certificate for the proposed use of the dwelling within Class C3(b): Those living together as a single household and receiving care (Max 6 persons)	
Location	4 Pearson Way, Neath SA11 2EJ	
Decision	Issue Lawful Dev.Cert.	
Ward	Neath East	

123	App No. P2017/0639	Type Householder
Proposal	Single storey rear extension	
Location	11 Farmfield Avenue, Sandfields, Port Talbot SA12 7HB	
Decision	Approval with Conditions	
Ward	Sandfields West	

124	App No. P2017/0642	Type Householder
Proposal	New Bay Window	
Location	28 Maes Y Tyra, Resolven, Neath SA11 4NN	
Decision	Approval with Conditions	
Ward	Resolven	

125	App No. P2017/0653	Type LawfulDev.Cert-Prop.
Proposal	Single storey side extension - Certificate Of Lawful Development Proposed	
Location	26 Seaward Avenue, Sandfields, Port Talbot SA12 7LT	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields East	

126	App No. P2017/0655	Type Discharge of Cond.
Proposal	Details pursuant to the partial discharge of condition 8 (pre-development condition survey of the existing highway network) of planning permission P2015/0915 (approved on 30/6/2016)	
Location	Land to North West of, Perthigwynon Farm, Rhydyfro, Neath SA8 4TA	
Decision	Approval with no Conditions	
Ward	Pontardawe	

127	App No. P2017/0656	Type Non Material Amendment (S96A)
Proposal Non material amendment to P2015/0915 granted on 30/6/2016 - amendment to working hours.		
Location Land to The North West of, Perthigwynion Farm, Rhydyfro, Neath SA8 4TA		
Decision Approval with Conditions		
Ward Pontardawe		

128	App No. P2017/0663	Type LawfulDev.Cert-Prop.
Proposal Conversion of car port and part of front canopy to living accommodation - Certificate of Lawful Development Proposed		
Location 1 Ascot Drive, Baglan, Port Talbot SA12 8YL		
Decision Issue Lawful Dev.Cert.		
Ward Baglan		

129	App No. P2017/0670	Type Discharge of Cond.
Proposal Details pursuant to the discharge of Condition 3 (External Materials) of Planning Permission P2016/0383 (Computational Foundry)		
Location Swansea University Bay Campus, Fabian Way, Crymlyn Burrows, SA1 8EN		
Decision Approval with no Conditions		
Ward Coedffranc West		

130	App No. P2017/0684	Type LawfulDev.Cert-Prop.
Proposal Single storey side extension - Certificate of Lawful Development Proposed		
Location 7 Glan Pelenna, Pontrhydyfen, Port Talbot SA12 9UA		
Decision Issue Lawful Dev.Cert.		
Ward Pelenna		

131	App No. P2017/0707	Type Non Material Amendment (S96A)
Proposal Non-material amendment to planning permission P2016/0870 (Approved on the 31/10/2016) Alterations in the design of the previously approved shopfront and also changes in the colours of the external materials.		
Location 11 Croft Road, Neath SA11 1RW		
Decision Approval with Conditions		
Ward Neath North		

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SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

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.- Amended plans and amended planning statement

Site Address: 1 Cambrian Place & 45 Abbey Road Port Talbot SA13 1HD

Appeal Method: Written Representations

Decision Date: 19 July 2017

Decision: Appeal Allowed With Conditions
[Appeal Decision Letter](#).

The main issue concerned the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook.

The Inspector stated that there was no doubt that the proposed dwelling at No.45 would represent an increase in scale relative to the existing building. However, he found that the reorientation of the property would mean that the pitch of the roof associated with the two storey element of the proposal would slope away from the neighbouring properties at No.2 and No.3 Cambrian Place. As such, and having had regard to the fact that there would only be a modest increase in eaves height, he did not consider the two storey element of the proposal would result in any significant overbearing impacts. Similarly, whilst recognising that the existing

lean-to element of the building would be replaced with a more substantial pitched roof structure that would extend the full width of the plot, given its single storey height and roof form, he found that the overall visual impact would be acceptable.

He thus concluded that there would not be any material harm caused to the living conditions of the occupiers of neighbouring properties by reason of loss of outlook.

Responding to concerns raised that the proposed dwelling would result in overshadowing impacts at neighbouring properties, the Inspector did not consider that such impacts would be so significant so as to cause material harm to the occupiers of those properties.

Similarly, whilst matters of privacy were raised in the written submissions, he was satisfied that any overlooking impacts could be satisfactorily addressed through the imposition of a suitably worded planning condition.

Noting that the proposed dwelling would be constructed on a larger foot print than the existing building and, as a consequence, the amenity space associated with the existing building at No.45 and the ground floor flat at No.1 would be reduced as part of the proposals, he noted that the existing amenity space arrangements are somewhat limited and did not consider that such matters would materially alter the living conditions currently experienced by the occupiers of the existing residences, not least because the proposed layout would provide sufficient space to cover basic amenity tasks such as the storage of refuse facilities.

Therefore, having considered all matters raised, he concluded that the proposed development would not cause material harm to the living conditions of the occupiers of neighbouring properties or indeed the future occupiers of the proposed dwelling. As such, he found there to be no conflict with Policy BE1 of the adopted Local Development Plan.

The Inspector also considered other matters, including concerns raised regarding the lawful use of the property at No.45, and noted that the principle of residential development was acceptable having regard to the predominantly residential character of the area.

He also addressed concerns in respect of potential overdevelopment, concluding that the development would not cause material harm to the living conditions of the occupiers of neighbouring properties and, having regard to the fact that the site is already occupied by a two storey pitched roof building, no harm to the character and appearance of the area would arise as a result of the development, with the proposed dwelling also retaining visual subservience to No.1. Moreover, given the condition of the existing building, the development would represent an opportunity to improve the visual appearance of the site from public vantage points, with detailed design matters capable of being controlled via planning conditions.

Finally, noting the absence of off-street parking, the Inspector referred to Planning Policy Wales which is clear that minimum parking standards are no longer appropriate and, in any event, stated that such requirements should be considered within the context of both pedestrian and highway safety.

Noting the availability of facilities and services within the area, including access to public transport opportunities, and that there were no signs of a shortage of on-street parking at the time of his visit, he found no reason to disagree with the Council's conclusion that the development would not represent a material threat to pedestrian or highway safety.

Based on the foregoing, and having considered all matters raised, he thus concluded that the appeal should be allowed subject to conditions.

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 Llwyn Celyn neath

Appeal Method: Written Representations

Decision Date: 25 July 2017

Decision: Appeal Allowed With Conditions
[Appeal Decision Letter](#).

The main issue concerned whether the loss of open space would be outweighed by the provision of affordable housing.

Despite the requirements set under [Policy OS2 Protection of Existing Open Space](#) the Inspector stated that there is currently an over provision of informal open space within the Bryncoch South Ward and, on this basis, he was satisfied that the proposal was consistent with the general thrust of Policy OS2 and criterion 5) of [Policy BE1 Design](#).

The Inspector was able to appreciate that the site offers an attractive through route. However, given its modest scale, and the informal manner in which it is utilised, he did not consider that the loss of such a facility would cause material harm to the local community. In coming to this conclusion, he was mindful of the fact that the larger area of open space located immediately north-west of the appeal site would remain accessible via the redirected public footpath and that this facility would have capacity to absorb any need arising from the loss of open space in this instance.

The Inspector also recognised the fact that the Council's development plan framework is up to date and noted the fact that the current housing land supply satisfies the requirements of national planning policy set out in Technical Advice Note 1: *Joint*

Housing Land Availability Studies (2015) (TAN1). However he advised that there is current need for affordable housing within the area and the appellant, who is one of the principal social housing providers in the area, had submitted evidence to demonstrate that there remains a significant shortfall of affordable housing within the area and the inspector had no reason to doubt such assertions.

As Affordable housing is identified as a key issue within the adopted LDP and it is also a ministerial priority for the Welsh Government, the inspector considered the current need for affordable housing to be a matter that weighed heavily against the modest loss of informal open space proposed in this case.

Other considerations

Visual Amenity - Criterion 8c of [Policy BE1](#) provides a preference for developing previously developed land over greenfield land. Whilst the inspector recognised the fact that the development would inevitably alter the character of the immediate environs, he did not consider there would be any material harm to the character and appearance of the area and considered the proposed use, design and overall layout of the development would be consistent with the properties within the immediate and wider vicinity

Residential Amenity - The inspector considered the development would incorporate sufficient window to window distances to prevent any unacceptable overbearing impacts or loss of privacy or upon overshadowing. Whilst he acknowledged the new public footpath would be closer to the existing dwellings along Llys Wern, he did not consider that this would cause material harm. Any noise and disturbance arising from the construction process could be satisfactorily addressed through a planning condition.

Ecology - The inspector considered the wider issues relating to ecology and the natural environment could be satisfactorily addressed through the imposition of suitably worded planning conditions.

Highways and pedestrian safety - The development would provide parking in accordance with the approved standards and, given the scale of the development proposed, there would not be a significant increase in traffic utilising the local highway network. As such, the inspector found concerns raised to be unfounded.

Drainage - The inspector concluded effective drainage of the site could be addressed via a suitably worded planning condition.

In conclusion, the Inspector concluded that any harm arising from the loss of open space would be significantly outweighed by the advantages associated with the provision of much needed affordable housing. As such the appeal was allowed subject to the conditions