



PWYLLGOR CYNLLUNIO

2.00 PM - DYDD MAWRTH, 2 HYDREF 2018

YSTAFELLOEDD PWYLLGOR 1/2 - CANOLFAN DDINESIG, PORT TALBOT

Rhan 1

1. Derbyn unrhyw ddatganiadau o fuddiant gan aelodau
2. Cofnodion y cyfarfod blaenorol (*Tudalennau 5 - 6*)
3. Gwneud cais am ymweliad(au) safle gan y ceisiadau a gyflwynwyd

Adran A - Materion i'w Penderfynu

Adroddiadau gan Bennaeth Cynllunio a Diogelu'r Cyhoedd

Ceisiadau Cynllunio wedi'u hargymell ar gyfer Cymeradwyaeth

4. Cais Rhif: P2018/0656 (*Tudalennau 7 - 18*)
Newid defnydd o annedd breswyl (Dosbarth C3 i HMO Ddosbarth C4) yn 17 Cilgant Elba, Twyni Crymlyn, Abertawe SA1 8QQ.

Adran B - Materion Er Gwybodaeth

5. Penderfyniadau dirprwyedig, 4 Medi i 23 Medi 2018
(*Tudalennau 19 - 26*)
6. Apeliadau y penderfynwyd arnynt hyd at 13 Awst 2018
(*Tudalennau 27 - 32*)
7. Unrhyw eitemau brys yn ôl disgrisiwn y Cadeirydd yn unol ag Adran 100B(4)(b) Deddf Llywodraeth Leol 1972.

S.Phillips
Prif Weithredwr

Canolfan Ddinesig
Port Talbot

Dydd Mercher, 26 Medi, 2018

Aelodaeth Pwyllgor:

Cadeirydd: **S.Paddison**

Is-Gadeirydd: **H.N.James**

Aelodau: Councillors A.R.Aubrey, S.Bamsey, R.Davies,
W.F.Griffiths, S.K.Hunt, C.J.Jones, S.Pursey,
A.McGrath, R.Mizen a/ac L.Jones

Aelod Cabinet: Councillor A.Wingrave

Gwneud cais i siarad yng nghyfarfod y Pwyllgor Cynllunio

Mae gan y cyhoedd hawl i fynd i'r cyfarfod ac annerch y pwyllgor yn unol â gweithdrefn gytunedig y cyngor sydd ar gael yn www.npt.gov.uk/planning.

Os hoffech siarad yn y Pwyllgor Cynllunio ynghylch cais yr adroddwyd amdano i'r pwyllgor hwn, mae'n rhaid i chi:

- Gysylltu â'r Gwasanaethau Democrataidd yn ysgrifenedig, naill ai drwy'r post yn: Y Ganolfan Ddinesig, Port Talbot SA13 1PJ, neu'n ddelfrydol drwy e-bostio: democratic.services@npt.gov.uk.
- Sicrhau eich bod yn gwneud eich cais i siarad ddau ddiwrnod gwaith cyn dyddiad y cyfarfod fan bellaf (erbyn 2pm ar y dydd Gwener blaenorol os yw'r cyfarfod ar ddydd Mawrth).
- Nodi'n glir rif yr eitem neu'r cais rydych am siarad amdani/o a chadarnhewch a ydych yn cefnogi'r cais neu'n ei wrthwynebu.
- Rhoi eich enw a'ch cyfeiriad (a fydd ar gael i'r cyhoedd oni bai fod rhesymau penodol dros gyfrinachedd).

Sylwer, dim ond un person sy'n gallu siarad ar ran pob 'categori' ar gyfer pob cais h.y. y gwrthwynebydd, y cefnogwr, yr ymgeisydd/asiant, y

Cyngor Cymuned/Tref. Ceir manylion llawn yng ngweithdrefn gytunedig y cyngor.

Yn ogystal, os yw gwrthwynebydd yn dymuno siarad, hysbysir yr ymgeisydd/asiant gan y cyngor.

Os ydych yn dymuno trafod unrhyw agwedd ar siarad cyhoeddus, ffoniwch dîm y Gwasanaethau Democrataidd ar 01639 763313.

Cyflwyno sylwadau ar geisiadau cynllunio yr adroddir amdanynt i'r pwyllgor

Os ydych yn dymuno cyflwyno sylwadau ar gais a gyflwynir i'r Pwyllgor Cynllunio hwn, sylwer bod rhaid i'r Adran Gynllunio dderbyn y rhain erbyn 2.00pm ar y dydd Gwener cyn cyfarfod y pwyllgor fan bellaf (yn seiliedig ar y cyfarfod dydd Mawrth arferol). Os nad yw'r cyfarfod ar ddydd Mawrth, dylid eu derbyn erbyn 2.00pm ar y diwrnod gwaith olaf ond un cyn y Pwyllgor Cynllunio fan bellaf.

Caiff sylwadau a dderbynnir yn unol â phrotocol y cyngor eu crynhoi a, lle y bo'n briodol, gwneir sylwadau arnynt ar ffurf Taflen Ddiwygio, a ddsberthir i aelodau'r Pwyllgor Cynllunio drwy e-bost ar y noson cyn cyfarfod y pwyllgor, a'i chyflwyno ar ffurf copi caled yn y cyfarfod.

Mae'r dudalen hon yn fwriadol wag

PLANNING COMMITTEE

(COMMITTEE ROOM 1/2 - PORT TALBOT CIVIC CENTRE)

Members Present:

11 September, 2018

Chairperson: Councillor H.N.James

Councillors: A.R.Aubrey, S.Bamsey, R.Davies, W.F.Griffiths,
S.K.Hunt, C.J.Jones, S.Pursey, A.McGrath,
R.Mizen and L.Jones

Officers In Attendance: S.Ball, M.Shaw and T.Davies

1. **CHAIRPERSON'S ANNOUNCEMENT**

Prior to the start of the meeting, Member's held a minutes silence as a mark of respect for the mother of Councillor Suzanne Paddison who had recently passed away.

2. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED: That the minutes of the 21 August 2018 be noted by the Committee.

3. **SITE VISITS**

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

4. **APPLICATION NO: P2018/0640**

Officers made a presentation to the Planning Committee on this Application (Application for a two-storey rear extension at 14 Mansel Street, Port Talbot, SA13 1BH) as detailed in the circulated report.

RESOLVED: That in accordance with Officers'

recommendations, Application No. P2018/0640 be approved, subject to the conditions detailed in the circulated report.

5. **AMENDMENT SHEET**

Note: An amendment sheet in relation to Application Numbers: P2018/0652 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.

6. **APPLICATION NO: P2018/0652**

Officers made a presentation to the Planning Committee on this Application (Application for change of use of small corner of land associated with Neath Cricket Club into garden curtilage, plus single storey rear extension at 6 Bracken Road, Neath, SA11 3DR) as detailed in the circulated report.

RESOLVED: That in accordance with Officers' recommendations, Application No. P2018/0652 be approved, subject to the conditions detailed in the circulated report, and subject to the amended reason for granting planning permission as stated in the circulated amendment sheet.

7. **DELEGATED DECISIONS, 14 AUGUST TO 3 SEPTEMBER 2018**

Members received a list of Planning Applications which had been determined between 14 August to 3 September 2018, as detailed within the circulated report.

RESOLVED: That the report be noted.

CHAIRPERSON

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2018/0656	<u>DATE:</u> 07/08/2018
PROPOSAL:	Change of use of residential dwelling (Class C3 to a HMO Class C4)
LOCATION:	17 Elba Crescent, Crymlyn Burrows, Swansea SA1 8QQ
APPLICANT:	Mr Anton Rimko
TYPE:	Change of Use
WARD:	Coedffranc West

BACKGROUND INFORMATION

Ward Councillor Helen Ceri Clarke requested on 3rd September 2018 that the application be reported to Planning Committee (in summary) “*to ensure the application is properly scrutinised to ascertain whether it would have an adverse impact on the character of the village, whether it would cause noise and litter and whether the lack of parking spaces would have a detrimental impact*”.

This request was subsequently discussed at a Committee call-in panel (with the acting Chair at that time, Hugh James), where it was agreed that the application should be determined via Planning Committee.

LINK TO RELEVANT PLANS/ REPORTS

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

SITE AND CONTEXT

The application site is located at 17 Elba Crescent, Crymlyn Burrows which comprises a two-storey semi-detached property previously used as a single dwelling, but is currently vacant and requires some renovation work to bring into a habitable condition.

The property is located within the Crymlyn Burrows settlement limit and is bounded by residential dwellings to the east and west, the A483 to the north and an outbuilding from an old factory unit understood to be part of

Bay Studios to the south. There is also a small shared access drive to the rear of the property which provides access to an existing garage.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from a dwelling (Use Class C3) to House of Multiple Occupation (HMO) (Use Class C4).

It should be noted that no external alterations are proposed to the property, with all works being limited to internal only. It is proposed to provide two bedrooms on the ground-floor together with kitchen, lounge, and bathroom, with three bedrooms and a bathroom at first-floor level.

It is proposed to provide an additional car parking space (alongside an existing garage) to the rear of the property.

PLANNING HISTORY

The application site has no relevant planning history.

CONSULTATIONS

Coedffranc Town Council – Object on the following grounds:

1. Parking concerns for 5 extra residents. What locations are given for extra parking?
2. Concerns have been raised for the amount of extra waste that 5 residents will have and what impact it will have on the local area and the services;
3. Issues of noise have been raised for the local residents;
4. The council would like to know how many HMOs have already been converted and what are the limits?

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

Environmental Health (Noise) – No objection, subject to conditions

REPRESENTATIONS

The neighbouring properties were consulted on 8th August 2018 with a site notice also displayed on the same date.

In response, to date 9 no. representations have been received, with the issues raised summarised as follows: -

- Concerns that an additional HMO will lead to a detrimental impact on Crymlyn Burrows, which is already in decline.
- 'Studentification' will have a detrimental impact on character, social cohesion/ stability, family values and on private property values, contrary to Council's vision of creating sustainable communities.
- The decrease in family homes is already having an impact on the declining numbers of school age children from the village in the local school.
- Any amount of HMO's over 10% will be a concentration of HMO's in the area and the students will bring a different set of values with them than the host community and that a balanced community would become unbalanced.
- An objector states that the proposal is against Policies contained in the LDP and that 35% of the properties in Crymlyn Burrows are HMO's. 18% on Elba Crescent and 17% on Baldwins Crescent. Another objector states that it is 20% out of 70 homes are HMO's.
- The planning section is wary of refusing the application in case the proposal goes to appeal and costs are awarded to the applicant. Objector says these costs would be less than overall council costs if approved – waste management, parking, schools and health costs.
- 5 bedrooms means there could be 5 vehicles, which could cause parking problems where there are already parking problems due to the university students and HMO university students.
- Concerns with highway, pedestrian and cyclist safety and the access on to a busy road. Student and builders vehicles block up the rear access lane.
- Concerns regarding potential noise due to the banging of the heavy fire doors, antisocial behaviour of the students, playing loud music indoors and from parked cars and alleged foul language, vandalism and drunken behaviour.
- Rubbish concerns at dwellings and fast food containers thrown in the street and that rats could be attracted.
- Anti-social behaviour has already been reported to the police in respect of the student residents and their guests.

REPORT

National Planning Policy

- [Planning Policy Wales](#)
- [Technical Advice Notes](#)

Technical Advice Note 12: Design

Local Planning Policies

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

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance

The following SPG is of relevance to this application: -

- [Parking Standards](#) (October 2016)

EIA and AA Screening

As the development is not Schedule 1 or Schedule 2 Development under 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

Background Information

As background, it is of note that in February 2016 the Welsh Government introduced changes to the Town and Country Planning (Use Classes) Order to create a new use class for Houses in Multiple Occupation (HMO) (Class C4). The Use Class C4 in broad terms covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities, such as the proposals set out within this submission.

The change to the Use Classes Order therefore served to bring the change of use of dwellings (which fall in Class C3) to HMO's within the control of Planning Authorities by making such changes subject to planning permission. The reason for the change in the Use Class Order followed a recognition that, in some parts of the Country, the number of HMOs within an area was having an adverse impact upon the character of an area.

Having regard to the above, it is acknowledged that concentrations of HMOs can, in some instances, lead to a range of cultural, social and economic changes in a community and that high concentrations have the potential to create local issues. The Council does not, however, have any specific local Policies aimed at preventing the spread of HMOs at present. This is due largely to the absence of any significant historical issue in the area, and the introduction of the C4 Use Class post adoption of the LDP.

Assessment of Current Application

This application has to be determined in line with current LDP policies, and it is thus emphasised that the application site is located within the settlement limits defined by Policy SC1 of the LDP and therefore the principle of residential development (albeit a Class C4 HMO use rather than a Class C3 dwelling house) would be acceptable subject to an assessment of its general impacts.

Representations from members of the public together with the local Ward Member have raised concerns over the potential impact on the character of the area caused by a concentration / number of HMO's. As noted earlier, however, the Council does not have any specific local Policies aimed at preventing the spread of HMOs (due largely to the absence of any significant historical issue in the area, and the introduction of the C4 Use Class following adoption of the LDP).

As part of a fresh review of HMOs in this area, and alongside a recent enforcement investigation (following local complaint), Officers have liaised with Council Tax and Environmental Health colleagues, as well as serving Planning Contravention Notices (PCNs) on 12 properties within this area which have been referred to in complaints. This has sought to ascertain a clearer picture of the number of existing and potential unauthorised HMO's in this area.

The results of this investigation confirm that: -

- Two properties in Elba Crescent (no's 1 and 29) are HMOs known to Council Tax; and another one property (no. 26) has recently been granted a Certificate of Lawfulness of Existing Use as a HMO (app. Ref. P2018/0624). These properties were all converted prior to the change to Class C4 in 2016.
- One property in Baldwins Crescent (no. 18) is an HMO known to Council Tax, with a further one (Compass House, 1a Baldwins Crescent approved as an HMO at planning committee (P2017/0085) (three occupants registered at December 2017).

This would therefore mean that there are 5 properties that are currently known to be HMO's out of a total of 72 dwellings (6.9%) in these two streets (41 in Elba Crescent and 31 in Baldwins Crescent).

In addition, because of the relatively small number of properties in this area, Officers have reviewed the register of electors and undertaken an additional visit to the area. Based on registered electors at each address, this review indicated two other properties that might comprise a multi-person (non-family) household, with approximately 4 other properties with no registered Electors (which could either be vacant, non-registered households, or potentially unauthorised HMOs). The related visit, however, indicated no obvious evidence that these properties were in use as HMOs. Thus for the purposes of determining this application, there remains no evidence that there is a wider issue HMO issue in this area to the extent that it would justify refusal of an application. Nevertheless, the situation will continue to be monitored / investigated.

In this regard it is acknowledged that the actual number of HMOs in any area could be higher, due to some HMOs not being licensed or known to the Council (which may have been used for shared accommodation prior to the change to the Use Classes Order). In this respect, it is noted that there is concern in the local community about the potential impact of

HMOs on local character and social cohesion, as well as associated potential issues arising from the use of HMOs by the student population from the nearby University campus.

In particular, concern has been raised that 'studentification' will have a detrimental impact on character, social cohesion/ stability, family values and on private property values "contrary to the Council's vision of creating sustainable communities". In this respect they state that any amount of HMO's over 10% will be a concentration of HMO's in the area and the students will bring a different set of values with them than the host community and that "a balanced community would become unbalanced".

While these concerns are acknowledged, the most up to date figures available indicate only a limited number of HMOs in the surrounding area, and much less than the 35% or 20% of properties quoted in correspondence. In this respect, based on the current understanding / figures, it is considered that the general character of the area remains unaffected to any significant or unacceptable degree by such uses. Moreover, there is not considered to be any robust evidence that would demonstrate that there is a significant existing problem or that the proposal for an additional one unit would exacerbate any such issues to the extent that it could be demonstrated that there would be any unacceptable impact on local character.

As such it is considered that given the limited number of HMOs present in the existing area there are considered to be no objections to the principle of converting this building for C4 residential purposes, and no grounds to refuse this application on the basis of unacceptable impact upon residential amenity or over concentration of HMOs, subject to an assessment of the specific impacts of such development.

Layout and Capacity of Property

The Environmental Health Officer has raised no objections to the principle of this development, but does note that the property would have several generously sized bedrooms and a large kitchen/diner, such that it could potentially house a greater number than 5 people.

While accommodating that number of persons would take it outside of the C4 Use Class – and thus require further planning permission in itself - it is nevertheless considered appropriate to ensure that the number of occupants is restricted by condition to a maximum of 5, both as a matter

of principle relating to the intensity and character/ nature of use, but also for parking reasons (see below).

Potential Future Issues of HMO Concentrations

As identified earlier, the LDP does not have any specific local Policies aimed at preventing the spread of HMOs at present. The Planning and Compulsory Purchase Act 2014, however, requires LDPs to be kept up to date, with the Council having an obligation to undertake a LDP review at intervals not longer than every 4 years from initial adoption. Consequently, the first scheduled review of the adopted LDP will be 2020.

It should be noted that it can be difficult for Local Planning Authorities (LPAs) to determine and demonstrate how an application for an HMO will impact on the character and amenity of the surroundings, or indeed at what point the number of HMOs within an area will have an impact upon the existing community. The Welsh Government's 2015 report suggested that a 10% concentration of HMOs is generally when local residents start to express concerns over the intensification and where there could be an impact on the character of the community. LPAs with policies on HMOs across Wales generally have thresholds of between 10% and 20% depending on the evidence and local circumstances.

The demand for HMOs is largely from student populations, but also as a resulting factor of rising house prices and Welfare Reform. Whilst HMOs can play an important role in providing a suitable mix of housing types, concentrations of HMOs in a particular area can have a negative impact on the character and amenity of an area. It is therefore important for the Council to monitor and balance the need for a suitable supply and mix of housing and maintaining balanced communities in future LDP policy.

Members should therefore note that over the course of reviewing the LDP, and depending on the evidence available, it may be considered appropriate at this time to provide a policy framework for planning and HMOs. Any potential policy would however need to provide a fair and consistent approach to the locations and concentrations of HMOs, potentially introducing a threshold or criteria to prevent harmful concentrations or intensification in a particular area should available evidence support such a policy. The review and any potential policy will be subject to full public consultation.

Impact on Visual Amenity

Although there are no external alterations proposed to the property, with all the works being internal only, nevertheless the re-use of a vacant property, with general improvements to its external appearance, will have a positive local impact. In this respect, it is considered that the change of use to HMO (which is residential) would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

In respect of potential overlooking, overbearing and overshadowing, as no external alterations or windows are proposed, it is considered that the proposal would not create any unacceptable issues in these regards.

While noting concerns in respect of potential noise disturbance, having regard to the lack of objection from the Environmental Health Officer and the authorised use of the property as a dwelling, it is considered that a five-bed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds. Local concerns over the type of future occupants of such a property are not considered to be matters to which weight can be given.

Notwithstanding the above, given the concerns expressed locally, as part of our assessment Officers have engaged with colleagues in waste/ pest control and streetcare to ascertain whether there have been substantiated complaints relating to the impact of existing HMOs in this area. These enquiries have indicated that, while there have been a few complaints about one property (no. 18 Baldwins Crescent), these have not led to any issues requiring action. Another complaint related to excess litter around the area, allegedly due to the student population, but action was not required, while the waste/pest control Enforcement Officer advises that he has had no dealings with any properties in either Elba Crescent or Baldwins Crescent in the last few years.

In light of the above, it is considered that there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their powers.

Finally, it is also considered that the provision of car parking to the rear (see below) would have no unacceptable impacts on residential amenity.

Parking and Access Requirements and Impact on Highway Safety

Policy TR2 of the Local Development Plan states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety. The policy also requires that sufficient parking and cycle provision is provided and that the development is accessible by a range of travel means.

During the application process there has been concern raised locally regarding the potential impact allowing this development would have on the existing local highway network, namely in traffic, parking congestion, cyclist and pedestrian safety.

The approved Parking Standards SPG does not specifically refer to Class C4 HMOs, but it is considered that the proposed residential use should be subject to the same parking standards as for the existing C3 dwellinghouse use, with both uses requiring a maximum of 3 parking spaces.

The Head of Engineering and Transport (Highways) has assessed the proposal and raised no highway objections to the proposal, subject to conditions. In this respect, it is noted that the site already has a rear garage which can be used for parking one car and intends providing a further car parking space in the rear garden (provision of which can be conditioned). It is also noted that the property is in a sustainable location, being situated on the main A483 which is a local bus route and opposite the new University Campus.

Having regard to the above, it is concluded that the development would represent an acceptable form of development in a sustainable location which would have no unacceptable impact on either highway or pedestrian safety.

Other Matters

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

- It has been noted that there are already two single people living upstairs. However, as there are only two people living in the house Class C4 would not apply.
- The students are causing rubbish issues at the properties and are throwing fast food containers in the street, both of which could attract rats. This would not be a material planning concern and would be an environmental health issue.
- Finally, the concerns over a changing demographic, with (alleged) introduction of a more transient population discouraging families and children, have been addressed under the general principle section of this report, but in general terms are not matters which would justify refusal of this application unless the proposal individually or cumulatively was considered to demonstrably and adversely affect the character of the area.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, TR2 and BE1 of the Neath Port Talbot Local Development Plan. Approval is therefore recommended.

RECOMMENDATION: Approval with Conditions

CONDITIONS

Time Limit Conditions

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

Reason:

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

Approved Plans

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

Site Location Plan - Dwg. No. 102

Existing Floor Plans - Dwg. No. 101

Reason

In the interests of clarity

Action Conditions

(3) Prior to first beneficial use of the property as a House in Multiple Occupation (HMO) the additional car parking space as shown on drawing number 102 titled Site Plan shall be provided on site, and shall be hard surfaced in porous asphalt or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house to a maximum gradient of no greater than 1 in 9 and no less than 1 in 150. The surface water shall not drain directly or indirectly into the highway drainage network. The parking space shall thereafter be retained in accordance with such approved details.

Reason

To ensure adequate parking provision for the development and in the interests of the free flow of traffic and highway safety

Regulatory Conditions

(4) No more than 5 persons shall be resident at any one time within the House in Multiple Occupation hereby approved.

Reason:

For the avoidance of doubt and in the interests of amenity.

SECTION B – MATTERS FOR INFORMATION

DELEGATED APPLICATIONS

DETERMINED BETWEEN 4TH SEPTEMBER AND 23RD SEPTEMBER 2018

1	App No. P2018/0448	Type Householder
Proposal	Single storey side and rear extension incorporating roof lantern	
Location	130 Longford Road, Longford, Neath SA10 7HG	
Decision	Approval with Conditions	
Ward	Dyffryn	

2	App No. P2018/0504	Type Full Plans
Proposal	Change of use from single dwelling into two, two bedroom self contained flats, two sheds, boundary treatment, new access and two car parking spaces together with associated external alterations	
Location	29 Gnoll Park Road, Neath SA11 3BT	
Decision	Approval with Conditions	
Ward	Neath North	

3	App No. P2018/0564	Type Full Plans
Proposal	Installation of four high power electric vehicle (EV) charging points, 8 high power units, transformer station unit structure and retaining walls and demolition of existing car wash	
Location	Skewen Service Station, Layby Off A465 To Skewen Service Station, Skewen, Neath SA10 7DR	
Decision	Approval with Conditions	
Ward	Coedffranc Cent	

4	App No. P2018/0571	Type Householder
Proposal	Two storey and single storey rear extension plus raised terrace and detached garage	
Location	17 Upper Colbren Road, Gwaun Cae Gurwen, Ammanford SA18 1HR	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

5	App No. P2018/0576	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Conditions 11 (Lighting) 15 (Local Equipped area of Play LEAP) of planning Permission P2014/0393 approved on the 10th January 2018	
Location	Land To The North Of New Road, Rhos, Neath Port Talbot	
Decision	Approval with no Conditions	
Ward	Rhos	

6	App No. P2018/0605	Type Full Plans
Proposal	Two storey rear extension to existing shop (Class A1)	
Location	89 Neath Road, Briton Ferry, Neath SA11 2DQ	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

7	App No. P2018/0614	Type Full Plans
Proposal	Construction of 4 bedroomed detached house	
Location	Plot 18, Owen Jones Way, Bryn, Port Talbot SA13 2SG	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

8	App No. P2018/0617	Type Full Plans
Proposal	Formation of 5 electric car parking spaces with bollard mounted electric charging points and associated works.	
Location	Swansea Bay Campus, Fabian Way, Crymlyn Burrows, SA1 8EN	
Decision	Approval with Conditions	
Ward	Coedffranc West	

9	App No. P2018/0621	Type Householder
Proposal	Rear ground and first floor extensions	
Location	6 Addoldy Road, Glynneath, Neath SA11 5DU	
Decision	Approval with Conditions	
Ward	Glynneath	

10	App No. P2018/0623	Type Full Plans
Proposal	Demolition of existing agricultural building and construction of replacement agricultural building for storage of winter fodder, bedding and farm machinery	
Location	Clyne Farm, Clyne Terrace Access Road, Clyne, Neath SA11 4EN	
Decision	Approval with Conditions	
Ward	Resolven	

11	App No. P2018/0624	Type LawfulDev.Cert-Exist
Proposal	Certificate of lawful development (existing) for a HMO (Class C4)	
Location	26 Elba Crescent, Crymlyn Burrows, Swansea SA1 8QQ	
Decision	Issue Lawful Dev.Cert.	
Ward	Coedffranc West	

12	App No. P2018/0655	Type Householder
Proposal	Single storey side and rear extension	
Location	6 Tudor Gardens, Waunceirch, Neath SA10 7RX	
Decision	Approval with Conditions	
Ward	Bryncoch South	

13	App No. P2018/0661	Type Householder
Proposal	Single storey rear extension including raised patio area.	
Location	18 Heol Penlan, Longford, Neath SA10 7LB	
Decision	Approval with Conditions	
Ward	Dyffryn	

14	App No. P2018/0665	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 3 (Construction Management Plan) of Planning Permission P2017/1167 granted on 25/06/18	
Location	85-95 Llansawel Crescent, Briton Ferry, Neath SA11 2UW	
Decision	Approval with no Conditions	
Ward	Briton Ferry West	

15	App No. P2018/0674	Type Householder
Proposal	Single storey front porch and shower room extension.	
Location	24 Marine Drive, Sandfields, Port Talbot SA12 7NL	
Decision	Approval with Conditions	
Ward	Sandfields West	

16	App No. P2018/0676	Type Householder
Proposal	Single storey side/rear extension plus front porch	
Location	15 Ynyslas Crescent, Glynneath, Neath SA11 5LB	
Decision	Approval with Conditions	
Ward	Glynneath	

17	App No. P2018/0677	Type Discharge of Cond.
Proposal Details pursuant to condition 6 (Construction Method Statement) of Planning Application P2017/0112 granted on June 8th 2018		
Location Land Between, A465 And High Street, Blaengwrach, Neath SA11 5NZ		
Decision Approval with no Conditions		
Ward Blaengwrach		

18	App No. P2018/0687	Type Householder
Proposal Balcony to rear elevation		
Location Llygad Yr Haul, 27 Cefn Road, Gwaun Cae Gurwen, Ammanford SA18 1HF		
Decision Approval with Conditions		
Ward Gwaun-Cae-Gurwen		

19	App No. P2018/0688	Type Change of Use
Proposal Retention of existing ground floor A1 commercial unit together with alterations to the rear fenestration and access of the rear of the property, change of use of the existing three bedroom flat on the upper floors into a five person HMO (Class C4) and removal of existing roof seating area and bridge access together with reducing the existing raised first floor decking and repositioning/replacing existing steps down into rear garden area		
Location 2 Allister Street, Neath SA11 1EN		
Decision Approval with Conditions		
Ward Neath North		

20	App No. P2018/0690	Type Full Plans
Proposal Installation of ATM in window of side (Addison Road) elevation of shop.		
Location 1 Jubilee House, Victoria Road, Sandfields, Port Talbot		
Decision Approval with Conditions		
Ward Sandfields East		

21	App No. P2018/0693	Type Prior Notif.Demol.
Proposal Prior Notification for the demolition of Bethany Chapel		
Location Site Of Bethany Chapel, Church Road, Seven Sisters, Neath		
Decision Prior Approval Not Required		
Ward Seven Sisters		

22	App No. P2018/0697	Type Discharge of Cond.
Proposal	Details pursuant to Condition 5 (Materials) of Planning Application P2017/0112 granted on June 8th 2018.	
Location	Land Between, A465 And High Street, Blaengwrach, Neath SA11 5NZ	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

23	App No. P2018/0698	Type Advertisement
Proposal	ATM non-illuminated Advertisement Collar	
Location	1 Jubilee House, Victoria Road, Sandfields, Port Talbot	
Decision	Advert Approved with Std Cond	
Ward	Sandfields East	

24	App No. P2018/0699	Type Householder
Proposal	Single storey side extension	
Location	4 Heol Llwyn Celyn, Caewern, Neath SA10 7PT	
Decision	Approval with Conditions	
Ward	Bryncoch South	

25	App No. P2018/0701	Type Householder
Proposal	Two storey side extension, plus extension to existing driveway and single storey side extension adjacent to No.36	
Location	35 Stanley Place, Cadoxton, Neath SA10 8BE	
Decision	Approval with Conditions	
Ward	Cadoxton	

26	App No. P2018/0702	Type Non Material Amendment (S96A)
Proposal	Non-material amendment to application P2018/0267 to replace ground floor windows in rear elevation with patio doors.	
Location	29 Smallwood Road, Baglan, Port Talbot SA12 8AP	
Decision	Approval with no Conditions	
Ward	Baglan	

27	App No. P2018/0722	Type Householder
Proposal	Porch	
Location	51 Ocean View, Jersey Marine, Neath SA10 6JN	
Decision	Approval with Conditions	
Ward	Coedffranc West	

28	App No. P2018/0731	Type Non Material Amendment (S96A)
Proposal Non-material amendment to Planning Permission P2018/0010 (Approved on the 29/03/18 for a single storey extension and conservatory to rear plus retention of raised decking area with proposed screening panel.) to allow for a reduction in the width of the single storey rear extension and replace the window on the rear elevation with a window and door.		
Location		8 West Crossways, Pontardawe, Swansea SA8 4NE
Decision		Approval with no Conditions
Ward		Pontardawe

29	App No. P2018/0732	Type Non Material Amendment (S96A)
Proposal Non-Material amendment to Planning Permission P2017/0730 (Impact Academic Building) Alteration to external flue arrangements, external elevation alterations.		
Location		Swansea University Bay Campus, Fabian Way, Crymlyn Burrows, Neath SA1 8EN
Decision		Approval with Conditions
Ward		Coedffranc West

30	App No. P2018/0734	Type Lawful Dev. Cert-Prop.
Proposal Certificate of Lawful Development (Proposed) of a dormer extension to rear elevation.		
Location		8 Heol Y Felin, Caewern, Neath SA10 7SD
Decision		Issue Lawful Dev. Cert.
Ward		Bryncoch South

31	App No. P2018/0737	Type Householder
Proposal Single storey side extension		
Location		Neuadd Drymmau Lodge, Drummau Road, Skewen, Neath SA10 6NR
Decision		Approval with Conditions
Ward		Coedffranc North

32	App No. P2018/0738	Type Non Material Amendment (S96A)
Proposal Non-material amendment to application P2018/0416 to replace patio doors within rear wing with larger bio fold doors patio doors, deletion of a set of patio doors and replace 2 no. roof lanterns with a larger single lantern.		
Location 47 Wern Road, Taibach, Port Talbot SA13 2BB		
Decision Approval with no Conditions		
Ward Taibach		

33	App No. P2018/0758	Type Discharge of Cond.
Proposal Submission of details under condition 4 (replacement car parking scheme) of planning application P2008/1186 approved on 26th January 2009		
Location 2 Main Road, Dyffryn Cellwen, Neath SA10 9HR		
Decision Approval with no Conditions		
Ward Onllwyn		

34	App No. P2018/0768	Type Lawful Dev. Cert-Prop.
Proposal Alteration to main roof of dwelling to change it from a hip to a gable, rear dormer and rooflights within front roof plane - Certificate of Lawful Development Proposed		
Location 9 Wellfield Road, Baglan, Port Talbot SA12 8AB		
Decision Issue Lawful Dev. Cert.		
Ward Baglan		

Mae'r dudalen hon yn fwriadol wag

SECTION B – MATTERS FOR INFORMATION

APPEALS DETERMINED

a) Planning Appeals

Appeal Ref: A2018/0011 **Planning Ref:** P2018/0321

PINS Ref: APP/Y6930/A/18/3205346

Applicant: Mr & Mrs S Hawkings

Proposal: Detached split level dwelling and associated works

Site Address: Plot A Land at Graig Road, Godrergrraig

Appeal Method: Written Representations

Decision Date: 13th August 2018

Decision Code: Appeal allowed (insofar as conditions 13,14 and 17 deleted and a varied permission granted)

[Appeal Decision Letter](#)

Although the original application was approved, the applicant submitted an appeal against eight of the conditions imposed on the consent (no's 1, 7, 8, 9, 13, 14, 16 and 17).

The main issues in such an appeal concern whether or not each of the conditions in dispute meets the tests prescribed in Welsh Government Circular WGC 016/2014: The Use of Planning Conditions for Development Management. The Circular specifies that conditions should be: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.

Condition 1 - Time limit of consent

Rather than the standard time limit of 5 years for the commencement of development, the decision specified a date which allowed approximately 2 years to reflect an existing outline planning permission which had been granted under the UDP when the site was situated within the settlement boundary. It now falls

outside the settlement boundary designated in the Local Development Plan and so represents a departure from Policy SC1.

The Inspector stated that it is Government policy to encourage the early commencement of development once it has been granted planning permission, and he considered the condition to reflect that policy whilst also being “*a generous compromise to permit the development which now conflicts with its settlement boundary policy*”. Accordingly it is a reasonable, relevant and necessary condition which meets the tests prescribed by the Circular.

Condition 7 - Permitted development rights removed for garage conversions

This Inspector considered this condition to be necessary as the forecourt area could not provide adequate space for three off street parking spaces together with a turning area for vehicles to enter and exit the site in a forward gear.

Conditions 8, 16 and 17 – Drainage

The Inspector noted that conditions 8, 16 and 17 effectively specify that foul water drainage shall be connected to the public sewerage system but that surface water and land drainage run-off shall be separately drained and not be connected to the public sewerage system.

Although the Appellants argued that they are unnecessary as they duplicate controls provided under Building Regulations legislation, the Inspector disagreed, noting that Building Regulations do not provide controls to prevent the connection of surface water drainage to the public sewerage system.

He noted that it is development plan and Welsh Government policy to promote sustainable forms of drainage and, in this area, the public sewerage system is a separate system (i.e. it does not accept surface water drainage). Further, the Conditions Circular clearly states that conditions can be used to secure sustainable means of drainage, and the Courts have confirmed that planning conditions are the principle mechanism for controlling discharges to the public sewerage system. Thus he did not accept the appellant’s argument, and concluded that these conditions to control the means of drainage are necessary. He did, however, agree that condition 17 was 16 not necessary as it duplicated controls already provided by Condition 16.

Condition 9 - Permitted development rights removed for any future doors, windows or dormer windows

This condition was imposed to safeguard the amenity of the area and the amenity of the neighbouring residents. The Inspector considered that the condition was necessary to control against impacts arising from the insertion of any new windows.

Condition 13 - Obscure glazing from the side elevations

The condition required a window on the north east elevation to be obscure glazed to safeguard privacy, although it was acknowledged that the condition unfortunately stated the south west elevation. However, the relationship between side windows was considered acceptable, and as the window was a side facing landing window which is not a habitable room the Inspector considered that this condition would be unnecessary.

Condition 14 - Dimensions of the integral garage

Condition 14 specifies the minimum required dimensions for a double garage to be 6 metres wide by 6 metres length. Officers noted that if the condition was not applied, there would be no need to retain that size once the dwelling has been occupied.

The Inspector however considered the condition as worded was a duplication of condition 2 which lists the approved plans. Further he stated that if the Council's intention was to retain the garages at this size the condition should have been worded differently. The condition was therefore deleted.

Conclusion

Although the majority of the conditions were upheld, nevertheless the appeal was allowed in order to grant a varied planning permission by deleting the original conditions 13, 14 and 17.

Associated Application for an Award of Costs Against the Council

An application for costs was made by the appellant against the Council.

The Inspector noted that there was no doubt that the Council acted reasonably in applying those conditions which remained on the new permission, such that there is no question of an award of costs being made against it on their account.

In considering conditions 13, 14 and 17, which he concluded to be unnecessary, the Inspector found that

- The Council acted unreasonably in applying Conditions 13 and 14.
- The Council did not act unreasonably in applying Condition 16, since “an unimportant oversight of a duplication, which did not impose any additional requirements on the developer, does not amount to unreasonable behaviour”.

Imposing a condition that does not comply with the tests prescribed in the Circular is one of the examples of unreasonable behaviour by a local planning authority listed in the Annex on Award of Costs.

In order to warrant an award of costs, however, unreasonable behaviour must also cause the Applicant to incur unnecessary additional costs in making the appeal. In this case, the Inspector stated that most of the costs of the appeal would have been incurred on elements of the appeal which were unfounded. While he considered making a partial award, he considered the additional costs incurred by the Appellants in respect of the successful conditions was likely to be very small (and probably negligible) compared with the overall costs of the appeal. Indeed, he found that some “were so poorly founded that it could be argued they amounted to unreasonable behaviour on the part of the Appellants”. On balance, therefore he did not consider an award of costs to be appropriate.

NOTE: Members should note that the need for conditions to meet the tests applies also to Members at Committee, should requests be made for additional conditions. In this respect, both Officers and Members need to be mindful that should any subsequent appeal find their imposition to be unreasonable, an award of costs could follow against the Council.

Appeal Ref: A2018/0012 **Planning Ref:** P2018/0008

PINS Ref: APP/Y6930/A/18/3205636

Applicant: Mr and Mrs K Jones

Proposal: Two detached dwellings and associated works

Site Address: Land at Clos Llwynant, Alltwen

Appeal Method: Written Representations

Decision Date: 13th August 2018

Decision: Dismissed

[Appeal Decision Letter](#)

The proposal would generate additional traffic, estimated at approximately 20 no. 2 way traffic movements per day, and the Inspector found this to represent a significant increase in current traffic levels to Clos Llwynallt a private access which serves 5 dwellings, the rear access to a dwelling on Ynysymond Road and a nursing home.

The key matter in dispute concerned whether this would represent an unacceptable effect on highway safety.

The Inspector noted that reference had been made to an existing wedding car hire business which operates from a garage granted planning permission in 2002 for use in association with the care home business. It was common ground that the business has been in operation for more than 10 years, however he noted that it does not benefit from planning permission or from a certificate of lawful use. Furthermore, while it appears to have operated at a higher level at some time during that period, it is currently run at a very low level, such that its degree of lawfulness is clearly uncertain.

The Appellants stated that the business would cease to operate in the event that planning permission was granted for the proposals. Whilst that would reduce the net increase in vehicular movements, in view of its current low level of operation and lack of certainty on its lawfulness, the Inspector made very little allowance for it, and it did not change his conclusion that the addition of 2 new dwellings would represent a significant increase in traffic levels.

The Appellants offer to close the rear access to the house on Ynys y Mond Road was considered to have a negligible effect as that only serves a small proportion of traffic movements to and from that property.

In considering the Council's submissions on the shortcomings in the access for the site, he noted that: -

- Existing access onto Ty Llwyd Lane is substandard and their increased use would introduce increased risks for vehicular and pedestrian safety.
- The junction of Clos Llwynallt with Ty Llwyd Lane is seriously deficient in visibility - Vehicles exiting Clos Llwynallt do so almost blind of any vehicles travelling from their left along Ty Llwyd Lane -and that the generation of additional vehicles using it would be unacceptably detrimental to highway safety.
- The narrow width of Ty Llwyd Lane itself between its junctions with Clos Llwynallt and the main road, Ynys y Mond Road results in conflicts, and even though it may occur infrequently, there can be no doubt that conflicts do occur and that increased traffic generated as a result of the proposed development would make such conflicts more likely to occur. The applicants suggested mitigation measures such as a layby between the 2 junctions would not make much of a difference.

The inspector noted that while the Council clearly attributed more importance to the third matter than to the others, he considered the second to be "of considerable significance" insofar as the negligible visibility to the left along Ty Llwyd Lane when traffic exits Clos Llwynallt represents a dangerous situation which would be made worse by increased traffic from Clos Llwynallt.

The Inspector thus concluded that the increased traffic generated by the proposed development would be unacceptably harmful to highway safety due to the seriously substandard visibility at the junction of Clos Llwynallt and Ty Llwyd Lane, the substandard nature of Ty Llwyd Lane itself between the same junction and its junction with Ynysymond Road and the substandard nature of Clos Llwynallt itself to serve additional development. For these reasons it would be contrary to Policies BE1 and TR2 of the adopted Local Development Plan.